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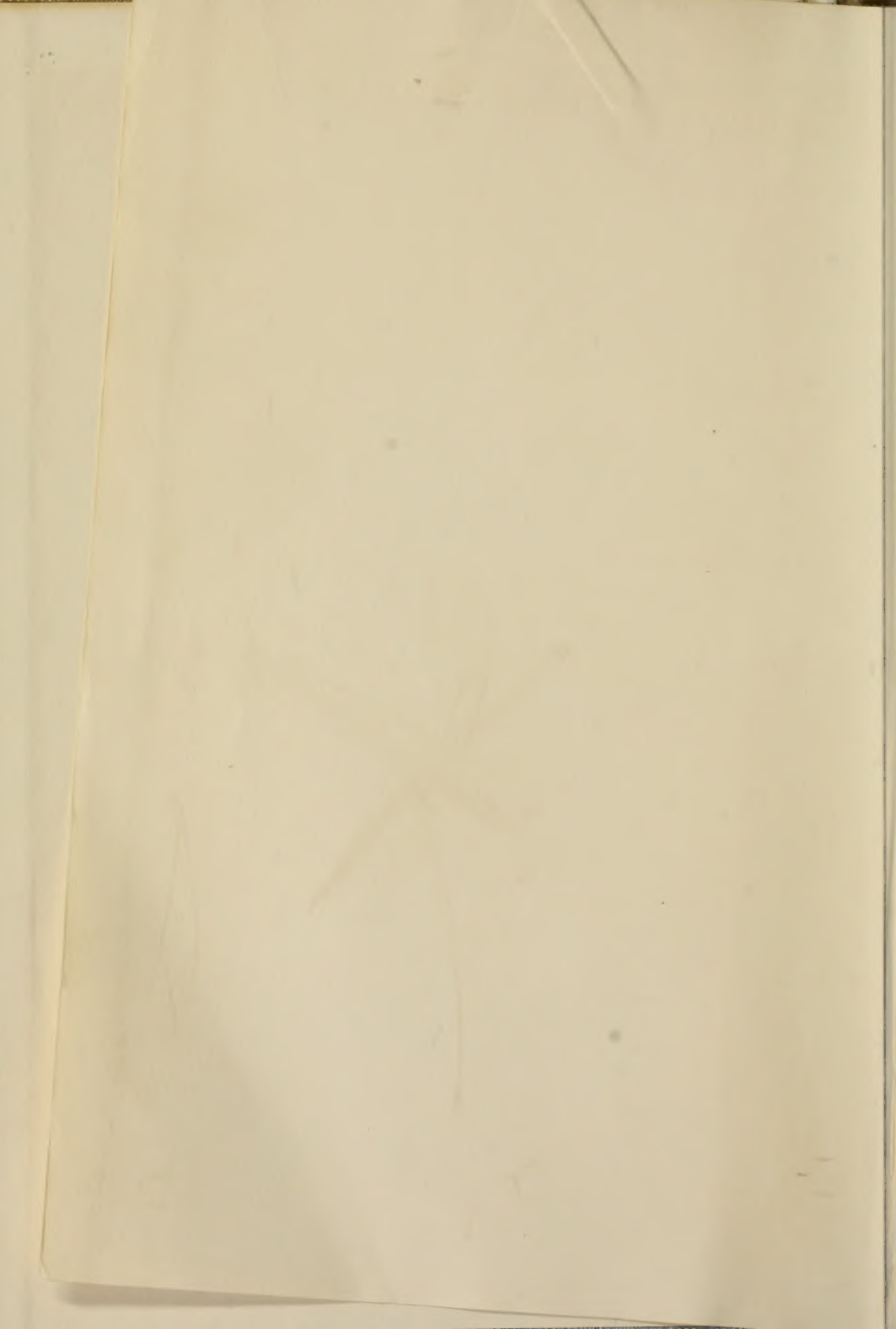
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# Journal of the Senate

DURING THE

FORTY-EIGHTH SESSION

OF THE

Legislature of the State of California

1929

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FIRST PART BEGAN ON MONDAY, JANUARY SEVENTH, AND  
ENDED FRIDAY, JANUARY EIGHTEENTH

SECOND PART BEGAN ON MONDAY, FEBRUARY EIGHTEENTH  
AND ENDED WEDNESDAY, MAY FIFTEENTH

LIEUTENANT GOVERNOR H. L. CARNAHAN, President of the Senate  
JOSEPH A. BEEK, Secretary



CALIFORNIA STATE PRINTING OFFICE  
CARROLL H. SMITH, State Printer  
SACRAMENTO, 1929



# Journal of the Senate

OF THE

FORTY-THIRD SESSION

OF THE

Legislature of the State of California

1929

THE SENATE OF THE STATE OF CALIFORNIA,  
FIRST REGULAR SESSION, 1929,  
Held at the Capitol Building, Sacramento,  
California, January 14, 1929.

THE SENATE OF THE STATE OF CALIFORNIA,  
SECOND REGULAR SESSION, 1929,  
Held at the Capitol Building, Sacramento,  
California, January 14, 1929.



Printed by the State Printer,  
Sacramento, California.

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REMARKS: This is a list of the names of the persons who have been named in the records of the Seattle Daily Record from 1901 to 1902. The names are listed in alphabetical order, and the page number is given for each name. The names are listed in the order in which they appear in the records, and the page number is given for each name. The names are listed in the order in which they appear in the records, and the page number is given for each name.







# CALIFORNIA LEGISLATURE SENATE.

## FORTY-EIGHTH SESSION.

### IN SENATE

#### SENATE CHAMBER.

SACRAMENTO, Monday, January 7, 1929.

The hour of twelve o'clock in, having arrived, Hon. H. L. Carnahan, Lieutenant Governor and President of the Senate, called the Senators and Senators elect to order, and announced that the forty-eighth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the forty-seventh session of the Legislature were in their respective places in the Senate Chamber, as required by section 247 of the Political Code: Joseph A. Beck, Secretary, Harold J. Peppers, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

#### PRAYER.

By invitation of the President, prayer was then offered by Rev. Bryant Wilson of Sacramento.

#### LEAVE OF ABSENCE.

Senator Herbert C. Jones was, on motion of Senator Inman, granted leave of absence for this day.

#### RESOLUTION.

The following resolution was offered:  
By Senator Slater:

*Resolved*, That the hold-over Senators take their seats, and that the Senators-elect present to the bar of the Senate and take their oath of office in the certificate furnished by the Secretary of State.

Resolution read, and on motion of Senator Slater adopted.

#### CERTIFICATE FROM SECRETARY OF STATE.

By direction of the President the Secretary read the following certificate of duly elected Senators of the forty-eighth session of the Legislature of the State of California:

#### STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, Frank C. Jordan, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the General Election, held on the sixth day of November, A. D. 1928, to represent the people of the State of California at the forty-eighth session of the Legislature of the State of California, as appears from the statement of vote received from the county clerks of the several counties and the registrar of voters of the city and county of San Francisco, comprising the several Senatorial



Districts of the State of California, said statement of vote being a record of and on file in my office, viz:

## HOLD-OVER SENATORS.

Name.	District.	County or counties comprising district.
James M. Allen-----	Second -----	Modoc, Lassen, Shasta, Siskiyou.
Fred C. Handy-----	Fourth -----	Lake, Mendocino, Colusa, Glenn.
Ray Jones-----	Sixth -----	Yuba, Sutter, Yolo, Butte.
Herbert W. Slater-----	Eighth -----	Sonoma.
Frank S. Boggs-----	Tenth -----	San Joaquin, Amador.
J. C. Garrison-----	Twelfth -----	Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Mono, Madera, Calaveras.
T. C. West-----	Fourteenth -----	Alameda.
Edgar S. Hurley-----	Sixteenth -----	Alameda.
Victor J. Canepa-----	Eighteenth -----	San Francisco.
P. J. Gray-----	Twentieth -----	San Francisco.
John J. Crowley-----	Twenty-second -----	San Francisco.
Daniel C. Murphy-----	Twenty-fourth -----	San Francisco.
Charles H. Cobb-----	Twenty-sixth -----	Fresno.
Herbert C. Jones-----	Twenty-eighth -----	Santa Clara.
Ralph E. Swing-----	Thirtieth -----	San Bernardino, Inyo.
J. I. Wagy-----	Thirty-second -----	Kings, Tulare, Kern.
Charles W. Lyon-----	Thirty-fourth -----	Los Angeles.
Frank C. Weller-----	Thirty-sixth -----	Los Angeles.
J. W. McKinley-----	Thirty-eighth -----	Los Angeles.
Edwin A. Mueller-----	Fortieth -----	San Diego.

## SENATORS-ELECT.

H. C. Nelson-----	First -----	Del Norte, Humboldt, Trinity, Tehama.
Bert Alford Cassidy-----	Third -----	Plumas, Sierra, Nevada, Placer, El Dorado.
Thomas McCormack-----	Fifth -----	Napa, Solano.
J. M. Inman-----	Seventh -----	Sacramento.
William R. Sharkey-----	Ninth -----	Marin, Contra Costa.
George C. Cleveland-----	Eleventh -----	San Mateo, San Benito, Santa Cruz.
E. H. Christian-----	Thirteenth -----	Alameda.
Arthur H. Breed-----	Fifteenth -----	Alameda.
C. C. Baker-----	Seventeenth -----	Monterey, San Luis Obispo.
Tallant Tubbs-----	Nineteenth -----	San Francisco.
Roy Fellom-----	Twenty-first -----	San Francisco.
Thomas A. Maloney-----	Twenty-third -----	San Francisco.
Walter H. Duval-----	Twenty-fifth -----	Ventura, Santa Barbara.
Sanborn Young-----	Twenty-seventh -----	Santa Clara.
Joseph L. Pedrotti-----	Twenty-ninth -----	Los Angeles.
Henry E. Carter-----	Thirty-first -----	Los Angeles.
Frank F. Merriam-----	Thirty-third -----	Los Angeles.
Herbert Johnston Evans-----	Thirty-fifth -----	Los Angeles.
George W. Rochester-----	Thirty-seventh -----	Los Angeles.
Nelson T. Edwards-----	Thirty-ninth -----	Riverside, Imperial, Orange.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this fifteenth day of December, A. D. 1928.

[SEAL]

FRANK C. JORDAN, Secretary of State.

The President directed the Secretary to call the roll of hold-over Senators.

## ROLL CALL OF HOLD-OVER SENATORS.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Canepa, Cobb, Crowley, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, McKinley, Mueller, Murphy, Slater, Swing, Wagy, Weller, and West—19.

The President directed the Secretary to call the roll of Senators-elect.

## ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Baker, Breed, Carter, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Inman, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Tubbs, and Young—20

The President announced that the roll call disclosed twenty Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

## OATH OF OFFICE ADMINISTERED

The twenty members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. William M. Finch, Justice of the District Court of Appeal, Third District:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

## ROLL CALL

The President called the Senate to order and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canopa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gaffney, Griffin, Hurley, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKee, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Smith, Swann, Tubbs, Weger, Weller, West, and Young—39

Whereupon the President announced their qualification and declared that a quorum of all the Senators was present.

## TEMPORARY ORGANIZATION EFFECTED

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

## RESOLUTION.

The following resolution was offered:

By Senator Nelson:

*Resolved*, That the Senate do now proceed to the election of the following temporary officers in the order named:

President pro tempore,  
Secretary of the Senate,  
Sergeant-at-Arms,  
Minute Clerk, and  
Chaplain.

Resolution read, and on motion of Senator Nelson adopted.

## NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEMPORE OF THE SENATE.

The President thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator Hurley placed in nomination for the office of President pro tempore of the Senate the Hon. Arthur H. Breed of Alameda County, State Senator from the Fifteenth District.

Senator Lyon seconded the nomination of Senator Breed.

The President put the question, "Are there any further nominations for the office of President pro tempore of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For HON. ARTHUR H. BREED—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

Whereupon the President declared Senator Arthur H. Breed duly and unanimously elected President pro tempore of the Senate for the forty-eighth session of the California Legislature.

#### OATH OF OFFICE OF PRESIDENT PRO TEMPORE.

The following constitutional oath of office was administered to Senator Breed by Hon. William M. Finch, Presiding Justice of the District Court of Appeal, Third District:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of President pro tempore of the Senate, according to the best of my ability.

MINUTE CLERK HAROLD J. POWERS AT THE DESK.

#### NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for the office of Secretary of the Senate in order.

Senator Breed placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

Senator Gray seconded the nomination of Joseph A. Beek for Secretary of the Senate.

The President put the question, "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH A. BEEK—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

Whereupon the President declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

SECRETARY JOSEPH A. BEEK AT THE DESK.

#### NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Crowley placed the name of Joseph F. Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

Senator Lyon seconded the nomination of Joseph F. Nolan for Sergeant-at-Arms.

The President put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.



The roll was called, with the following result:

For JOSEPH F. NOLAN—Senators Allen, Baker, Boggs, Board, Canapa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Darrell, Edwards, Evans, Fellom, Garrison, Goss, Hardy, Harvey, James, Ray, Lynn, Malone, McConnel, McKinley, Merriam, Mueller, Murphy, Nelson, Palfatti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young. 39.

Whereupon the President declared Joseph F. Nolan of Los Angeles duly and unanimously elected Sergeant at Arms of the Senate.

#### NOMINATIONS FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Inman placed the name of Rev. Bryant Wilson of Sacramento in nomination for Chaplain of the Senate.

Senator Slater seconded the nomination of Rev. Bryant Wilson for Chaplain of the Senate.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For REV. BRYANT WILSON—Senators Allen, Baker, Boggs, Board, Canapa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Darrell, Edwards, Evans, Fellom, Garrison, Goss, Hardy, Harvey, James, Ray, Lynn, Malone, McConnel, McKinley, Merriam, Mueller, Murphy, Nelson, Palfatti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young. 39.

Whereupon the President declared Rev. Bryant Wilson of Sacramento duly and unanimously elected Chaplain of the Senate.

#### NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.

The President declared nominations for the office of Minute Clerk of the Senate in order.

Senator Allen placed the name of Harold J. Powers of Eagleville in nomination for Minute Clerk of the Senate.

Senator Fellom seconded the nomination of Harold J. Powers for Minute Clerk.

The President put the question, "Are there any further nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For HAROLD J. POWERS—Senators Allen, Baker, Boggs, Board, Canapa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Darrell, Edwards, Evans, Fellom, Garrison, Goss, Hardy, Harvey, James, Ray, Lynn, Malone, McConnel, McKinley, Merriam, Mueller, Murphy, Nelson, Palfatti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young. 39.

Whereupon the President declared Harold J. Powers duly and unanimously elected Minute Clerk of the Senate.

#### OATH OF OFFICE ADMINISTERED.

The newly-elected officers of the Senate, Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; Harold J. Powers, Minute Clerk; and Rev. Bryant Wilson, Chaplain, appeared at the bar of the Senate, where the constitutional oath of office was administered to them by the Hon. William M. Finch, Presiding Justice of the District Court of Appeal, Third District, and they subscribed to the same.

## RESOLUTION.

The following resolution was offered:

By Senator Boggs:

*Resolved*, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Boggs adopted.

## APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the appointment of Senators Boggs, Nelson and Swing as the special committee to call upon the Governor and notify him of the organization of the Senate and the Senate is now ready to receive any communication he may have to make.

## RESOLUTION.

The following resolution was offered:

By Senator Merriam:

*Resolved*, That the President of the Senate appoint a special committee of three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and on motion of Senator Merriam adopted.

## APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the appointment of Senators Merriam, Duval and Rochester as a committee from the Senate to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

## RESOLUTION.

The following resolution was offered:

By Senator McKinley:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tempore, Arthur H. Breed.  
Secretary of the Senate, Joseph A. Beek.  
Sergeant-at-Arms, Joseph F. Nolan.  
Minute Clerk, Harold J. Powers.  
Chaplain, Rev. Bryant Wilson.

Resolution read, and on motion of Senator McKinley adopted.

## APPOINTMENT BY THE SECRETARY.

The following communication was received and read:

SENATE CHAMBER, SACRAMENTO, January 7, 1929.

To the President and Members of the Senate of the State of California.

I have the honor to inform you that I have this day appointed Paul Mason to the position of Assistant Secretary and Clerk of the Committee on Printing at a per diem of \$9, and respectfully ask the consent of the Senate thereto.

J. A. BEEK, Secretary.

Senator Breed moved the appointment be confirmed by the Senate.  
The question being upon the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None

## RESOLUTIONS

The following resolutions were offered:

By Senator Breed:

*Resolved*, That the Standing Rules of the Senate of the forty-seventh session of the Legislature of the State of California be and they are hereby adopted as the temporary rules of the Senate of the forty-eighth session, excepting Rule 8, and amending Rule 1 to read as follows:

"The sessions of the Senate shall be daily, Sunday excepted, beginning at ten o'clock a.m., unless otherwise ordered by vote of the Senate."

## TEMPORARY RULES OF THE SENATE

*Convening and Order of Business—Hour of Meeting.*

1. The sessions of the Senate shall be daily, Sunday excepted, beginning at ten o'clock a.m., unless otherwise ordered by vote of the Senate.

*Calling to Order.*

2. The President, President pro tempore, or senior presiding member, shall call the Senate to order at the hour stated and if a quorum be present proceed with the order of business.

*Order of Business.*

3. The order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction, First Reading, and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

*Presiding Officer of the Senate—The President.*

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and lists of the Senate. The President shall preside over the sessions of the Senate. He shall see that all orders of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

*The President Pro Tempore.*

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tempore shall not vote as any other member of the Senate.

*Presiding by Senators.*

6. The President, or President pro tempore, in the absence of the President, shall have the right to name any Senator to perform the duties of the chair, who shall be vested during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

*Committees of the Senate—Appointment of Committees.*

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

*Schedules for Committee Meetings.*

8. The President shall be empowered to propose to the Senate such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements.

*Quorum of Standing Committees.*

10. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution or other matter referred to it.



The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall note such fact.

*No Committee Expenditures Permitted.*

11. No member of any committee shall, except by resolution of the Senate, be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Finance shall, during the constitutional recess, be permitted to visit State institutions for which appropriations are asked, and shall be allowed his actual expenses while on such business.

*Special Duties of Certain Committees Committee on Engrossment, Enrollment and Printing.*

12. All Senate bills, constitutional amendments, and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. The indications of new matter, omissions, or amendments appearing upon the printed bill shall be omitted from the engrossed copy of the bill. All such bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment, Enrollment and Printing; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate. It shall be in order for the Committee on Engrossment, Enrollment and Printing to report at any time.

*Engrossing and Enrolling Bills.*

13. All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment, Enrollment and Printing or to the clerk of that committee and a receipt in writing taken therefor, and all said bills shall be engrossed in the order of their receipt by that committee or its clerk. All Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered by the Secretary of the Senate in the order of their receipt from the Assembly, to the Committee on Engrossment, Enrollment and Printing or its clerk and a receipt in writing taken therefor; and said bills shall be enrolled in the order of their receipt from the Secretary of the Senate.

*Committee on Rules.*

14. The Committee on Rules shall have the general duty of proposing or of presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication of nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

*Committee on Contingent Expenses.*

15. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been referred to and reported on by the Committee on Contingent Expenses.

*Committee on Revision and Printing.*

16. The Committee on Revision and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

*Other Senate Officers Secretary of the Senate.*

17. 1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

*Custody of Bills and Papers.*

18. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing, and take receipts therefor.

*Sergeant-at-Arms of the Senate.*

19. A Sergeant-at-Arms shall be elected to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sessions, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof; he shall be directed so him by the President. The Sergeant-at-Arms is authorized to arrest and detain all persons outside the hall, or in the gallery, found in loud conversation, or otherwise violating a rule to the disturbance of the Senate. The respect persons of the Sergeant-at-Arms for every session, for each day's custody and retainer, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall be his duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

*Distribution of Printed Matter.*

20. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

*Preparation and Introduction of Bills, Propositions and Joint Reading.*

21. Any Senator desiring to introduce a bill shall rise to his seat and address the President, and upon being recognized shall present the same. The time shall be announced by the Secretary, and shall be read the first time and postponed referred by the President to a standing committee.

*Joint and Concurrent Resolutions and Constitutional Amendments.*

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills, provided that they shall have but one reading, which reading shall occur after they have been reported by committee.

*Introduction of Bills by a Committee.*

23. Any committee may introduce a bill, or report to any subject upon the proper consideration of such committee, whenever the bill shall unanimously be read the first time, ordered to print and placed upon the calendar for the day.

*Introduction of Bills After the Constitutional recess.*

24. The Committee on Rules shall constitute a standing committee on introduction of bills to serve after the constitutional recess. All motions for bills to introduce bills after the constitutional recess shall be made to the committee on introduction under the order of "Introduction of Bills." The motion shall state the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill or other form of the same character which might be amended to effect the result sought and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited.

*Bills in Committee—Reference of Senate Bills.*

25. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Senate by a majority vote refer it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

*Order of Reference.*

26. When a resolution shall be offered, or a motion made to refer any subject and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

*Reference with Special Instructions.*

27. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend.

*Reference of Assembly Bills.*

28. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and

be referred by the President to a standing committee; *provided, however*, that when an Assembly bill is received, the text of which is stated by a member to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment, Enrollment and Printing for comparison, which committee shall report, without delay whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second-reading file and be considered as having received the same committee recommendation as the Senate bill; *provided*, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

#### *Reference of Appropriation Bills.*

29. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the Senate or coming from the Assembly, be referred to the Committee on Finance.

#### *Notice to Author of Bill.*

30. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

#### *Committee Amendments to Bills.*

31. When amendments to a bill are reported by a committee, the clerk of such committee shall prepare three copies of each amendment, one to go with the bill to the Superintendent of State Printing, one to the Minute Clerk, and one to the Secretary of the Senate.

#### *Reports of Committees.*

32. All committees shall act upon bills referred to them as soon as practicable and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time, by a majority vote, recall a bill from any committee.

#### *Order of Considering Bills—Order of Making File.*

33. When bills are reported from committees they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills, in the following order: Second-reading file and third reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present; such vote to be taken by roll call; *provided*, that if a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

#### *The General File.*

34. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

#### *Special Order.*

35. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

#### *Three Readings of Bills.*

36. Every bill shall be read on three several days previous to its passage (unless in case of urgency, two-thirds of the membership of the Senate in which it is being considered shall by vote of the ayes and noes dispense with this provision).

#### *Ordering Bills to Third Reading.*

37. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be, "Shall the bill be ordered to third reading?"



*Bills Considered During Last Seven Days*

38. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment sine die of the two houses of the Legislature unless it appears to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

*Questions and Motions—Precedence of Motions During Debate*

39. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

*Provided, however,* that during a call of the Senate if any Senator stand (or rise) any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be laid during a call of the Senate, nor any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending bill, and shall become unfinished business; the consideration of which shall be continued until further proceedings under the call of the Senate are disposed with, when it may forthwith become the order of business before the Senate.

*Amendment or Division of Question*

40. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert any proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded but the purpose of amendment as a question. Motions to amend the part to be stricken out shall have precedence.

*Restrictions as to Amendments.*

41. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration.

*Vote Required for Amendment*

42. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final action or passage shall be sustained by a majority of those voting.

*Procedure of Debate—Seconding and Announcement of Motion*

43. No motion shall be debated until the same be seconded, and positively announced by the President, and it shall be received in writing if desired by the President or any Senator, and laid on the Secretary before the same shall be debated.

*Regulations as to Speaking.*

44. 1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one session of the Senate, and at the same stage of the bill, within three and Senators may have one reply shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

*Securing of the Floor.*

45. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

*Order in Debate.*

46. When a Senator shall be called to order he shall sit down, and the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal by the Senator by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.



### *The Previous Question.*

47. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

### *Executive Session.*

48. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

### *Voting by Senate—Calling Ayes and Noes.*

49. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

### *Excuse From Voting.*

50. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And those proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

### *Reconsideration of Vote.*

51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

### *When Bill Is Held for Reconsideration.*

52. If a Senator gives notice that he intends, to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

### *When Bill Is Recalled for Consideration.*

53. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

### *Debate on Motion to Reconsider.*

54. A Senator, after a notice to reconsider is given, as provided in Rule 53, shall, at the reconsideration thereof, present the main question in his argument thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.

### *Messengers and Other Papers—Messengers from the Governor*

55. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the yeas and nays are being called, while ballots are being counted, or while a Senator is addressing the Senate.

### *Messengers from the Assembly*

56. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, while ballots are being counted, or while a member is addressing the Senate.

### *Consideration of Assembly Messages*

57. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent, or by vote of the Senate.

### *Reading of Papers.*

58. When the reading of a paper (except a petition) is called for, and the same is objected to by any Senator, the question shall be determined by a vote of the Senate.

### *Contents of Senate Journal—Proceedings to be Printed.*

59. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

### *Titles of Bills to be Printed.*

60. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

### *Statement of Petitions to be Printed*

61. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

### *Other Matter to be Printed*

62. Messages from the Governor (other than formal messages and marginal addresses), joint and concurrent resolutions and constitutional amendments, when adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal *provided*, that in case of a concurrent resolution offering the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

### *Legislative Printing—Number of Bills Printed*

63. Fifteen hundred copies of all bills shall be printed, and the Sergeant at Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

### *Number of Journals Printed*

64. The Superintendent of State Printing shall print one thousand copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

### *Number of Other Documents Printed*

65. Seven hundred fifty copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

### *Excess Printing Only on Written Order*

66. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

### *Form of Printing Amendments.*

67. All bills amended shall immediately be reprinted; the new matter added by any amendments to be enclosed in heavy brackets, and the omission of any matter to be indicated by the insertion of heavy parentheses.

*The Senate Chamber—Admission Within Bar of Senate.*

68. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor while the Senate is in session.

*No Lobbying in Senate Chamber.*

69. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

*Maintaining of Order.*

70. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

*Smoking Within Senate Chamber.*

71. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

*Miscellaneous Provisions—Duties of Members.*

72. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for non-attendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

*Resolution read.*

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

**NOES**—None.

*Also:*

*Resolved*, That in the regular order of business of Tuesday, January 8, bills be introduced, to be referred to their respective appropriate committees, as they will be when appointed.

That the following shall be the rules of procedure of the Senate on such introduction of bills:

That the roll of Senators shall be called from A to Y, and then back from Y to A, and as each member's name is called he shall have the privilege of introducing one bill.

That after the roll has been thus called, forward and backward, the members may introduce bills in the regular manner on recognition from the Chair.

Resolution read, and on motion of Senator Breed adopted.

Also:

*Resolved*, That the President of the Senate appoint a committee of three Senators to invite the Governor to read his inaugural message before both houses of the Legislature meeting in joint session.

Resolution read, and on motion of Senator Breed adopted.

#### APPOINTMENT OF COMMITTEE

The President of the Senate appointed Senators Breed, Inman and Murphy as a committee of three to wait upon His Excellency Governor C. C. Young to inform him that the Senate is to meet in Joint Convocation with the Assembly, and to escort him to the convention.

By Senator Crowley:

*Resolved*, That the following named persons be and the same are hereby appointed to the positions hereinbefore set forth as provided by law, with the compensation set forth opposite their names, payable weekly, and the Controller is hereby directed to draw the warrants for the said amounts and the Treasurer is hereby directed to pay the same:

Mrs. Gertrude Rettig, Stenographer to Lieutenant Governor	\$5.00 per day
Miss Ruth Crowley, Stenographer	5.00 per day
Miss Pearl R. Power, Stenographer	5.00 per day
Miss Ethel Cairns, Stenographer	5.00 per day

Resolution read.

The question being on the adoption of the resolution,

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canine, Carter, Cassady, Christensen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fallon, Garrison, Hardy, Hurley, Inman, Jones, Ray, Maloney, McCarroll, McKim, Morrison, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weber, West and Young—37.

**NOES**—None.

By Senator Allen:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate, in the sum of \$1000 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution,

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Carter, Cassady, Christensen, Cleveland, Cobb, Crowley, Duval, Evans, Fallon, Garrison, Hardy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Morrison, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tabbs, Wagy, and Weber—31.

**NOES**—None.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 7, 1929.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

Speaker, Hon. Edgar C. Levey.  
Speaker pro tempore, Hon. William H. Byrne.  
Chief Clerk, Arthur A. Ohnimus.  
Minute Clerk, Louis F. Erb.  
Sergeant-at-Arms, Arthur Ferguson.  
Chaplain, Rev. Wm. H. Hermitage.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.



## RECESS.

On motion of Senator Breed, at one o'clock and fifteen minutes p.m., the President of the Senate declared recess until two o'clock and twenty minutes p.m., for the purpose of meeting with the Assembly in Joint Convention.

## IN JOINT CONVENTION.

## ASSEMBLY CHAMBER.

SACRAMENTO, Monday, January 7, 1929.

At one o'clock and forty minutes p.m. the Senate and Assembly met in Joint Convention for the purpose of receiving the biennial message of Governor C. C. Young.

Hon. Edgar C. Levey, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

## ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Adams, Arnold, Badham, Baum, Bernard, Bishop, Bliss, Brock, Byrne, Clodman, Cloudsley, Collier, Coombs, Craig, Crawford, Crittenden, Cronin, Crowley, Deuel, DeYoe, Dillinger, Easley, Eddy, Emmett, Feeley, Feigenbaum, Fisher, Flynn, Fry, Gilmore, Harper, Hawes, Heisinger, Hoffman, Hornblower, Ingels, Jespersen, Jewett, Jones, Jost, Keaton, Kline, Leymel, Little, Luttrell, Lyons, McDonough, McGinley, McGuinness, Meeker, Miller, Eleanor, Miller, James A., Mixer, Morgan, Morrison, Nielsen, Noyes, Oliva, Parkman, Patterson, Quigley, Reindollar, Roberts, Roland, Seafeld, Seudder, Seayell, Sewell, Snyder, Spalding, Stockwell, West, Williams, Williamson, Witter, Woolwine, Wright, Young, and Mr. Speaker—79.

The Speaker of the Assembly declared a quorum of the Assembly present.

Lieutenant Governor H. L. Carnahan, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

## SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Podrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

## REGULAR ORDER OF BUSINESS.

## COMMITTEE OF ESCORT.

The Joint Committee of Escort, consisting of Senators Breed, Inman and Murphy and Assemblymen Williamson, Jones and Crittenden, appointed to wait upon His Excellency Governor C. C. Young to inform him that the Joint Convention was now in session and to escort him to the convention, appeared at the bar of the House and announced the presence of His Excellency C. C. Young, Governor of the State of California.

## PRESENTATION OF GOVERNOR C. C. YOUNG.

Hon. H. L. Carnahan, President of the Senate, then presented Governor C. C. Young to the Joint Convention. The Governor then delivered his first biennial message as follows:

## FIRST BIENNIAL MESSAGE OF GOVERNOR C. C. YOUNG.

EXECUTIVE DEPARTMENT.  
January 7, 1929.

*To the Senate and Assembly of the State of California.*

In article V of the State constitution, relating to the Executive Department, sixteen of the twenty sections were copied verbatim from the old constitution of

1849. Among these is section 10, requiring of the Governor that he shall communicate, by message to the Legislature at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Thus we see that the Governor's biennial message, which I am here transmitting, is as old as is the history of California. In this message I shall try to put into words that which has proven to be the spirit of the present day in California government. In this there is no thought of glorifying the policies of any individual or group, but rather the thought is to interpret the progressive spirit of our people in terms of the activities of government.

#### CONSTRUCTIVE LONG TIME PLANNING.

Briefly, the present period of our governmental history is marked by long-time planning of public policies. We can no longer be content to legislate and govern for the current business alone. Efforts to estimate the developments which will take place in our State during the next generation, and prepare for them accordingly in advance, means that the government will soon be out of step with the progress of industry and labor and commerce. The progress which has taken place in the past twenty years will not be sufficient for the changing needs of the twenty years ahead.

It is happily our privilege, years and miles to be the agents of the people during this period, when they are surveying the needs for constructive progress in the years to come, and preparing to enter upon the approaching new world of progressive development. It is ours to make to the business of the past to take care of the present, and to plan for a future bettering the most difficult and pressing of our State.

To provide the opportunity for the securing of future needs, careful forecasts have been laid during the past two years. The supply in the general fund has been built up nearly \$10,000,000 and according to the State Controller will amount to almost \$20,000,000 at the end of the present business year. This makes possible the unhurried accomplishment of fundamental changes in our tax system, as we require. In harmony with this fact our State Tax Commission report will undoubtedly be framed, not in terms of revenue needs of today, but in terms of equitable taxation for years to come.

Our constitutional budget requirement lays the foundation of long-time planning. Not satisfied with the old idea of studying haphazard cases of single institutions, or groups of them, for a single institution, we have made a scientific study of the increasing requirements of State hospitals, homes, correctional schools, prisons, normal schools and teachers colleges, so that we can report with reasonable accuracy the budget needs for these purposes for the next ten years. Study has been given to the changing functions of these institutions as well as to their growth.

Our highway program has been intelligently planned for years to come. Its institution in an orderly way is already solving great difficulties. The Department of Finance advises me that the long-time program, based on the "pay-as-you-go" method, produces a saving of \$24,000,000 in the expenditures of the next business year alone, compared with the old bond issue method.

Nor have we been satisfied with looking forward to distant things alone. The demands of society, that we turn our attention to the great questions which affect us from the humanitarian as well as from an economic standpoint, have been met by the long time planning of the Commission on Prison Treatment, the Crime Commission and the Commission on Institution for Women Offenders.

#### STUDY OF CONSTITUTION AND CHARTERS.

Our State constitution is described by students of government as one of the most in form in the Union, because of its total lack of comprehensive planning, and the necessity of constant changes based on immediate experiences. If we are to meet fairly the California of tomorrow we must cease tampering with one section after another, and seriously study our constitution as a whole in the light of the new conditions that exist and are facing us. In line with this policy I shall ask your consideration for a measure providing for a far-sighted study of our need for constitutional revision.

In this connection I would direct your attention to the need for a plan of county government more responsive to the people than is provided by the general provisions of the State constitution. It is not conducive to the best in government that the Legislature should determine salaries of county officers and their deputies and even the number of deputies a county officer shall have. In practice this results in the legislative delegation from each county deciding these matters. While it is now possible for each county to frame and adopt a county charter, covering these and other matters, it is seldom done. Local home rule in county affairs should be more easily obtainable. It is therefore my intention to recommend to you a plan for careful study of the modernizing of our general system of county government, to the end that the people of each county may enjoy a large measure of local control over local government, and be able more readily to bring their respective counties into line with the changing needs of each.

Communicating to you "The condition of the State" as required of me by the constitution, I shall set forth some of the accomplishments, policies, and ideals of

the past two years, particularly those which bear upon this task of long-time planning for the future in legislation, finance, construction, education, and the general welfare of our people.

#### SMALLEST PERCENTAGE INCREASE IN BUDGET HISTORY.

Among the tasks which have engaged us since your last regular session have been the making of another budget, the study of California's tax problems, and the departmentalizing of our various governmental activities. The budget, like that of two years ago, will show every dollar of State expenditures, whether paid out directly by the State itself, or indirectly through the agency of the counties. For the sake of convenience our two major expenses, education and highways, have been segregated, thus permitting special study of these two items. All this will be presented to you in a separate budget message. Incidentally, aside from the fixed charges and unescapable expenditures of education and highways, the percentage of increase in this biennium over the last is considerably less than the percentage of population increase during the same period, and is probably the smallest in the history of the State.

The study of our tax problem has occupied us for the past year. A special report of the commission on the subject of bank taxation was transmitted to you at your special session on the fourth of last September, and the constitutional amendment you proposed at that session was two months later overwhelmingly ratified by the voters of the State. A more extended general report on the whole tax problem may be expected shortly, and will be promptly submitted for your consideration.

The departmentalizing of the State's activities has greatly aided in the economical and efficient conduct of the State's business. It has made possible splendid progress in our highway program, in the growth of our institutions, in the creation of a system of State parks, in helping to solve our industrial problems, in bringing about desirable economies and avoiding useless duplication of effort. All these will be treated under their appropriate departments in subsequent pages of this report. However, before taking up these matters connected with the administrative branch of the government, I should like to say something relative to those governmental functions known as legislative and judicial.

#### THE LEGISLATIVE BRANCH OF GOVERNMENT

Whatever progress may have been made in State government during the past two years is of course due largely to the splendid cooperation given at our last legislative session. My long experience as a legislator and as a presiding officer of one or the other of the two houses, has, I think, afforded me an especial opportunity to learn the problems connected with this branch of our government, and has created an especial desire to help, if I can, in the solution of these problems.

In my inaugural talk two years ago, I expressed the hope that the session of that year might be distinguished by as few bills as possible, thus giving more time for the careful consideration of each. Although the number of bills introduced and passed was distinctly smaller than at some preceding sessions, it was, in my opinion, still too large—2191 introduced, 1107 passed by both houses, and 898 signed and thus enacted into law.

Since the adjournment of last session I have communicated with officials in all the other states to learn how they compare with California in this respect. I find that in each of 26 states less than 1000 bills were introduced, in 16 states between 1000 and 2000, and in only 6 states over 2000, including California's 2191. I find also that in 35 states less than 500 bills passed both houses, in 9 states between 500 and 1000, and in only 4 states, including California, over 1000. Of these, only Florida and North Carolina passed more bills than California.

#### ADVANCE PREPARATION OF BILLS.

Contrary to prevailing belief, this does not mean an extremely large number of new laws, since most of these bills represent only the amendment of existing laws. On studying further to learn why so large a number of amendments was required, I think we shall find it usually because the original law was too carelessly and hastily drawn. To obviate this, during the past year I have been urging that bills be prepared in advance of the actual session, and, by resolution of the recent special session, it was arranged that they may actually be put into print during the two months before the session begins.

Many of the members of the present Legislature have responded heartily to this suggestion, and I think it safe to say that over 650 bills are being thus prepared, with a large number of them pre-printed. This is a far better beginning of this innovation than I had dared to hope for, and I trust that its advantages may so commend themselves to legislatures that we may look forward to the time when during the long period between sessions, our Legislative Counsel Bureau may be constantly employed and most of your legislation actually prepared.

This does not mean that we shall have more legislation, but far less, since it will be so much better conceived and so much more carefully drawn that it will not be filled with errors to be amended by future bills. In fact, from many letters I have received from members of the present Legislature during the past few months, I am confident that from this time on we may expect fewer measures, an absence of so-called skeleton bills, and far more orderly and less hurried sessions than we have hitherto experienced.



## LEGISLATIVE COUNSEL BUREAU.

In connection with the fine and constructive accomplishments of the Legislative Council at its last session, it is appropriate to discuss the Legislative Counsel Bureau which was of such assistance to the members and committees in preparing their private bills, compiling a digest of proposed legislation, and assisting as to the constitutionality of pending measures or their conflict with existing laws. The bureau was also of extreme value to the Governor's office during the three last periods following adjournment in helping to analyze bills awaiting signature.

Since that time the bureau has performed at least as well as in any of those last important pieces of work. Among these was the compilation of the revised and compiled statutes of all the states for the purpose of being able to refer to the Legislature with respect to the possible need in California for revision of our statutes. There was also the preparation, in collaboration with the School Code Commission, of a proposed school code which will be submitted in June in the form of a bill. Besides this, there was and given to the Secretary of State concerning the publication of ballot propositions for the November election, and also to various legislative and statutory commissions in putting their recommendations into the form of proposed laws.

During the last few months, the Legislative Counsel Bureau has been very busy in helping members of each house draw up their bills for this session. As I have said elsewhere, this may easily become the most important function of the bureau, and may keep its staff busy all the long period between sessions. If this could be realized to any considerable extent it would prove the greatest possible aid toward making California laws better considered and more carefully drafted than those of any other state in the Union.

In the bills already printed you will note that for the first time in many years Joint Rule No. 9 is being observed. This rule provides that in bills inserting a code section or general law, new matter shall be enclosed in brackets, where enclosed empty brackets shall denote omissions. If each member will carefully observe this rule in preparing bills, it is believed that great aid will be afforded to committee work and to individual study of proposed legislation.

## SHORT JANUARY SESSION POSSIBLE.

One of the advantages of the preparation of bills in advance of the winter session will be the great reduction in the amount of each month given to the legislative recess, and the consequent possibility of making the January session of the coming year a very short one. The so-called "defunctured session" of the California Legislature has the advantage of placing before the public during the constitutional recess the mass of proposed legislation which can be examined by those interested before any considerable portion of it is enacted into law or even dispatched to committee. Where the bills are promptly printed as I trust will be the case this year, it also enables your Legislative Counsel Bureau to make an early digest of those sent to get this, together with the bills themselves, into your hands at all times prior to the recess.

The double session has, however, a disadvantage in that it frequently causes great inconvenience to members of the Legislature. It means necessarily loss of time from your regular business or profession. It means the necessity of twice establishing yourselves in a temporary home or Sacramento. It frequently means wasted time, owing to the fact that it is practically impossible to get committees to functioning during the first part of the session.

I think that legislators are substantially agreed, measured as the double session plan will probably continue in California, that it would be very desirable to limit the first portion of the session to as short a period as possible, just long enough to organize, to get committees appointed and to investigate the bills. Now that most of the bills are being prepared in advance, I see no reason why such normal conditions the opening session need consume more than two weeks of your time, giving the week thus saved, if necessary, to the over-burdened second portion. Please understand that I entirely appreciate that this is your business and not mine. I am merely venturing the suggestion as one who became interested in these things when privileged to work with you as a fellow legislator.

By this time you will have noted that since your last session we have tried to make you a little more comfortable through renovating the Senate and Assembly chambers. You will note also that something has been done toward providing a better ventilating system. These are improvements which have been neglected for many years, but which we have succeeded in accomplishing this year, in connection with our general work of reconstruction in the Capitol Building. We have also endeavored to do everything possible on the fourth floor, such as providing two large hearing rooms for your committees, and trust that in a measure we shall have relieved the former congestion and overcrowding. Those of you who arrived last evening in time to see the lighted Capitol dome may possibly have sensed that the old building itself was offering you a welcome.

Before passing on to the balance of this message I wish to extend a very hearty greeting, both to former members of the Senate and Assembly, who so generously supported our endeavors at last session, and to those new members who are coming among us for the first time. Please bear in mind that the door of the Governor's office is always open to every one of you, and that it is understood that you are to



have the right of way. If there is anything I can do which may be of service, I trust that you will let it be known, for I earnestly desire to cooperate in making this a most pleasant and profitable session.

#### THE JUDICIAL BRANCH OF GOVERNMENT.

Our constitution provides that "the judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, district courts of appeal, superior courts, such municipal courts as may be established in any city or city and county, and in such inferior courts as the Legislature may establish, etc."

#### SUPREME COURT AND DISTRICT COURTS OF APPEAL.

The appellate business of the courts of the State, other than appeals from inferior courts to the superior court, is handled by a Supreme Court, consisting of a chief justice and six associate justices, and three district courts of appeal of five divisions, each division consisting of a presiding justice and two associate justices. Three divisions of the latter court were created by constitutional amendment adopted in 1904, and two were added in 1918. The purpose on each occasion was to relieve the congestion of appellate business. In the early days relief was accorded by increasing the number of Supreme Court justices from three to five, and finally, by the constitution of 1879, to seven. The creation of the district courts of appeal, and the latter addition of more divisions, solved the problem for a time only.

Two years ago the situation became such that cases appealed more than two years before had not reached the calendar in the Supreme Court, and an even greater delay was being experienced in some of the district courts of appeal. A much better condition exists today. I am informed by the chief justice that, with the calling of the January term calendar of the Supreme Court, every case in which a transcript on appeal was filed before January first, one year ago, will be submitted for consideration and decision. The calendars of the district courts of appeal are also in much better condition.

Much of the satisfactory showing now made by these courts is due to the fact that, under the power conferred by the amendment to the constitution adding the Judicial Council to the judicial system of the State, many able judges of the superior court have been assigned to the district courts of appeal to assist in clearing up the calendars. I am informed that the work of these justices pro tempore has, on the whole, proved very satisfactory.

The people have just adopted a Senate constitutional amendment relating to the courts. The purpose of this amendment is to enable the Legislature to deal directly with a number of matters relating to the courts which heretofore could be reached only by constitutional amendments. Some of the powers thus granted the Legislature are to prescribe and increase the jurisdiction of inferior courts, appeals from which lie only to the superior courts. This will result in a considerable lessening of the number of appeals which can be taken to the Supreme Court and district courts of appeal. By other enactments which the Judicial Council will suggest to you, greater opportunity will be accorded the trial courts to correct errors, without the necessity of appeals being taken.

#### SUPERIOR COURTS.

By virtue of the mandate of the constitution, there is, in each of the organized counties and cities and counties of the State, a superior court, which is the principal trial court of the State, for each of which courts there must be at least one judge, regardless of whether or not there is sufficient judicial business in the county to warrant the maintenance of such a court. There are, in all, 144 judges of the superior court in California. At the time of the adoption of the amendment to the constitution two years ago providing for and making the Judicial Council a part of the judicial system of the State, the judicial business in a number of the counties, particularly in the larger counties, had become so congested that in some of the courts from eighteen months to two years elapsed between the setting of cases for trial and the actual trial date.

The amendment converted the judiciary of the State into a mobile force, immediately available, under the direction of the Judicial Council, for relieving the situation. The plan of assigning judges from the superior court of one county to another has worked so well that, even in Los Angeles County where the congestion was the worst, the presiding judge, in a recent report to the Judicial Council, states that litigants may now plan with reasonable certainty on bringing a case on for trial within sixty to ninety days from the time of setting. That, I am informed, is a very excellent situation in a community as large as Los Angeles County. In the other large counties of the State, an appreciable improvement has been brought about. This improved situation is evidence of the fact that the various superior courts of the State are, in effect, units of one unified superior court. It functions under the direction of the chief justice, who is ex officio the chairman of the Judicial Council. As evidence, also, of the mobility of the superior court judiciary, is the fact that during the last two years the chief justice has made 1504 assignments of judges for service in courts other than their own.

The objection that under the Judicial Council plan of assignment, some of the more remote counties have been at times left without a judge, has been answered, to a large degree, by the other plan of giving all the judges in counties grouped together by contiguous assignments for a whole year, including the case of those to sit and hold court in any of such counties. To further meet the situation, the Judicial Council will, as a matter of expediency, provide for the assignment of judges to chambers and providing for the appointment by the court in each county of qualified court commissioners, who will have substantially all the powers of judges in chambers. This plan, the council reports, works exceedingly well in those counties.

#### MUNICIPAL AND INTERIOR COURTS

The constitution was amended in 1924 to provide for the creation of municipal courts. The Legislature, at its succeeding session, provided for the formation and existence of such courts in cities and counties having a population of more than forty thousand inhabitants, such courts, when established, to be courts of record, and to supersede all other courts inferior to the superior court, except the small claims court. The judges of these courts are required to be of the same qualifications as judges of the superior court, and the jurisdiction of the court, in cases at law involving money judgments is fixed at \$1,000 or less. They have the same organizational features of the superior courts, with their numerous, active commissions. These courts have worked well where established (Los Angeles and Long Beach), and the Judicial Council is prepared to recommend their establishment in the other communities having the designated population.

#### LONG-TERM PLANNING

These constitutional changes in our judicial system reflect clearly the determination of our people that their agencies of government shall be modified as needed to fit them, not only for the conditions of today but for those future developments which can be foreseen, in line with the policy I have described as "long-time planning."

#### THE ADMINISTRATIVE BRANCH OF GOVERNMENT

Before considering the various administrative departments connected directly or indirectly with the Governor's office it is only proper to say a word respecting the five elective offices whose duties are largely independent of the executive. By these I refer to the offices of the Secretary of State, State Controller, State Treasurer, Attorney General and Surveyor General. So well are the people satisfied with the very excellent work performed by the present incumbents of these offices that they have formed the habit of voting for them year after year. Their terms of public service in their present positions range from six to twenty-six years, giving to them average tenure of almost sixteen years each.

The powers and duties of these elective officials are very fully set forth in the last edition of the California Blue Book and I consequently shall not attempt to enlarge upon them here. Three of them, the Secretary of State, the Comptroller, and the Treasurer, have their offices on the first floor of the Capitol Building. In the remodeling of the building and the removal of the State Library to its new home, it has been found possible to give the Controller and the Secretary of State new and enlarged quarters, while the office of the Treasurer is being provided with a new vault. The Sacramento office of the Attorney General has moved to the new Library and Courts Building, while the Surveyor General has offices adjoining the Department of Finance on the third floor of the Capitol.

I am glad to mention these five elective officers, for I wish to acknowledge the many favors and courtesies I am constantly receiving from every one of them. In all their contacts with the Governor's office they have been most helpful and efficient, and it is this fine spirit of generous cooperation which serves to make our work at the State Capitol so satisfying and enjoyable. These five officials, together with the Governor, the Lieutenant Governor, the Superintendent of Public Instruction and the State Board of Equalization, constitute the nonjudicial elective State officials.

#### REORGANIZATION OF STATE GOVERNMENT

Before proceeding to describe present governmental activities as carried on by the various State departments, it would perhaps be well to call to mind how this departmentalized form of government came into being. California, in common with all the other larger and more progressive states of the Union, has, during the last generation, gradually assumed a very large number of governmental functions, some regulatory, others developmental, still others of different character, but each representing some proper function of government.

These governmental activities arose for the most part as a result of the legislation of many years; and each, as it was proposed, was put in charge of some commission, board, or single official, whose duty it should be to deal with the particular activity concerned. In this way, within the last twenty years, there have been created in California probably as many as 140 of these independent boards and commissions.

Practically all these boards and commissions were appointed by the Governor and were directly responsible to him, but they were so many in number and so diverse in

character that their contact with the Governor's office was of necessity very slight. They were consequently left to function by themselves without anything in the way of adequate supervision. If it happened that those appointed to a certain commission had special knowledge and personal interest as to their work, the results would naturally be correspondingly good; but if it happened that the appointments to any board were merely of an honorary or political nature, not much could be expected from its unsupervised activities.

#### REORGANIZATION IN OTHER STATES.

What was true in California was also true elsewhere, until finally there arose in certain eastern states a plan by which these independent boards and commissions might be consolidated by grouping together into governmental departments those which were similar in kind or dealt with the same general activity. This was begun in 1917 by the state of Illinois, and a fairly well departmentalized system was the result. Other states soon followed, such as Massachusetts in 1919, and Ohio in 1921. Altogether some fifteen states have thus become more or less completely departmentalized, while still others have made a beginning through the organization of one or two departments.

In California in 1918 a Committee on Efficiency and Economy was appointed to make a study of the State's affairs, with the result that in 1919 a report was presented recommending an organization along departmental lines. At the legislative session of that year, a State Department of Agriculture was actually founded, combining nine independent though related agencies, to which four similar agencies have been added since that time. At the next legislative session, other departments were also authorized, but were not given sufficient powers to enable them to impress themselves either upon the Legislature or the public.

#### THE 1927 REORGANIZATION PLAN.

In 1927, at the beginning of the present administration, the matter of the reorganization of State government was taken up in earnest, for it was felt that the securing of businesslike efficiency in the State's affairs must be largely dependent upon a businesslike set-up of our various governmental agencies. The Legislature responded heartily to suggestions toward this end, with the result that nine strong departments have thus far been organized, and have been functioning since the laws creating or reorganizing them went into effect a year and a half ago.

The nine departments so far created are Agriculture, Education, Finance, Industrial Relations, Institutions, Natural Resources, Public Health, Public Works and Social Welfare. Each of these is in charge of a director chosen because of his especial interest in and fitness for the particular work of his department. Only those in close touch with State affairs can fully realize how much hitherto wasted and duplicated effort has been saved, and how much added efficiency has been gained through this new governmental plan.

There are, however, still some thirty-eight independent agencies which have not yet been brought into departments, and which yet are working under the same disadvantages as attached to the hundred and more agencies existing before any plan of reorganization was conceived. Nearly all of these agencies combine naturally into three or four very homogeneous groups, which might easily form appropriate departments, though possibly not so closely organized as some of those already existing.

Among these might well be a department made up of those agencies which have to do with the supervision of various investment and business activities, such as banking, insurance and the like. Another department could include all the boards giving examinations and licensing the various personal occupations and professions. Another might concern itself with such matters as have to do with the veterans of our wars, or the activities of our National Guard. Still another might group together all the agencies which have to do with the control of crime and the custody of criminals. These, added to our present departments, would practically cover all the agencies of State government.

#### THE GOVERNOR'S COUNCIL.

Of the fifteen states which in varying degrees have made headway in this work of reorganization it is possibly not too much to say that California stands pre-eminent. If this is so, it is due largely to the provision for a Governor's Council, meeting regularly at least once each month, and composed entirely of department heads, all (with the exception of the Director of Education) appointed by the Governor and serving at his pleasure.

As it has transpired, a bill creating this council was one of the most important passed the last session of the Legislature. It reads as follows:

"A council to be known as the Governor's Council is hereby created to consist of the Director of Finance, Director of Education, Director of Public Works, Director of Public Health, Director of Institutions, Director of Agriculture, Director of Industrial Relations, Director of Social Welfare and Director of Natural Resources. At least once each month the council shall



meet in Sacramento at such time and place as may be designated by the Governor. It shall be the duty of each of the members of the council to report to the Governor at the time of each monthly meeting, and at such other times as the Governor may desire, the facts regarding the administration of the functions of his department and to postpone such other duties as a member of the council, as may be required of him by the Governor.

This bill took effect July 29, 1927. Since that time there have been seventeen regular monthly meetings of the council, each of these seemingly more valuable than those which preceded. Except in a very few instances when a director has been ill, or out of the State on official business, all the meetings have been attended by the entire body of directors. The meetings, which began shortly after noon in the morning and continue until nearly seven in the evening, have thus far been held in the Governor's office, but, in the reconstruction of the Capitol, a Council Chamber has been provided, which, on other than council days, may also serve as an assembly room for meetings in which officials located in the building are interested.

The meetings are held on the last Wednesday of each month, and are open to the press and the public. The new Council Chamber, which will be completed in March or April of this year, will probably accommodate easily a hundred visitors, thus affording an opportunity to anyone to keep in touch with State affairs. Each director in turn gives the entire story of what has been done by the division of his department during the current month. The director speaks from a platform, every is furnished to the Governor and other members of the council and is presented by them as a continuous and continuing history of the business of the State.

#### BENEFITS OF COUNCIL MEETINGS

In order to expedite business, the council has invited no one to take part in discussions except the Governor and the members of the council. These take a very active part, however, asking questions, making suggestions, offering suggestions, and in general considering every topic as presented by each director in his report. Consequently, at the end of the council meeting there has passed in review the entire story of the business of the State transacted within the month. Thus it transpires that each director becomes acquainted with all the phases of State government, in addition to the thorough knowledge of his own department, for which he is responsible. In this way the Governor's Council becomes a most efficient, ready and able to render valuable advice for the benefit of the State.

Another result of the council meeting is the added opportunity for consultation between different departments. Frequently a subject is discussed with various phases directly affecting half a dozen different departments. Discussion of office and work at cross purposes is therefore avoided. Important matters are frequently settled around the council table in half an hour which would not have been settled for months, and possibly not at all, if the department directors were not thus brought in constant contact by the meetings.

It is not too much to say that California has at last evolved a businesslike procedure in giving direction to the State's business.

With all this in mind, I think it will be evident why the present administration is extremely desirous to continue its work of reorganization until every single agency of the State is adequately represented in the Governor's Council. No agency need fear that this will result in any loss of independence, for no legislation will be asked which will not safeguard to every board its entire freedom of action in the functions for which it was organized. This will, however, bring it into living contact with other State agencies, and will enable it to get before the Governor at least once each month, the entire story of its activities. Accordingly, I would urge the Legislature to pass such laws or submit such constitutional amendments as may be deemed necessary for the completion of this work.

#### REPORT OF STATE ACTIVITIES

Having thus sketched the plan according to which California's government has been organized, I shall now proceed to do the thing for which this message was primarily intended, namely, to give a picture of the various administrative agencies of the State and to show their accomplishments during the most important, as well as the work in which each is now engaged. I shall treat these under the heads of the various departments into which they are organized, or, if they are not yet departmentalized, I shall include them under the head of the department or proposed department to which they are respectively related.

In this way I trust that I may avoid in a measure the complaint that all the activities with which California's government is administratively concerned. I wish to acknowledge my appreciation to various department heads for the data which they have furnished me, and to thank them for permitting me to incorporate their data, sometimes verbatim, into this message. For purposes of ready reference, I shall place the topic of discussion at the beginning of each paragraph. In order not to discriminate between different departments and other groups of governmental



agencies, as to their relative importance, I shall take them up alphabetically, irrespective as to whether they are or are not yet organized into departments; and I shall accordingly begin with the Department of Agriculture.

#### DEPARTMENT OF AGRICULTURE.

Owing to the diversified character of our farm crops, together with other causes, automatically lessening the danger of overproduction which often overwhelms single-crop states, agricultural industry in California has at no time suffered from the post-war depression to the extent which has affected most other agricultural sections of the country. However, agricultural conditions in California are not yet what we would like to have them, though they have unquestionably improved during the past year. California's comparatively favorable position in agriculture is due to our wide diversity of crops, for we grow some one hundred eighty products commercially, to our leadership among the states in many of these products, and to the virtual monopoly we enjoy in a number, like almonds, English walnuts, apricots, lemons, and olives; and to a very considerable use of cooperative marketing methods. The Returns on citrus fruits and certain other crops have been gratifying. The importance of having a prosperous agriculture in this State is so apparent, and so necessary to our well being, I do not need to dwell on this phase of the subject.

**Sympathetic Legislation Required.** Both legislative and administrative branches of the State have gone far in the past two years in doing everything possible to aid agriculture, an attitude which will of course be maintained in the future. A number of important measures will be submitted to the Legislature at this session, each of which will merit most careful consideration. Plant and live stock quarantine, pest control work, better standardization, up-to-date and sound market information—all these and other similar topics will come before you as necessary aids to agricultural success in California. It is particularly important that legislation be enacted to protect our producers from unscrupulous operators and those who do not have at heart the real interests of the farmer.

**New Cooperative Methods.** There are being tried out in our State new types of cooperative endeavor among certain commodity groups, and such aid as the State can give to these and other methods of improving the profitable distribution of our products must be given friendly consideration. It would be very valuable if the same success in cooperative marketing which is enjoyed by the citrus industry might also be worked out for our vineyards and deciduous orchards.

**Plight of the Peach Growers.** There was a very earnest attempt made during the past year to aid the earning peach industry. Following the unsatisfactory condition which had existed, the State government endeavored to assist in improving the situation by acting as a harmonizing agent between the various factors concerned. Although as a result of this endeavor the grower probably received more money than might otherwise have come to him, at the same time many peach orchardists operated at a loss. This condition can not continue indefinitely, and it is to be hoped that there may come about a greater unity of effort in broadening the market and disposing of the product. This is true not only of peaches, but also of other products, such as grapes.

**Our Agricultural Supremacy.** California is essentially an agricultural State. We are proud of our agricultural achievements, and we recognize the significance of the statement made by the Chief of the Federal Bureau of Agricultural Economics that 42 per cent of the total carload shipments of fresh fruits and 15 per cent of the carload shipments of vegetables originate in California. We are proud also of our many specialized crops, but we must realize that while these are of advantage to our agricultural supremacy, at the same time they necessarily broaden the scope and add to the expense of the State Department of Agriculture, whether concerned with the growing of agricultural products, or with the problems of live stock and live stock products.

#### LIVE STOCK AND DAIRYING.

**Bovine Tuberculosis Campaign.** The live stock industry has been in a particularly favorable position during the current biennium. No new serious animal diseases have gained entrance into the State. This has permitted the department to concentrate upon the control of those diseases which are more or less prevalent in California, and there has been a most gratifying decrease in losses to live stock by internal parasites. At the same time there has been no relaxation in the vigorous enforcement of quarantine regulations to prevent new diseases from coming in. Without doubt the most serious economic and disease problem confronting our live stock industry is bovine tuberculosis, and adequate steps must be taken to inaugurate a more extensive and intensive campaign against this disease.

**Dairy Abuses Checked.** The dairy industry, which also has been in very good condition, has received much attention from the department, and many fraudulent trade practices and abuses have been checked, in some instances by prosecution and conviction. In several instances the department has instituted court action which has been responsible for dairymen receiving money of which they had been defrauded through improper methods by those buying dairy products.

**Milk Quality Good.** Through cooperation with the city and county health departments, practically every large city in the State, and several counties, are working on

a graded milk program. Ninety per cent of the total State supply of milk has been brought under State grade label. Quality as determined by the law of the Federal Department of Agriculture milk score card averaged 95.1 for the year 1927, with every indication of an increase for 1928. At the close of the year 1928 there were twenty-one approved departments with a milk score of 90 per cent. At the end of the year 1927 there were twenty-eight approved milk inspecting departments with a score of 95.1 per cent, and serving more than twice the population served in 1925.

#### FIELD CROPS.

Grain and Hay. The bonded warehouse services offered by the State through the Department of Agriculture have been more extensively used by the agricultural interests of the State than during any former period. Grain inspection has likewise increased in popularity both with the trade and with the farmer. The movement which is now under way to standardize and grade hay promises a significant step toward standardization in all lines. It is rather anomalous that the largest money crop produced by the farmer in California is one of the last to undertake grading and standardization.

#### MARKETING PROBLEMS.

Standardization Goes On. Standardizing of our fruits and vegetables has proceeded in a systematic manner, and has been of increasing value in the marketing of these products. Located as we are, two or three thousand miles from the greater centers of population, and with our tremendous production, it is necessary that every advantage be taken in order to successfully compete with the producers and shippers located closer to these markets. The fruit and vegetable standardization laws have been completely revised and brought up to date in order to expedite marketing.

Radio and Bulletin Market Service. The Department of Agriculture in its marketing work has inaugurated a series of market information bulletins on commodities which are not marketed from centralized markets, such as peaches, pears, apples, turkeys, etc., and these bulletins have met with a most successful reception. In improving the market news service, advantage has been taken of the radio, and following the all-outlet of a short wave length to the State and Federal Departments of Agriculture, market reports have daily been put out over the short wave network. This has resulted in more prompt and more comprehensive dissemination of market news information, which is distinctly to the advantage of the producer as well as to the shippers. Two remote coastal studios for voice broadcasting, one at San Francisco and one in San Francisco connected with the Pacific Bayshore Station, KQW at San Jose, also are made use of for the dissemination of market news information.

Producer Dealers' Law. In the administration of the Producer Dealers' Law, the department has issued licenses in 1928 to 631 dealers handling farm products on a consignment basis. This is compared with 288 licenses issued in 1927, which not only a better recognition of the law on the part of the dealer but also a very much greater financial protection to the producer.

#### A POSSIBLE AID TO NEW MARKETS.

Processing Plant at Harbor. The suggestion has been made that citrus and fruit and vegetable processing plant and warehouse be established on the San Francisco water front, thus providing for California growers the opportunity to utilize their markets very greatly. Steamship lines have been most active in this connection, their vessels with refrigeration. There are now 100 ships thus equipped with about 250 sailings a year in and out of the California ports. Ports to the north of us, notably at Seattle and Vancouver, have taken the lead in the installations of this kind.

Importance to California Agriculture. Since California is the largest grower of fruits and vegetables of any western state, undoubtedly we should not lag behind in providing facilities of this character. The markets of the Orient, Australia, New Zealand and South America await us, and water shipments to our own Atlantic coast and to European countries can easily be increased. Investigations are being carried on as to the probable business to be developed by an improvement of this kind, and as to costs of building a suitable dock, processing plant and warehouse. It is most important in considering this subject that we keep ever in plain view the absolute necessity of such operation of a plant of this kind as shall allow of the widest possible use of it by all producers, and that no monopolistic control of it shall ever come about.

#### LAND SETTLEMENT.

California's Two Colonies. The experiment in State land settlement started in 1918 under an act of the Legislature of 1917, resulted in the establishment of two State land settlement colonies, one at Durham, Butte County, and one at Delhi, Merced County. There has been appropriation by past legislatures (the last appropriation having been made in 1925) and expended in connection with land settlement in California \$2,500,000, and obligations in connection with the colonies have been assumed by the State which now have a balance unpaid of \$500,000—a total of \$3,000,000.

An Unsuccessful Experiment. Conditions at these colonies after ten years' experience at Durham and nine years' at Delhi have proved conclusively that the

operation of land settlement colonies as State projects is unsatisfactory both to the State and to the settlers. Investigation since the administration of land settlement was placed under the Department of Agriculture (July 29, 1927) has forced the conclusion that while the general agricultural depression of the past few years has been a substantial factor in accentuating an unsatisfactory situation, conditions and causes outside of the general depression were sufficient to prevent the success of the land settlement projects.

Situation Must Be Met. While in no degree responsible for the failure of this experiment, failure of the Delhi project and of the theory of State land settlement as a whole having been declared in a report to the Legislature of 1925 by a legislative committee of investigation, as well as in a report of a special investigation committee appointed by me in August, 1927, this administration is prepared to meet the situation frankly as we find it and to urge upon the Legislature the adoption of legislation having for its ultimate purpose the withdrawal of the State from these colonies under a readjustment program fair both to the State and to the settlers now on the projects.

#### QUARANTINE PROTECTION.

Necessity of Pest Control. Climatic and crop conditions in California are such that pests from all quarters of the globe can find a suitable environment if they are permitted to become established here. Inasmuch as the prosperity of the farmer depends upon producing his crop at the lowest possible cost, one of the important functions of the department is the enforcement of plant quarantine regulations so that pest control costs may be avoided. The inspection of commodities brought in by rail and water is a large feature of this work, and another large feature is the inspection of the automobile traffic arriving at California border points from other states. This latter phase of the work is one which must be carefully handled, as the traveling public is inclined to resent undue interference with its movements.

Some Concrete Cases. As to the importance of the work, and indicating the care with which the inspection is conducted, during a period of five weeks in October and November of this year, live cotton boll weevils, which do not exist in California, were taken on six different occasions at the stations at Daguerre and Yuma. One lot of cotton was found in the hat box of a lady from Oklahoma, the bolls containing eleven weevils. Six adult weevils and six weevils in immature stages were found in a suitcase in an automobile from Texas. For 1927, and the first eleven months of 1928, there were inspected at these border points 415,092 automobiles. Indicating the courtesy and dispatch with which the work is performed, there were lodged a total of only thirteen written complaints and two oral complaints against the inspection work, making an average of one complaint to each 14,427 automobiles.

Border Inspection Improvement. The department is continuing the enforcement of the quarantines designed to prevent the entrance of such pests as citrus canker and fruit flies in the plant field, and against foot and mouth and rinderpest and similar diseases of live stock. It is very important that these quarantine inspections shall be conducted under such conditions as may be least burdensome to the visitors and new residents who come to the State by automobile. Accordingly, I am recommending that whenever possible these inspection stations be combined with the motor vehicle stations on our borders; that these stations be made as attractive and comfortable as possible; and that such services be rendered the traveler as will make his entrance into the State a pleasant one, indicative of a real California hospitality.

#### DEPARTMENT OF EDUCATION.

This is the department which has charge of our entire California school system up to the State University, which supplements it under care of a board of regents. There is no department of the State's activities lying closer to the hearts of the people than its schools. Liberal support for the education of our children is given ungrudgingly, for we recognize the duty of the State toward training its citizens of the future. California ranks very high in the standard of her schools. Liberal provision is made, both for the training of our teachers and for their salaries, and our people have a right to demand a school organization which will achieve a maximum of results.

Organization of Department. The Department of Education is under the control of an elective Superintendent of Public Instruction, who is ex officio director of the department, and a State Board of Education of ten members, appointed by the Governor. An attempt was made at last election to so increase the terms of the State Board as to remove them from the control of any one Governor, and to give to this board the power of selecting the Director of Education. Though intended to remove the schools from the possibility of political interference, it was not so understood by many voters, and the measure failed to pass. It is to be hoped that some modification of this plan may again be submitted, with such features removed or satisfactorily explained as were before deemed objectionable.

#### GROWTH OF CALIFORNIA SCHOOLS.

Historical Summary. The schools of California started with an elementary or grammar school system only. By 1867 a State school fund had been provided



sufficient to support these schools for terms of five or six months without charge of tuition to pupils attending. In the following year the State University was established. The high school had its beginnings here and there in the larger cities, but did not become general until after the passage of the Upper High School Act in 1891, and it received no State support until 1902. There was little in this State a high school enrollment of 468,666. During the last ten years there has been a marked development of what we call the junior college.

**Development of Junior Colleges.** In June, 1928, there were thirteen colleges organized under this act reporting 4,391 units of average daily attendance and entitled under the law to claim \$163,100 or over \$18,000 in more of the available moneys. Two other colleges have since been added. If the enrollment in junior college departments of high schools organized under the 1917 law were included, the total junior college enrollment would be well in excess of 50,000 students. These figures do not include students in teachers colleges who are likely to transfer to a university at the beginning of the junior year and are therefore really junior college rather than teachers college students. I believe we need a better way of getting more clearly defined than at present, with possibly better provision for financing junior colleges.

**Adult Education.** One of the recent developments in California educational circles, which promises to do much toward bettering opportunity and adding to the pleasure and profit in life of the people, is the opportunity given for adult education. Emphasis is now being put on work for those who have difficulty in learning and womanhood, which will enrich and broaden their lives and give opportunity to study serious problems of a public character. In the last year 215 high schools, out of a total of 398, were carrying on work of this kind with an enrollment of 145,055. It is the belief of the Superintendent of Public Instruction that the school should be made a separate school unit, with classes and supporting as far as possible except those for special deserving citizenship.

#### EDUCATIONAL EFFICIENCY AND ECONOMY

**Better Financial Set-up Needed.** Our rather haphazard school system of California provides for three districts which vary greatly in size and resources. These are the elementary school district, the high school district, and the junior college district. Thus property lying within all of these three districts is subject to bonded indebtedness of the three corporations, and to the full payment of the budgets made by these different boards. This means serious overpricing up to a tax rate which is not always just, and too waste of expenditure which is sometimes excessive. This situation was recognized in the last Legislature, which gave some recommendations for a preliminary study of reorganization and possible re-appropriation for that purpose. The General Education Board invited the study appropriated by the State and the Department of Education has this study made under the direction of Dr. Leonard V. Koss of the Department of Education of the University of Minnesota. This study will be submitted to the Legislature for its information.

**Recommendations for Further Study.** In the report of Dr. Koss recommendations are made for a more comprehensive study, along the following lines:

1. The investigation of all districts, counties, or other areas of the State with the aim of proper reorganization and consolidation of districts and schools, and location of elementary and secondary schools (junior high schools, senior high schools, six-year high schools, junior colleges). This study would take into account important factors like community interests, possibilities of transportation, etc.
2. The thorough investigation of the financial problems of all districts, and schools, with the aim of working out a more satisfactory program of school support and equalization. Financial problems of secondary schools would not be considered in isolation, but in relation to responsibilities for elementary education.
3. The provision of a "basis for thoroughgoing curriculum construction and revision on the secondary school levels, inclusive of minor and senior high schools and junior colleges, one important purpose being to bring the curriculum up to the requirements of the high degree of preparation that has been attained in the schools of the State."

**Proposal for Thorough School Survey.** For the purpose of studying the above and similar problems, I recommend the passage of a measure authorizing a comprehensive survey of the school system by a commission of able lay members, and an adequate appropriation to be made therefor. Some national organization, such as the General Education Board, would undoubtedly be glad to share the expense of this survey, since its benefits would be nation wide. When a governmental function costs as many million dollars a year as education, it is good economy to make certain that it is returning 100 cents of value for each dollar expended. Meanwhile I believe that all measures designed to make changes in our schools, except those of minor character, should be referred to this commission.

**Codification of School Law.** The California School Law has consisted for many years of an accumulation of scattered statutes and sections from the four codes and the general laws. During the biennium the Codification Commission authorized by



the last Legislature has been at work, and as a result there is submitted to the members of this Legislature a modern school code prepared under the immediate direction of the Legislative Counsel. Not all of the old statutes have been brought forward into the new code, since many of them are obsolete or of no concern to the administration of the public school system. No change has been made in the substance of the law as it now stands in the various codes and statutes. What is submitted to the Legislature is a reorganization and clarification of the laws under which the public school system has been operating.

#### OTHER EDUCATIONAL PROVISIONS.

**Handicapped Children.** The last Legislature sought to make less burdensome the lot of children handicapped from defective sight, hearing, or speech, or those who had been crippled through accidents or disease. The work for the blind is now on a good basis, and that for children with defective speech is better organized and is financed by the State. The needs of the State School for the Deaf in Berkeley will come to your attention through the report of a commission of your own body.

**Schoolhouse Planning.** The chief of this division in the Department of Education has checked over schoolhouse construction in thirty-six counties, costing in excess of \$5,500,000. He has often been able to suggest better sanitary facilities, especially adequate water supply and sewage disposal, proper light, heat, and ventilation, better fire protection and such a building scheme as shall leave opportunity for expansion. The Department of Education feels that this work has been most useful and that it may profitably be extended to the giving of other expert financial advice to school districts; for it is generally conceded that school financing has not always been economical. It is very possible that such expert financial advice, given by a specially trained and unbiased State official to local school districts, would be welcomed by them, and would result in a saving of money to the districts as well as in better school facilities.

**State Teachers Colleges.** These institutions have developed into real colleges with courses of study leading to the degree of Bachelor of Arts. Beginning in September, 1930, those who desire to qualify to teach in the elementary schools of this State are required to complete four years' college work. California is the first State in the Union to take such action on a statewide basis, although some cities in the east and middle west now require their teachers to have four years of college education. This departure has necessarily demanded higher qualifications for the faculties of the teachers colleges, but the relationship between these institutions and the graduate school of the University of California has been fully adjusted.

**Teachers College Plants.** This enlarged scope of teachers colleges has made it desirable to study carefully the physical needs of the college plants. Each one of the colleges has been studied during this biennium with a view to developing a ten-year building program. At the present time no buildings are being erected at any of the colleges unless there has been outlined and accepted by the State Board of Education a program looking well into the future. Due to a fire which destroyed the main building of the college at Chico, we have been able to plan that institution from the beginning. The opportunity of use by the city schools of San Diego of the old college in that city has made it possible for the State to accept an adequate site, and plan on an enlarged building program for the San Diego Teachers College.

#### THE STATE LIBRARY.

**Removal to New Home.** The California State Library is an institution with which our people are too little acquainted. Although founded as long ago as 1850, it has until now never been in a position to show to the public the vast possibilities of service of which it is capable. Within the last few months, however, it has been removed from its cramped quarters in the Capitol to its beautiful, new, permanent quarters in a building designed especially for its use.

**The Library in Its Present Setting.** The library contains nearly 400,000 volumes and receives currently 1260 periodicals as well as 183 newspapers covering every section of the State. This material is made readily available to the public through four circulating departments—general reference, law and legislative reference, documents and California. These departments are all conveniently located on the third floor of the new building. On the second floor are the Librarian's offices, the department for the blind, the bindery and several study rooms. The fourth floor houses the catalog, order and periodicals departments, as well as splendid room for prints. The collection of prints, etchings, etc., built up by the library for the past few years is now available to the public for the first time.

**Service to the Counties.** The State Library is noted for its leadership in the library system of the State. It has fostered the establishment of county libraries so that now 46 of our 58 counties give service to all their people—rural as well as urban. There is no other State in the Union which has so well-organized a library system so widespread. Through the more than 4000 branches of the county libraries, as well as through city libraries when necessary, the State Library lends its books and spreads its service throughout the State.

**Possibilities of Use.** The State Library does not provide fiction and children's books, as it believes the local libraries should supply the demand for such material. It is essentially, therefore, a research library, a book collection for students in every

line of thought. Through its law and legislative reference department it is of particular value to the lawyer and the legislator. Through its California department specializing in California literature and historical material it is of inestimable use to the student of the life and history of our great State. The general reference and the documents departments help the reader and research worker in less specialized lines of study. The people of the entire State are urged to make the freest use of the resources of the State Library.

#### UNIVERSITY OF CALIFORNIA

The total number of full-time students in the university this year will be close to 19,000. This does not count the more than 10,000 students in the summer sessions in Berkeley and Los Angeles, the approximately 35,000 adults registered in the University Extension Division, nor the much larger number of farmers and farmers' wives who are served through the Agricultural Extension Division.

Number of Graduates. Degrees conferred and certificates granted during the biennium numbered 2795 in 1927 and 5968 in 1928. There were also more than 200 certificates of completion of teacher-training programs. This astonishingly large number of graduates indicates the constant progress in the university's chief function, the higher education of the young men and women of the State.

Rapid Progress in Los Angeles. The new campus at Los Angeles is being rapidly equipped, on the basis of the bond issue provided two years ago, to provide the College of Letters and Science, now on the Vermont campus, during its September, 1932. It is expected that the 15-acre annex to the Vermont campus will be sold and the proceeds be used to provide a building on the new campus to accommodate the Teachers' College.

Possibilities of Growth. I believe that almost unlimited possibilities now exist for this new part of the university. The extremely large investment in the secondary schools of southern California, the long for higher education which exists in that portion of the State, the naturally beautiful site at Westwood, with its splendid possibilities for development, the very latest and best buildings which are being erected, the excellent teaching force which has been built up—all these advantages combine to make the University of California at Los Angeles a very outstanding educational institution.

#### MANY SPLENDID GIFTS

An International House. The university has received many valuable gifts and bequests during the biennium. Mr. John D. Rockefeller, Jr., has given \$1,500,000 for an International House in Berkeley, a splendid residence structure with individual rooms for 300 students from foreign lands and for 150 American students, with purpose to enable the foreign and American students to live upon a plane of equality, thus permitting them to understand the worthy and valuable points in the various civilizations which they represent—all this in behalf of better mutual understanding and international peace.

Bowles Hall Dormitory. The beginning of a much needed dormitory system on the Berkeley campus has been made by the gift of Bowles Hall by Mrs. Philip E. Bowles, in memory of her husband, the late Philip E. Bowles, a former regent of the university.

Chair in Italian Culture. Many hundred, probably several thousand, loyal citizens of California and the United States, including citizens of Italian birth, of American birth but Italian ancestry, have presented the financial foundation for a Chair of Italian Culture in the university, and for scholarships enabling students in the University of California to study in Italian universities, and vice versa.

Giannini Foundation. The Bancitaly Corporation has recently given to the regents the sum of \$1,500,000; \$1,000,000 thereof to endow the Giannini Foundation of Agricultural Economics, and \$500,000 to provide a new campus building (Giannini Hall) which will house the activities of the foundation as well as other agricultural services, with purpose to assist the farmers in California in solving their difficult economic problems.

Biology Professorship. The bequest of the late Dr. Morris Herzstein is providing an endowed professorship of biology for the university. Funds to benefit the Medical School have been received, or will soon be received, in accordance with the Harwood and Searles wills, and from other bequests, amounting to a total of nearly \$1,000,000. Many other important fellowships and scholarships have been endowed by gift and by bequest in the past two years.

#### SOME RESEARCH ACTIVITIES

Time and Money for Research. Members of the faculties devote most of their vacation periods and nearly all of their spare time within the semesters to research activities. The Agricultural College affords one-third of its financial resources to research in behalf of the agricultural industry in California. Of the total sum appropriated by the university to research, two-thirds is expended through the College of Agriculture for the benefit of the farmers of California, and one-third is expended through all the other parts and departments of the university to increase our knowledge of chemistry, physics, medicine, astronomy, botany, zoology, the languages, the

arts, history, philosophy, and the like. Referring to just a few of the leading results of researches conducted in many parts of the university, I may mention the following:

**Studies Showing Costs of Production.** In the College of Agriculture, cost-of-production studies have been made for twenty-five leading farm products, such as almonds, apricots, eggs, beef cattle, grapes, vegetables, oranges, peaches, prunes, etc., which have revealed reasons why some farmers make money and others do not in the production of these foods, and have pointed the way to the improvement of methods, all of which have resulted in greatly raising the average efficiency of thousands of farmers in this State. These studies will do their part in forestalling the evils of below-cost-of-production prices and over-production.

**Work at Lick Observatory.** At the Lick Observatory very decided contributions to our knowledge of the atmosphere of Mars have been made. A comprehensive check upon the correctness of the Einstein Theory has resulted from the photographs of the stars in the area surrounding the sun at the total eclipse of September, 1922, as observed by the William H. Crocker Expedition from the Lick Observatory to the northwestern part of Australia.

**Health Work.** The Hooper Foundation has rendered extremely valuable service in determining the safe conditions for the cooking and canning of those food products, vegetable and animal, which are especially susceptible to the poisonous state known as botulism; and in conducting a service for ameliorating cases of the dread disease, infantile paralysis, and to some extent preventing its inception. The Hooper Foundation appears to have discovered the manner in which the bacilli of leprosy enter the human body—from the soil through skin abrasions. This apparent fact, if sustained, will undoubtedly have consequences of immense value to the human race.

**Other Scientific Studies.** Members of the departments of Botany and Chemistry and of the College of Agriculture have obtained new and remarkable results from the exposition of sex cells of plants and of plants themselves to X-ray and other forms of radiation. These studies, and similar studies conducted elsewhere, give promise of discoveries relating to the processes of heredity.

**Child Study.** The Institute of Child Welfare is conducting promising studies on children of less than preschool age, relating to the behavior of children, habit-formation, control, and other fundamental problems of child life which have hitherto received little systematic study.

#### DEPARTMENT OF FINANCE.

This department administers the financial policies of the State government. Its routine work is carried on under a Division of Budgets and Accounts, a Division of Service and Supply, which includes the bureaus of Purchases, Printing and Capitol Buildings and Grounds, and a Division of Motor Vehicles. The Director of Finance, with the Chief of the Division of Service and Supply, and the State Controller constitute the State Board of Control, most of the former duties of which, by provision of legislation passed in 1927, have been taken over by the Department of Finance.

#### DIVISION OF BUDGETS AND ACCOUNTS.

**Accounting Centralized.** This division, in addition to working out the budgets, has supervision of the accounting in State offices and institutions. The policy has been established of centralizing this work as far as possible in Sacramento, the center of governmental activities. Offices for all State officers have likewise been provided here. Surveys and audits of all offices and institutions are in constant preparation, and the use of latest methods, including bookkeeping machines, is encouraged. One very useful service performed by the Division of Budgets and Accounts during the biennium, was the preparation of forms for county budgets as required by legislation enacted in 1927.

**Money Made by Bond Sales.** It has long been the custom for the State to employ certain funds by purchasing bonds, the rate of interest secured therefrom being higher than that received by lending to banks. The practice any keen business man would follow, however, of watching his bond holdings and selling when there is opportunity for a profit, was overlooked. The Director of Finance established the practice of selling, as well as buying, with a profit to the State thus far of \$68,052,469, on a turnover of securities selling for \$2,345,437.50.

**Bond Issues Sold.** Bond issues heretofore voted by the people, and held in reserve until the need for the money developed, have been sold as follows:

Veterans' Farm and Home Fund.....	\$20,000,000 00
San Francisco Seawall No. 3 Fund.....	750,000 00
State and University Buildings.....	4,250,000 00

Premiums in the amount of \$59,346 were received on these sales.

**Property Auditor Appointed.** Early in 1928, it was decided to create the position of property auditor, with the thought in mind that in the passing of years, possibly many pieces of valuable equipment had lost their usefulness at the various institutions and were lying idle, while at the same time they could be put to profitable use elsewhere. The results have been excellent. The position has justified itself many times over by the savings effected. Idle articles of machinery and equipment were transferred to places where they could be used, and seemingly worn-out articles turned over to the salvage departments of the institutions and worked over into useful equipment. Photographs have been taken of all State-owned buildings and a record and history of each institution has been written.



## DIVISION OF SERVICE AND SUPPLY

**Better Buying Policies.** The Bureau of Purchases has made some important savings in purchases during the biennium. In fitting up the new State buildings at Sacramento, the saving on the one item of lumber for instance, brought in a credit last instead of placing special orders for individual departmental needs, amounted to about \$11,000. Buying for the State Printer of certain classes of paper by continuing contract over several months has resulted in savings, and in lessening the stock of fine papers carried in the warehouse of the printing plant.

**Buying Expense Small.** Purchasing costs in the present biennium are but .67 of 1 per cent, as against .95 of 1 per cent in the previous biennium period. State purchasing cost is 5.4 per cent of the value of the merchandise. The policy of using products of California soil and factories is strictly adhered to whenever possible. Merchandise costs in the present biennium have been fairly stable with the exception of meats, which are higher and which increased feeding costs materially.

**Service Rendered by State Printing Plant.** The State Printing Office is an old institution in California and the wisdom of establishing it, and of carrying it on, is not questioned in well-informed circles. It is the largest share of the total cost of Chicago. The building and site represent an investment of \$250,000, and the cost of machinery and equipment is a half million more. The requirements of the work are such as to necessitate carrying on hand a quarter of a million dollars' worth of paper stocks. Its entire pay roll is under the regulations of the Civil Service Commission. In order to serve the State with more convenience and at less expense than is possible under the present conditions, a plan has been worked out for concentrating the stock of materials carried at the State Printing Office, the State school authorities, the supplies for the Motor Vehicle Division, and the ballot paper required by law, to be kept on hand by the Secretary of State, and this without recourse to the general fund of the State.

**Printing Output Large.** The State Printing Office output is approximately \$700,000 per year, about 60 per cent thereof being public school textbooks, the other 40 per cent work for the various State departments. The other two business at a loss of cost plus 5 per cent, which is to meet replacement charges. Employment number 207 in normal times. The pay roll is approximately one-half of production costs. The past calendar year showed school book production of 1,573,718 books. It is estimated that California school textbooks cost about 60 per cent of what they would cost if produced under private commercial practice. Two very large jobs were turned out by the printing office in connection with the elections of 1928: the Sponsorship Bill, 2,110,175 copies, costing \$23,500, and the Constitutional Amendments, 2,500,000 copies, costing \$30,690.55.

**State Offices in State-owned Buildings.** Completion of two new buildings of the Capitol group in Sacramento, the Library and Courts Building and the other Building, and the taking over of the Strick Building now known as the Public Works Building, have provided housing for all State activities in State-owned buildings. The State can be especially proud of the handsome structure which is the home of the State Library, Department of Education, Supreme and appellate courts and Attorney General. The furnishings of this fine structure are in keeping with the dignity of the offices it contains, and it offers for inspection several fine works of art in sculpture and mural decoration. The Strick Building, on Eleventh and P streets, was acquired for the Department of Public Works by purchase on exceptionally favorable terms, thus terminating a long term lease which would have been exceedingly unprofitable. It provides quarters for all the divisions of that department and for motor vehicle activities.

**Building in Los Angeles and San Francisco.** It is anticipated that plans in process of formulation in Los Angeles will result in the offer of a site there for a State building, funds for the erection of which were long ago provided by a bond issue. Consideration is being given for an addition to the State Building in San Francisco, to provide additional accommodations there. When these two building projects are brought to conclusion, all the State activities in these three cities should get out of the "rent-paying" class.

**Remodeling of Capitol.** Remodeling of the Capitol, made necessary to accommodate changed conditions resulting from the shifting about of offices, is still in progress, but will be finished soon. Along with the remodeling has gone a general renovation. A new vault will be built for the State Treasurer to provide greater safety for State funds and securities, and added convenience for that officer. Flood lighting of the Capitol dome is a great attraction to visitors in and residents of the Capital City, and was accomplished at comparatively small cost. The group of Capitol buildings is now a distinct credit to the commonwealth, fast approaching outstanding prominence in the Union of States.

## MOTOR VEHICLE DIVISION ACTIVITIES.

**Prompt Delivery of License Plates.** This division has functioned promptly during the license renewal period of 1928 and 1929. There has been little congestion and the long lines of waiting applicants are a thing of the past. In order to better the service to the people, additional branch offices have been opened, the last at Long Beach. The large use of these branch offices has demonstrated the wisdom of the



policy of providing them. The establishment of checking and inspection stations at the places where the several interstate highways enter California, has pleased newcomers, who are very grateful for the free service given in the way of information and visitor permits, while at the same time the traffic in stolen cars has been definitely lessened, through having officers at these points. In dealing with the public, uniform courtesy is required of all State officers, and the "hard-boiled" traffic cop of yesterday is now a thing of the past, so far as the State service is concerned.

#### COOPERATION WITH INSTITUTIONS.

**Resulting Economies and Efficiencies.** The Department of Finance has cooperated cordially with the Department of Institutions and with the individual units in that department, to work out all possible economies and to contribute toward efficient management. Conferences have been held to work out simplified routine, to the end that mutual problems should be understood; superintendents and business managers of the institutions have conferred with the buyers of the purchasing bureau and with the members of the accounting staff, with profit to all. The department prepared charts showing the expected growth of the various institutions, this information being necessary in the preparation of budgets and in the consideration of the ten-year building program referred to elsewhere. All institutions were visited and inspected as is required by law.

#### SPECIAL DUTIES IMPOSED BY LAW.

**American River Dam at Folsom.** Chapter 569, Statutes of 1927, provided for the impounding and utilization of the waters of the American River at Folsom for flood control, domestic use, irrigation, power development or other public purposes. It authorized the Department of Finance to acquire property and to lease present and acquired lands of the State for proper consideration to other private individuals or corporations, or to a political subdivision of the State, for the purposes set forth in the act, with the provision that such lease might be recaptured by the State of California for a fair price. One year was allowed for the working out of the contract.

**New Legislation Necessary.** Investigations were entered upon immediately following the adjournment of the legislative session and for a time it seemed as if an acceptable lease could be made with private interests for the construction of the dam under such terms as would permit the State to take over the project at any period during the lease, if that should be desirable. The flood of March, 1928, however, was of unprecedented volume, as affecting the American River. It was then seen that the proposed dam would not be sufficient in the event of a recurrence of so great a run-off. It was necessary to consider the project in the light of added information, which revealed that a larger storage capacity was required involving much greater expense. The State reluctantly gave up the project, under the existing statute. It is recommended that the enterprise be not abandoned, however, but that necessary legislative action be taken for renewed effort in this matter.

**Stockton Deeper Water Channel.** The State has cooperated cordially with the city of Stockton in this fine enterprise. Approximately one-half of the appropriation of \$419,000 made by the legislative session of 1927 has been expended in the purchase of right of ways and areas for the dumping of dredged materials.

#### RECLAMATION FINANCES.

**Heavy Burden of Debt.** At the advent of the present administration, the affairs of the State Reclamation Board, which is the operating unit of the Sacramento and San Joaquin Drainage District, were seriously involved. An accumulated debt of nearly \$16,000,000, principal and interest, lay as a charge against the lands benefited by the Sacramento River Flood Control Project, with interest charges adding to the burden, which had long since become more than the land could pay. No sound financial structure had been provided for the clearing of this enormous debt. An \$8,000,000 bond issue, intended to ameliorate the desperate situation surrounding the Sutter-Butte By-Pass Project No. 6, had proved unsalable. Legislation was enacted in 1927 looking to the ultimate solution of this problem, the first step being to create the Bureau of Reclamation, under the Department of Public Works, and assigning to it all matters related to the construction, operation and maintenance of flood control units.

**Nearly Two Millions Cleared.** In sequence followed provisions for the cancellation of the unsalable bond issue of the Sutter-Butte By-Pass Project, the collection of the principal in semiannual installments of not less than 3 1/2 per cent, and the later refunding of the remaining indebtedness of the project into forty-year bonds, under what is known as the Sacramento and San Joaquin Drainage District Refunding Act. Since December 1, 1926, \$1,349,262.67 of the indebtedness of this project has been cleared, represented by warrants and interest. In addition, there are now in the hands of the county treasurers of Glenn, Colusa, Yolo, Sutter, and Sacramento counties canceled warrants and cash amounting to \$573,800, awaiting the outcome of a friendly suit now before the Supreme Court. The refunding act has been put in operation and two 3 1/2 per cent calls have been made on the original Sutter-Butte By-Pass assessment. Under this call \$392,400 principal in warrants was retired. Some of the warrants were acquired by the landowners, through the

activities of the State Department of Finance in their behalf, for as low as 32 1/2 per cent of face value and interest combined, and these were used at face value to pay the 34 per cent calls.

**Saving to Farmers.** Through inaction in the past, Feather River Loans Fund No. 7 had reached a condition where the original assessment for \$250,000 had not topped more than \$100,000 by the accumulation of interest charges. There was the chance of spreading a supplemental assessment to cover the deficiency or finding some other way out of the difficulty. After much negotiation, settlement upon terms most advantageous to the landowners in the assessed area, is in prospect. By agreement between the Department of Finance and the majority warrant holders, arrangements have been made for them to take the proposed loans here in exchange for their warrants; at a premium which will absorb the entire cost the payment of the original assessment, thus avoiding the necessity of increasing a supplemental assessment. The operation of this agreement will result in two-thirds of 25 per cent to the farming community of that part of Sutter County in which the assessed area lies.

**The Curry Bill.** The situation is greatly improved by the adoption by the last session of Congress of the Curry Flood Control Bill, which commits the federal government to increased financial participation with money to be loaned by the Sacramento River. Under this act the federal government is pledged to provide a total of \$17,600,000 to the work, and the State of California participating with the State government and the landowners in the flood.

#### STATE CIVIL SERVICE COMMISSION

**Civil Service Practice.** The commission is required under the Civil Service Act to classify and grade all positions in State government except those previously exempted by legislative enactment. It is then required to prepare and maintain, through examinations, to determine the "merit, efficiency and fitness" of applicants, eligible lists for each class and grade of position, to fix and regulate promotion, and to supervise such employment within the terms of the act. Civil service has been in effect in California since 1913. Its law is regarded as one of the best enacted in the United States and the service is regarded as efficient and satisfactory.

**Freedom from Politics.** The State personnel under this system is completely free from the evils in public and private employment where favoritism, nepotism, and employment are not in effect. Under this system, which includes a better selection of personnel can be had than is possible in the best executive scheme, time is fully occupied with the work of his department or division. Requests for employment are met by reference to the Civil Service Commission and there is, therefore, no loss resulting from a useless consideration of the importunities of applicants, mostly unqualified for public employment. The importance of a high standard of efficiency is reflected in the annual pay roll of the State, which now runs into many millions of dollars. The recent survey of the State Personnel Commission shows that there are now 7,553 State employees who may be eligible to a retirement fund if it is adopted, with an annual pay roll of \$13,284,459.

**Extent of Civil Service.** The total number of positions in classified service for which separate examinations are given is approximately 635. Total number of employees in classified service on September 27, 1928, 8986. Of this total 2777 or 30.9 per cent are engaged in labor or skilled trades, 2233 or 24.8 per cent in clerical work, 1391 or 15.4 per cent in nursing service at State hospitals, etc., 1027 or 11.4 per cent in technical engineering work, 533 or 5.9 per cent in agricultural work, 291 or 3.2 per cent in fish and game conservation, 259 or 2.8 per cent in educational work, 89 or 1 per cent in medical work, 88 in public health work, 84 in social service work, 79 in forestry work, 58 in police and criminal investigation, 49 in employment and personnel work, and 38 in library science.

#### CALIFORNIA STATE FAIR

**State Board of Agriculture.** The California State Fair is administered by the State Board of Agriculture, of which there are twelve members. The fair is held each year at the State Fair Grounds in Sacramento and has grown to be an outstanding event in agricultural expositions of the western coast. The fair of 1928 excelled any previous event of the kind. The attendance was 281,000. Thirty-nine counties made exhibits of their agricultural and other products. These counties included the most southern as well as the most northern counties of the State.

**Exhibits in Great Variety.** The fair contained many other displays than those strictly agricultural, although the latter predominated. The live stock exhibits were larger than ever before and the quality was superior, indicating development of that industry. The new machinery building was thrown open, and in it was shown a vast variety of machinery of interest to California farmers. The educational department has grown to be one of the prominent features of the fair, bringing out school demonstrational work from every section of the State. The ten-cent building program is meaning much to the various minor departments in providing adequate building facilities to house the many exhibits. The California High School Agricultural Boys' Camp is now a regular feature of the State Fair. There were 325 boys this year in "Camp Lillard" and an additional 100 boys participated in live stock

and dairy products contests. The State Fair is proving a fine educational influence with the young people of the State.

Next Year Diamond Jubilee. The State Agricultural Society was organized in San Francisco in 1854, held the first State Fair in Music Hall in that city in October of that year and the stock show and the races were held at the old Pioneer Race Track. The first president was Mr. F. W. Macondry. Early exhibitors were Senator Deland Stanford, the Spreckels family, L. J. Rose, "Lucky" Baldwin, and other prominent people of that time. The show was subsequently held in Sacramento, San Jose, Stockton and Marysville. In 1859 it returned to Sacramento where it has been held ever since. It is proposed for the 1929 Fair that it celebrate the seventy-fifth anniversary of the organization by holding a Western States Exposition. With that in mind, all western states have been invited to participate. The long and fine history of the California State Fair should make the Diamond Jubilee a notable event.

#### DEPARTMENT OF INDUSTRIAL RELATIONS.

No function of State government touches the interests of employees and employers as closely as this department. All the labor laws come under its jurisdiction, and therefore the successful administration of the Department of Industrial Relations is of major importance. Five divisions constitute the department: Division of Industrial Accidents and Safety (Industrial Accident Commission), Division of Labor Statistics and Law Enforcement, Division of State Employment Agencies, Division of Sanitation and Housing, and Division of Industrial Welfare. The director who supervises the activities of the different divisions is also chairman of the Industrial Accident Commission. The consolidation of work, the prevention of overlapping, and the greatest service possible to California's citizens, are among the accomplishments of this department. Plans are in contemplation to further consolidate different activities of the divisions, the outcome of the experiences of the last few months.

#### SUMMARY OF THE WORK.

**Six-Day Week in Oil Industry.** The Department of Industrial Relations is actively engaged in work that benefits labor in larger fields. During the early part of 1928 the six-day week was introduced into the oil industry of California, in place of the seven-day week. Officials of the department were energetic in furthering this industrial change so universally approved, not only by the oil workers and the public, but also by the oil producers.

**Imperial Valley Strike.** A strike of Mexican laborers in the Imperial Valley in the summer of 1928 at one time seemed to have dangerous possibilities. Conferences with the interested parties were held by representatives of the department. A settlement of the dispute followed. The conferences are being continued so that better labor conditions will prevail in Imperial County, following the removal of grievances, some of them well founded. An agreement has been reached to pay wages weekly, without the retention of any percentage, as was formerly the custom.

**Age Limit for Workers.** The department called public attention to the tendency to discriminate against workers because of age limits, the limit in some occupations being as low as 35 years. This mistaken policy has been condemned as anti-social and unworthy in every respect.

**Training in First Aid.** The training of traffic officers in first aid was advocated by the department, and has been approved by those in charge of traffic on the State highways. Lives may be saved by immediate care, thus avoiding the delay of transportation to the nearest hospital, at a cost of precious minutes or hours after an automobile accident.

#### DIVISION OF INDUSTRIAL ACCIDENTS AND SAFETY.

**Prevention of Industrial Deaths and Injuries.** The Workmen's Compensation, Insurance and Safety Act is administered by this division. Its main purpose is to prevent industrial deaths and injuries. It is the court to which all disputed cases are referred. There has been an increase in death accidents and contested cases this biennium, a fact which is inseparable from the heavy growth of California's population. In carrying on a sound social policy toward these industrial catastrophes, the element in cost is in part assessed to business, as it should be. California averages more than 800 industrial accidents, with at least two fatalities each working day. The total fatalities in 1928 will be larger than usual because of the St. Francis dam disaster. The greatest toll of human life taken in an industrial accident prior to this was that of the Argonaut mine in 1922, when forty-seven lives were taken.

**Safety Work.** State officers and insurance experts are now conferring to make uniform safety requirements for machinery and places of employment. Uniformity in these things will be welcomed by business interests. The spirit of cooperation which has grown up between the business interests of the State and those who are associated in the cause of accident prevention is remarkable, and is constantly increasing.

**Settlement of Disputes.** Cases in which controversy develops must be decided by the Industrial Accident Commission. It is a notable fact that it is the tendency



of the Supreme Court, more and more, to throw upon the commission the determination of disputes, this being evidenced by the general denial of writs of mandamus in those cases where it is considered the appeal should not be allowed.

**State Compensation Insurance Fund.** The total assets of the State fund total \$7,211,500.25. The excess earnings over expenditures totaled \$707,027.90 for the first nine months of 1928. The management of the State fund has resulted in the selection of expert insurance men in the management and the perfection of the best business methods. An average sum of a little more than \$1,000,000 a year is returned to the employers who take out their policies in the State Compensation Insurance Fund.

#### DIVISION OF LABOR STATISTICS AND LAW ENFORCEMENT

**Collections for Wage Earners.** The greater part of the work of this division is its service for men and women who have worked and whose wages are not forthcoming. More than \$1,000,000 yearly is collected in wages owing to men and women. More than \$50, and this service is performed without cost. I usually collect for my men, but, in the event of refusal, I do demand a certified check covering the balance. The often the small amount of wages due is all that stands between men and temporary income, and the service is therefore of inestimable value to the wage earner, and at the same time it often saves cities and counties from the necessity of extending aid.

**Many Branch Offices.** Branches of this division are maintained in San Francisco, Los Angeles, Sacramento, Oakland, Stockton, San Jose, Fresno, Bakersfield, Santa Barbara, San Bernardino, Long Beach, San Diego, and El Centro. These offer the regional and necessary to make this department of the work a success, and they are visited every day by men and women seeking advice, assistance, and the enforcement of labor legislation.

**Protection for Women and Girls.** The laws protecting women and girls in industry, and those which supervise private employment agencies, are given especial attention. Minors of school age are protected against employers who would have them, when possible, in violation of law. The eight-hour law for women protects constant watchfulness.

**Complaints Investigated.** In the last five years, complaints investigated have increased 100 per cent, numbering 32,440 in 1928. Unpaid wages collected in 1928 amounted to more than \$1,000,000. Criminal actions against violators of labor laws numbered 1629 in the last calendar year, as compared with only 1041 in that number only five years ago. The increase in the number of complaints has been caused by the fact that a total of 64,365 complaints of labor law violations were received and investigated during the last biennial period. Wage complaints for the same time were almost as many, numbering 57,189. Violations of the Private Employment Agency Act were 2160, charges under the eight-hour law for women were 2904, child labor complaints were 1374, and all other complaints, 1944.

#### DIVISION OF HOUSING AND SANITATION

**Labor Camps Are Clean.** This division has charge of the 2700 labor camps in California. Into them pour tens of thousands of laborers. No less than 200,000 persons lived in these camps in the last two years, and most of this population consisted of women and girls. Formerly, dissatisfactory conditions here largely went unnoticed. Previous acute dissatisfaction and revolt, because of lack of proper accommodations, absence of sanitary conditions, and other needs of the kind, have disappeared. California's labor camps are clean. They are regularly inspected. The department furnishes blue prints and plans for those about to start operations of this kind, so that these temporary places of abode will prove works of art, hygienic and comfortable, and the people inhabiting them feel they are not prisoners in a cage.

**Housing Is Bettered.** The Housing Act is enforced by this division and requires constant inspection. It is our determination to keep slum conditions out of this form and to see that sanitation and modern life is kept up with modern methods. Many old unsanitary hotels and boarding houses have been condemned and vacated.

**Jail Plans Approved.** A recent departure in this work is to approve plans for new county jails. These places of custody in the past have been very bad, and the remedy is still far from being complete, yet considerable progress has been made.

**Help for Foreigners.** Immigrants and those of foreign nationalities come with their complaints to our office. They are talked to in their own languages and are helped to become good citizens of their new country. In the last calendar year, 13,735 immigrants of forty-one different nationalities declared their intention of becoming citizens of the United States.

#### DIVISION OF STATE EMPLOYMENT AGENCIES

**Work Constantly Increasing.** This division reports that 339,948 men and women secured positions in the two-year period ending June 30, 1928, the numbers placed increasing steadily each year. It is hoped to extend the types of labor called for by employers, so that the agencies can render increased service to those who are unemployed, without a fee of any kind to the State. There are 10 permanent free employment offices in San Francisco, Los Angeles, Sacramento, Oakland, Stockton, San Jose, Fresno, Bakersfield, San Bernardino, and San Diego.



**Seasonal Employment Agencies.** The enlargement of seasonal State employment offices has proved pleasing to the farmers and fruit growers of California. During 1928 seven such offices were opened, in Lodi, Marysville, Chico, Newcastle, Hollister, Modesto, and Brawley. In each instance the report was that the fruit was picked without loss to the growers, and that those seeking this kind of work were placed in direct communication with orchardists, thus saving the wearisome search for employment.

**Amount Saved Through State Agencies.** The average fee per job charged by private employment agencies during the years 1926 and 1927 was \$3.98. If the men and women who secured positions through the State employment agencies had paid the average fee mentioned, the total cost to the 330,948 applicants for work would have been \$1,317,173 during the two fiscal years ending June 30, 1928.

#### DIVISION OF INDUSTRIAL WELFARE.

**Minimum Wage Law.** This division administers the minimum wage law for women and minors. Its duties are to fix and enforce the minimum wage, maximum hours of labor consistent with the health and welfare of women and minors, and sanitary standards wherever they are employed. Without this law, the unorganized condition of women in industry would make them easy prey for those who would pay low wages, work them long hours, and provide them with unhealthy working surroundings. As an outcome of this beneficial legislation millions of dollars have been diverted into the pockets of those solely in need of the money, because of the minimum wage which has been set and enforced, and actual wage collections delivered to the workers wherever an underpayment of the minimum wage has been found.

**Attitude of Employers.** One noteworthy fact in connection with minimum wage enforcement is the attitude of nearly all the large employers. They favor the law. They know that indiscriminate wage cutting would follow its repeal. The employers in the canning industry pay a large proportion of the audit system cost, insuring that piece rates and overtime rates will be paid according to law. Men in charge of business operations in the cities likewise give their support to the only means of defense now available for thousands of women and girls.

**Sanitary Inspections.** In the last biennium over 1400 sanitary plant inspections were made by agents of this division, which greatly increased the comfort and health of many thousands of women in industry. During this period, also, the sanitary provisions set for other industries were extended to cover motion picture studios and special sanitary requirements made for women employed "on location."

**Minimum Wage Laws Justified.** The mass of statistical data which has been collected and tabulated since the Industrial Welfare Commission was first appointed in 1913 proves conclusively that the claims of former opponents of minimum wage legislation were not founded on fact.

#### DEPARTMENT OF INSTITUTIONS.

On January 1, 1927, the various institutions of the State included six mental hospitals, two homes for the feeble minded (only one of which was in operation), three correctional schools, and the Home for the Adult Blind in Oakland. The population of these institutions at that time was as follows:

	Population	Capacity
Mental hospitals.....	12,965	11,689
Homes for feeble-minded.....	2,061	2,003
Correctional schools.....	1,049	1,055
Adult blind home.....	132	143

This showed for the mental hospitals an excess population of 1276 above the number they were designed to accommodate. Although the figures might indicate that the homes for feeble-minded, the correctional schools, and the home for the blind were not full on that particular date, as a matter of fact there were nearly 1000 persons seeking admission to these three classes of institutions. This is just one of the many reasons which justify a building program over a long period of years.

**Necessity of Rapid Turnover.** The large number of the adult population to be cared for at some time in our mental hospitals, the number of children, either feeble-minded or possibly destined for a correctional institution, the number of blind who will probably require training—all make it apparent that the paramount duty of this department is to establish a policy of treatment and training in its institutions which will lead to rehabilitation and adjustment, and to a more rapid turnover of the population. Otherwise the State would acquire such a large number of institutional inmates that it could hardly stand up under the staggering financial burden of providing funds for the permanent housing, care, and maintenance of this vast army of future wards.

**Personal Attention of Director.** Most of these twelve institutions, as well as a thirteenth, recently added and later to be described, are visited monthly by the director of the department. At his early visits, eight hundred patients were found sleeping on the floor. Beds were immediately provided, and now all patients in hospitals and homes have clean, warm beds, and sleep in well-ventilated quarters.

Bi-monthly conferences of superintendents and business managers have been inaugurated, at which problems concerning the institutions are discussed, thereby bringing the superintendents to better understanding of each others problems and those of the department, and making for a more harmonious and efficient administration.

**Study of Food Requirements.** A supervising dietitian has been appointed who visits the institutions regularly, and furnishes expert advice on the preparation and service of the food. The saving of food by the reduction of waste has resulted in one institution alone, more than equalled the dietitian's salary for the year period. Cafeteria service has been established in three institutions, and the effect upon the patients themselves has been so excellent that plans are being made to adopt it in other institutions.

**Training in Industries.** An industrial supervisor has been appointed who visits monthly all the institutions, stimulating the farm production and the industrial activities, providing for the education of normal children and the training of the another, as well as the exchange of commodities between institutions thereby effecting a great saving to the State.

**Other New Departures.** For the first time in the State's history an intelligent survey of the needs of State institutions has been made, and a definite ten-year construction program has been projected which will take care of future conditions on the greatest possible saving to the taxpayer. For the first time also complete records are being kept of all patients, and of those on periods of discharge. This permits a follow up in each case, and makes possible an accurate evaluation of the treatment and training in the various institutions.

#### EIGHT HOUR DAY FOR WOMEN

**Statement of the Problem.** One of the problems which must be solved by our State institutions is the full adoption of an eight-hour day for women employees. The eight-hour day for women in private employment was made a law by California for 16 years, and yet possibly because of administrative expenses that cannot be escaped in reducing the number of hours from twenty to eight and thus meeting an extra shift, as well as the fact that those attending patients suffer similarly to those of graduate or registered nurses, who are exempt from the provisions of the eight-hour law, this law has not been applied to the institutions of the State. It is certainly not right, however, to insist upon this law as for private institutions are exempted, and continue to operate on the longer day in our own State institutions of the future.

**Difficulties in Solving It.** It is clear that this eight-hour day for these workers should go into effect as soon as possible, but I believe that the adjustment must be made gradually, owing to the physical difficulties of the situation. The extra expense to the State will amount to a considerable sum, but the great difficulty, however, is in the new buildings necessary to provide accommodations for the enlarged staff of employees made necessary by the change. This difficulty can be solved much easier by anticipating these conditions over a period of years and a building program to adequately solve the existing needs as they appear.

**Necessary Steps Toward Solution.** The Division of Industrial Welfare under the Department of Industrial Relations has for some time been making a survey of this problem. The Director of Institutions is very anxious that it be solved as soon as possible, and he advises that as to all women employees not actually engaged in the care of the sick, steps are now being taken to adjust the eight-hour day immediately in all State institutions. In order that all women employees subject to the law may as quickly as practicable be put on an eight-hour basis, I recommend that this department, the Department of Industrial Relations, and the Department of Finance make a study of the problem during the coming year, applying the eight-hour day as rapidly as financial and internal adjustments can be made and recommending for succeeding budgets such physical additions to existing plants as may be necessary to take care of the increased force of institutional employees.

#### MENTAL HOSPITALS.

**Number and Treatment of Patients.** Population of the mental hospitals on December 1, 1928, was 13,953. The total discharges for the last 24 months amounted to 5031, as compared to 4317 for the corresponding period ending December 1, 1926. In accordance with the new policy, patients committed to mental hospitals are now considered as sick people, and are given individual care, treatment, and attention. Our mental hospitals are now being operated as hospitals, and not as custodial or penal institutions.

**Research.** A new research laboratory has been planned, which will serve all State hospitals, and where experimental work can be done. A complete study and research in connection with all epileptic cases in State institutions is now being made, which promises much valuable information in the treatment and cure of this disease.

**Clinics.** Out-patient clinics have been established in communities near the various hospitals, where people suffering from early symptoms of mental disease can be brought for diagnosis and treatment, where patients on parole can be brought for further examination, and where the public generally can become acquainted with the nature and treatment of mental disturbance which leads to insanity. It is felt

that these clinics will save many people from commitment to State hospitals, and also reduce the number of commitments of patients who are on parole.

**Restraint.** All forms of cruel and inhuman mechanical restraint have been abolished, and in their place has been substituted hydrotherapy of continuous warm baths, outdoor exercise, and vocational training. Kindness has supplanted force. More than 200 disturbed patients who, eighteen months ago, were crissed up in strait-jackets are now treated by the new method with far better results.

**Recreation.** A rule has been adopted which requires all patients to be given at least three hours daily outdoor exercise. This has resulted in better health for the patients, and the "prison pallor" so often seen on people long confined indoors is fast disappearing among the patients in California hospitals.

**Vocational Training.** All patients who are able are urged to do some kind of work. Occupational therapy has come to play an important part in the treatment of mental disease. Where possible, training is given along the kind of work that the patient would follow upon his release from the institutions.

**Segregation of Patients.** Tubercular patients have been transferred to Patton State Hospital, where they may have the benefit of the warmer climate and sunshine. Criminal insane have been transferred to Mendocino, where custodial quarters have been provided to care for this dangerous type.

**Paroles and Discharges.** Paroles and discharges have been greatly increased through added social service workers and the establishment of out-patient clinics. Patients now discharged, through proper and adequate supervision, are enabled to make an adjustment and in practically every instance resume their place in society.

#### HOUSES FOR THE FEEBLE-MINDED.

**Population of the Two Homes.** Population of the homes for feeble-minded on December 1, 1928, was 2410. The total discharges and paroles for the last 23 months amounted to 1292 as compared to 751 for the corresponding period ending December 1, 1926. Most of these are at the Southern State Home, which is filled to capacity, and which has 810 applications on the waiting list. The better institution, Pacific Colony, will have no accommodations for 480 by the end of the year. There are 239 applications on file for admission to this institution. 52 inmates having just been discharged from two independent private institutions in Los Angeles County.

**New Institutions and Services.** At the Southern State Home construction has begun on a new and modern hospital building with a bed capacity of 100. An additional 500 beds has been added to the hospital service, equivalent to that of the hospital and infirmary, giving those children better use of their limbs, and reducing the amount of physical care necessary. The building program of Pacific Colony is also being pushed to completion, in order to accommodate the increasing population for which beds are being built.

**Savings Through Social Service.** The social service staff at the Southern State Home has been increased in view of the necessity of placing as many as possible of the feeble-minded cases in families. The success in this staff is an illustration of the fact that the State and the social service workers make different means to become self-supporting and independent. Illustrating this point, 108 cases on independent basis in San Francisco Bay district, through work of the State, \$7,926.87 in savings, but only amount of \$200,000 in actual savings to the State of \$7,726.87, due to cases being made the institution being built. The savings of this group for the year was \$47,52.

#### COMPARISON OF SCHOOLS.

**Placement in the Schools.** For three years past schools, the Public School of Los Angeles, Western State School, and Vincent School for Girls, using a majority of feeble-minded children, have been able to place in the schools. On December 1, 1928, this group had a total of 1014, a decrease of 104, or 10.2 per cent. This shows the progress of 11 in placement and 114 in removal. During the 12-month period we could place more than 1500 inmates and 1000 discharged and released as against 1000 committed and 1500 released in the same period the year immediately preceding.

**Vocational Training.** Specialized vocational training is being carried on at all levels, from the high school to the college level. Vocational training is being carried on in the form of day training, and in the form of night training. The day training is being carried on in the form of day training, and in the form of night training. The night training is being carried on in the form of day training, and in the form of night training. The day training is being carried on in the form of day training, and in the form of night training. The night training is being carried on in the form of day training, and in the form of night training.

**Results of Vocational Training.** The day training is being carried on in the form of day training, and in the form of night training. The night training is being carried on in the form of day training, and in the form of night training. The day training is being carried on in the form of day training, and in the form of night training. The night training is being carried on in the form of day training, and in the form of night training. The day training is being carried on in the form of day training, and in the form of night training. The night training is being carried on in the form of day training, and in the form of night training.







clearing house for relations between the separate activities, and a representative to speak for the common interests of all in the meetings of the Governor's Council.

**Activities All Regulatory.** One of these activities deals with regulation of public utilities, although it still operates under its old name of Railroad Commission. Its functions are rather definitely fixed by the constitution, and the establishment of any relation between it and a departmental director, in the absence of constitutional change, would necessarily be limited merely to the work of reporting. The other five activities deal with the regulation of banking, insurance, corporate securities, building and loan associations and real estate. It is clear that there are competitive or conflicting interests among these groups as well as large elements of mutual interest. The form of organization which will be suggested will, I believe, adequately protect the necessary powers of each of these divisions and at the same time give to each the advantage of cooperative contact with the others and of official relationship with the executive branch of the government.

#### BANKS.

**Growth in Bank Resources.** The superintendent of banks reports California banking conditions as sound. During the past two years there has been a substantial increase in their capital, surplus and undivided profits. On October 3, 1928, the capital account figure was \$442,688,000, representing an increase of 46 per cent since July 1 of the preceding year. Total resources of all banks in the State on October 3, 1928, amounted to \$4,115,990,000, as compared with \$3,860,165,000 on October 10, 1927—a gain of \$255,525,000 in a little less than a year. Total bank resources have almost doubled during the past decade and per capita resources have very substantially increased during the same period.

**Savings Bank Increases.** There has also been a phenomenal growth in savings accounts during recent years. On June 30, 1928, there were \$1,852,088,000 in all such accounts, representing the savings of approximately 3,000,000 individuals. If there were only one savings account to each person, this would represent practically our entire adult population. Savings accounts increased by more than \$150,000,000 during the year ending June 30, 1928, during which period there has also been a marked increase, both in the number of depositors, and in the average amount credited to each.

**Changes in Bank Ownership.** The significant outward changes which have occurred in banking during the past two years have had to do partly with changes in ownership and identity, and partly with the tendency toward larger banking units, whose interests extend to all parts of the State. During the year 1927, 111 changes in the ownership of banks took place. A few of these changes were mergers, some were consolidations, but the greater majority were outright purchase and sale agreements. In all some \$60,000,000 in capital stock and \$700,000,000 in resources changed ownership. By the early part of 1928, changes in ownership and identity had become less frequent, and the situation was apparently stabilized. At the present time there are in California 499 state and national banks, which, together with their 822 branches, make a total of 1321 banking establishments in the State.

**California's Economic Conditions.** The economic situation in California is, on the whole, satisfactory. While there are certain areas and industries in the State which present difficult problems of readjustment, the State, taken as a whole, has prospered during the past two years. As already noted, bank resources show a very healthy increase. Manufacturing, as measured by average daily production, has made satisfactory progress. Agriculture, except in some commodities such as citrus fruits, still leaves much to be desired. Building activity is more quiet, but the general employment situation in 1928 was distinctly better than that of the previous year.

#### CORPORATE SECURITIES.

**Corporation Commissioner.** This office has developed into one of the most important units in the State's function of regulating investments. Its volume of work during the last biennium is the greatest since the department was organized on January 1, 1915. Securities amounting to \$2,886,302,288 have been authorized during this period. That the department is functioning in the interest of investors, as well as for the protection of corporations, is shown by the fact that during the past two years moneys and other valuable properties, recovered by the department for purchasers of securities in which questionable elements were involved, total \$722,625. To make possible the handling of this increased volume of work the department has, during the past year, been completely reorganized, with its various responsibilities segregated and coordinated. The number of separate matters handled during the two years is 43,483.

**Work Is Preventive.** The work of the department is intended to be preventive of loss rather than to be a supplement to the courts in the effort to recover losses already sustained. Many cases of fraud and attempts at fraud in securities transactions have come to the attention of the department and the operations stopped or prevented through the cooperation of the newspapers and radio broadcasting stations of the State. A survey recently completed showed that many finance, mortgage and related companies have become involved in financial difficulties. It was, therefore, deemed necessary to take steps which would tend to cure this unfortunate

situation. Regulations have been prepared which, it is hoped, will prevent a recurrence of the condition referred to. There is ample room for changes in the Corporate Securities Act which would strengthen that law. With this in view, suggestions for amendments and changes were submitted to the State Bar Association more than a year ago and are now being considered by that body. Any recommendations by the State bar probably will be embodied in bills to be presented to the Legislature.

#### INSURANCE.

California's Rank in Insurance. The problems of regulating insurance have been very pressing during the past two years. California is now the fourth state in the Union in volume of insurance business, and second in the volume of casualty insurance.

Examination of Companies. One of the most important duties imposed upon the Insurance Commissioner is the examination of insurance companies in accordance with the provisions of section 597 of the Political Code, in order to determine whether or not such companies measure up to the standards of solvency required by law, and also to ascertain if the companies under examination are observing the provisions of the law with respect to investments, establishment and maintenance of proper reserves, and the reporting of their financial condition in general. While several California companies were found by the Insurance Commissioner to be in very questionable financial condition, the office has at this time practically cleared up all details in connection therewith.

Complaints as to Settlements. Another function of the office in which the general public is interested is the handling of complaints made by citizens with respect to claim settlements. While the office does not have judicial powers, it has been very successful in this particular phase of the work, having effected settlement of a vast number of disputes between the insurance companies and their policyholders. Efforts are now being made to "clean up" the field of soliciting insurance agents in order to eliminate, to the greatest possible extent, the agent who is not properly equipped to handle intelligently the insurance problems of the general public, and the office has established a so-called black list in order to prevent the issuance of licenses to agents who have proven themselves not to be trustworthy.

#### BUILDING AND LOAN.

Increased Assets of Associations. The Building and Loan Commissioner reports that the year ending June 30, 1928, was the most prosperous one for building and loan associations in the history of the State. Assets of the combined California associations increased \$74,265,243.60, or 28 per cent.

Every Department Strengthened. In addition to the actual increase in assets, every department of the business has been strengthened. The reserves have been increased by 27 per cent, the permanent capital stock by 18 per cent, and cash on hand by 12 per cent. Nearly all of the larger associations have also increased their liquid assets by purchasing high grade bonds, the increase in this department being 223 per cent.

#### REAL ESTATE.

Activities of Commissioner. During the past two years the work of the Real Estate Commissioner has shown a very marked increase. The scope of the work is apparent from the fact that more than 60,000 brokers' and salesmen's licenses are issued each year; that over 200 formal hearings are held each year, with nearly ten times as many informal hearings and conferences; that an average of 200 examinations for brokers' licenses are held each year, and that these examinations for brokers have proven so valuable that the real estate people themselves are asking that they also be applied to salesmen.

Inspection of Agricultural Projects. One of the activities of the present bureau which has seemed most necessary is the inspection of agricultural projects, which are being promoted in California. While many of these projects are entirely legitimate, there are others which are so clearly fraudulent that if they are permitted to proceed unchecked it can only mean harm to the State and discredit to the real estate business as a whole. As a result of inspection by the Real Estate Commissioner, many of these unsound promotions have been withdrawn from the market, thereby saving the investing public millions of dollars. In the first eleven months of 1928, the actual money and canceled contracts returned as a result of these investigations and hearings amounted to \$1,806,106. There have been held during the biennium 396 formal hearings, as a result of which 34 licenses were revoked and 16 others suspended. In all this endeavor there has been most cordial support by the entire real estate fraternity, and to this attitude the success of the work is very largely due.

#### IRRIGATION DISTRICT PROBLEM.

Relief for Irrigation Districts. I wish to suggest the need for a very careful examination of the methods of financing irrigation, reclamation and other public improvement districts in agricultural regions. The laws governing irrigation and reclamation districts were drafted years ago, and have been subject to many amendments, some of which are conflicting or obscure in their meaning. We have learned a great deal during the last quarter century from our experience in the handling of

these projects. It would seem that the time is ripe for a careful study of the history and present status of irrigation and reclamation districts in California, and for the consideration of improvements in our laws and methods of handling these projects.

**Excessive Interest Charges.** Irrigation districts in California pay for the use of money needed in these projects an average of 6 per cent per annum, or almost \$6,000,000 a year. Furthermore, irrigation district bonds are not sold at par in most instances, the discount amounting at the present time to almost 10 per cent on an average. The heavy rate of interest paid on irrigation bonds, coupled with the discount on those bonds, lays a very heavy burden upon landowners in many of these districts. It is my belief that this burden may be materially lightened. A reduction of 1 per cent in the interest rate on these securities would save over \$1,000,000 a year.

**Investigation Suggested.** I recommend that a commission consisting of financiers, engineers and others having a vital interest in irrigation and reclamation development be appointed and that this commission shall be charged with the responsibility of studying the situation in reference to irrigation and reclamation districts, and of making recommendations to the next Legislature, looking toward a reduction in the burden now being carried by lands in such districts.

#### INTERSTATE INVESTMENT ACTIVITIES.

**Interstate Cooperation Necessary.** Too much emphasis can not be laid on the extent to which California must cooperate with other states in the protection of its people. Promotions appealing to California investors frequently have their origin in other states. Like the necessity for quarantine against disease, plant pests and other similar invasions, the agencies of investment regulation are constantly faced with the problem of interstate operations. A few examples of this problem are significant.

**Insurance.** The Insurance Commissioner spent considerable time in the initiation and completion of investigation of a group of middle western insurance companies operating extensively in California. As a result, radical steps were taken to protect the policyholders, whose policies in California alone reach hundreds of millions of dollars, and criminal proceedings against the persons responsible for the unsound conditions have been instigated.

**Real Estate.** The Real Estate Commissioner has found it necessary to visit and inspect large subdivision projects in Arizona and Nevada, which were being offered for sale almost exclusively in California, and thus came within his jurisdiction.

**Corporations.** The Corporation Commissioner advises that a very large proportion of corporate securities offered for sale in California are those of corporations having their home office, or their principal place of business, or both, in states other than California.

**Public Utilities.** The Railroad Commission during the last biennium has largely assisted the Interstate Commerce Commission in proceedings resulting in large reductions of interstate rates on fruit and other California products.

**Duty Toward Public.** I feel that all these officers would be derelict in their duties if they failed to protect the interests of the California public as vigorously in the case of enterprises having interstate features as they do in the case of enterprises originating in California.

#### PUBLIC UTILITIES REGULATION.

As indicated above, the commission regulating public utilities has its duties so specifically defined by the State constitution that it must be considered apart from the other five agencies of investment regulation. All public utilities under the jurisdiction of the California Railroad Commission, except transportation companies, showed a substantial growth during the last biennium. The steam and electric railroads and motor carriers showed a slight falling off in business during 1927.

**Period of Lowering Rates.** Due to increased production, lowering costs of money, and greater efficiency of operation, there were large reductions in the rates of many gas and electric companies during the last two years. Some of these reductions were voluntary, and others were ordered by the commission. The period was also marked by many consolidations of utilities, and purchases of smaller utilities by large outside holding corporations. There was also a large volume of refinancing, and of new financing of public utilities, largely at lower interest rates.

**Scope of Utilities.** There are now 1762 public utilities under regulation of the commission. They range from those having a score or less of consumers to others having 350,000 or more consumers. The total number of connected water, gas, electric and telephone customers on December 31, 1927, was 5,124,328, as against 4,786,930 in 1926. The total installed capital carried on the books of the utilities as of December 31, 1927, was \$3,279,585,169.

**Utility Securities Authorized.** The Railroad Commission authorized public utilities to issue \$218,559,617.57 of stocks, bonds, notes and other evidences of indebtedness during the fiscal year ending June 30, 1928. Since its reorganization in 1912 the commission has authorized the issuance of \$2,718,609,741.41 of such securities. Rigid care has been exercised by the commission to prevent over-capitalization or inflation of public utilities securities. The commission has refused to permit holding



companies to capitalize inflated prices paid for smaller companies, nor charge excessive profits against subsidiary companies.

**Revenues of Utilities.** The revenues of these utilities from purely California business during 1927 was reported at \$591,988,000, and for 1926 was \$544,000,000. The importance of the utilities from the standpoint of the amount of business transacted may be gauged by a comparison of their revenues with the figures for the agricultural production, including live stock products, of approximately \$648,400,000 in 1927. Operating revenues of these utilities, including business within and outside California, was \$1,024,889,114.32 in 1927 as against \$1,001,170,245.23 in 1926. Dividends paid during 1927 amounted to \$125,614,281.84, as against \$109,332,215.97 in 1926.

**Benefits of Regulation.** Regulation of public utilities pays large dividends to the public in California. Reductions in rates during the fiscal year 1927-28 aggregated approximately \$3,500,000, and increases requested by the utilities, amounting to \$3,706,712, were denied. The amount expended by the Railroad Commission in the regulation of the utilities during the fiscal year 1927-28 was \$518,164.38. It is apparent, therefore, that for every dollar expended by the Railroad Commission in regulating the utilities there has been returned to the rate payer .87 in reduction of utility charges, irrespective of the savings due to the denial by the commission of requested increases in rates. These figures are believed to represent a 100 per cent. average for all normal years since the reorganization of the commission in 1912. During the last biennial period the commission assisted in Interstate Commerce Commission proceedings resulting in large reductions in interstate rates on fruit and other California products.

**Safety Work.** The commission is able to report a continuance of its work for the reduction of grade crossing hazards, danger to the public and safety appliances due to impaired clearances on railroads, and also the elimination of interference of laws governing overhead electric line construction.

**Noteworthy Action.** The commission adopted a general order September 27, 1927, requiring public utilities to file data in regard to salaries paid, donations, contributions, subscriptions and political expenditures, and valuable information has been filed by the companies in conformity with this order.

#### MILITARY AND VETERANS' AFFAIRS.

In accord with the general scheme of reorganization, and in order that all related State agencies may be grouped together and their functions coordinated within a department with representation in the Governor's Council, it seems to me desirable that The Adjutant General, the Veterans' Welfare Board, the Woman's Relief Corps Home, the Veterans' Home and the State Athletic Commission should constitute independent divisions of a new department.

**Value of Proposed Department.** A departmental organization which will preserve the autonomy of the above-named agencies, but which will at the same time afford opportunity for cooperative solution of mutual problems affecting both service and ex-service men and women and give them representation in the Governor's Council, would seem to be a necessary step in the process of reorganizing the State Government, as well as a great benefit to the Veterans. Such a step, however, must involve the unhampered continuance of all existing agencies without curtailment or restriction of their respective powers and duties in the slightest degree. I believe that this protection can be afforded and still provide the necessary measure of coordination.

#### NATIONAL GUARD.

**Drill and Camp Attendance.** The National Guard of California is in a very satisfactory condition and is prepared to meet any call that either the State or the federal government may make upon it. The outstanding features are the very excellent drill attendance of 81 per cent, the camp attendance of 89 per cent, the splendid state of training as evidenced by the War Department inspection reports, and the economy of administration as compared with the cost of maintenance of the National Guard in other states.

**Strength and Cost of National Guard.** There has been no recent increase in the strength of our National Guard, due to the policy of the federal government to curtail expenses. However, the federal budget bureau has recently approved an expansion program wherein the Fortieth Division is to be completed—a division largely allotted to this State for organization. This increase will amount to 1000 men, and will bring the total strength to 6000. As an indication of the interest taken in our National Guard, there are applications on file from 48 cities in the State desiring units. During the last fiscal year the federal government expended on the National Guard of this State the sum of \$1,116,000, and the State approximately \$300,000.

**High School Cadet Corps.** There has been considerable improvement in the High School Cadet Corps, owing to the policy of supplying cadets with a portion of their uniform, which was made possible through the increased appropriation granted by the last Legislature. The Porterville Union High School was judged the most efficient high school for 1927 and 1928. The Sacramento High School won the trophy for rifle competition during 1927, while the Fresno High School won for

1928. For the past four years the Fresno High School has won national honors by winning the national indoor interscholastic small-bore rifle competition.

**First Place in National Competition.** The California state civilian rifle team won national fame by finishing first among the civilian teams of the country at the national competition held at Camp Perry, Ohio, in 1928. The team was selected by competition, and represented every section of the State.

**Training Camps and Armories.** A permanent training camp for division troops has been established near San Luis Obispo, and the federal war department has approved plans for its development, which, when completed, will cost \$500,000, of which amount \$275,000 has already been provided. This site is reputed to be the best training area in the country. During the present biennium the completion of the Los Angeles and San Francisco armories has been accomplished. These buildings were erected in 1915, but were never completed. It is interesting to note that the tentative 10-year building program includes provision for additional armories which will serve approximately 30 cities in our State.

**Historic Flags Preserved.** The historic colors carried by the citizen soldiers of our State in the Civil and Spanish-American Wars, although in a very dilapidated condition due to months of service and natural deterioration, have been restored by a patented method and will now be preserved for posterity. In the plans for the renovation of the State Capitol there is included a display of flags, which will include the colors carried by our troops during the World War, and will be one of the finest displays of the kind in the country.

**Emergency Services.** During the past two years the National Guard has performed valuable emergency service as follows: guarding against possible outbreak at the Folsom Prison riot; protecting life and property and furnishing relief during the North Sacramento flood; providing tents, blankets and supplies following the St. Francis Dam disaster; hunting for lost persons by airplane; and performing many other acts of service.

#### VETERANS' WELFARE BOARD.

**Veterans' Legislation and Bond Acts.** The California Legislature of 1921 conceived and enacted into the statutes of this State what is now recognized throughout the nation as the most admirable and constructive veterans' legislation provided by any commonwealth in the Union. The specific acts comprising this legislation are known as the Veterans' Welfare Act, creating the Veterans' Welfare Board and defining its powers and duties, the Veterans' Farm and Home Purchase Act, and the enabling act designated as the Veterans' Welfare Bond Act, providing a bond issue of \$10,000,000. All these were passed in 1921, and were followed four years later by another Veterans' Welfare Bond Act, this time for \$20,000,000.

**Results of This Legislation.** A study of the accomplishments under these relief measures clearly indicates the soundness of their economic structure, their benign influence, and the good which has already accrued to the veterans who have been served as well as to the State through the creation of thousands of contented and law-abiding home owners. All these things have been accomplished without cost to the State.

**Methods and Results of Farm Purchase.** Although legally authorized under the Veterans' Welfare Act to expend \$1,000,000 in the colonization of veteran farmers, the Veterans' Welfare Board developed, after a thorough study of the practicality of colonization, which included a study of the State Land Settlement Act and the two State colonies already in operation, a policy of individual farm purchase by which the veteran was enabled to select farm property in the community in which he desired to reside and to which his farm training and ability were best adapted. This policy has been amply justified in the light of present land settlement developments, and has resulted in scattered farm purchases in thirty-eight counties of the State by about 275 farm-minded veterans who desired to engage in agriculture. For seven years agriculture in California has suffered from depression. Despite this fact the delinquent list of farm veterans is unusually small, which is directly attributable to the selection by the board of only qualified veteran farmers and carefully selected farm property.

**Bond Issues Exhausted.** Aside from the farm purchases mentioned above, all the balance of the \$30,000,000 fund provided by the two bond acts has gone for the purchase of homes costing an average of about \$4,700. Approximately 6,000 veterans in forty-six counties hold these home-purchase contracts, while about 10,000 applications remain on file, with no possibility of taking action upon them unless additional funds are made available. To this end a proposition for a third bond act will probably be laid before you to be submitted to the voters at the general election of November, 1930.

**Total Resale Show Profit.** In order to learn whether the State can be absolutely certain that no considerable number of these homes or farms may go into default, thus preventing the retirement of bonds or payment of interest thereon, I have recently requested the facts from the secretary of the Veterans' Welfare Board. I have learned that the repossessions so far equal a scant 12 per cent of the properties purchased; that when a property is repossessed it is at once renovated and resold as speedily as possible; that ordinarily this resale is accomplished inside of a month; and that there are rarely more than four or five properties on hand at any

one time. I am also informed that, instead of loss, there has been a net profit of \$6,861.16 on these resales.

**A Good Work Well Done.** On the basis of this showing it would appear that the State has no mistake in thus lending its credit to our ex service men. The manner in which the Veterans' Welfare Board has carried out the duties imposed by this pioneer legislation is worthy of the best traditions of California's veterans, for whose relief these measures were passed.

#### WOMAN'S RELIEF CORPS HOME.

**Purpose of Home.** Near Santa Clara, California, is the Woman's Relief Corps Home of California. It is an institution in large measure supported by the State, but with some contributions from various individual units of the Woman's Relief Corps of California, for the maintenance and care of widows, unmarried daughters and dependent sisters of veterans of the Civil War. The population of the home varies but little, and is generally about forty five, that being its extreme capacity.

**Origin and Management.** The home was originally built from private funds secured by the Woman's Relief Corps, Department of California, with some assistance from the posts of the Grand Army of the Republic. It was established at Evergreen, Santa Clara County, and was changed to its present location following a fire which destroyed the buildings at Evergreen. The property at Evergreen was sold and the present property near Santa Clara purchased, the State contributing toward the purchasing price. The control is vested in a board of directors, consisting of six women, all of whom are members of the Woman's Relief Corps, Department of California. This board employs a matron who supervises the institution under the direction of the board.

**Future of Home.** It is hoped that this worthy institution may find its way into the proposed department of Military and Veterans' Affairs. The management of the home is agreeable to this, provided the entire of the institution shall be maintained. The home is undoubtedly doing a worthy work, and the fact that it is supported in part by private contributions should not be lost sight of. Certainly, everyone will join in assisting as far as possible the people whom this home cares for, namely, dependent relatives of veterans of the Civil War. The average age of those in the home is 77 years.

#### VETERANS' HOME.

**Veterans' Home Near Yountville.** The membership of the Veterans' Home is steadily increasing, and it is an ever present problem as to how all the applicants can be taken care of. The buildings are in such a dilapidated condition that a new building program has been inaugurated, and it is hoped that the next eight years may see the completion of this program. The Legislature of 1927 appropriated \$170,000 for the construction of the new barracks building from funds of the Athletic Commission. This building, when completed will house 200 men. On October 20, 1928, the cornerstone for the new barracks building was laid with appropriate ceremonies. A regular plot plan has been worked out for the development of the home and it is contemplated that each unit will be placed in accordance with this plan.

**Minor Buildings.** The Legislature of 1927 also appropriated the sum of \$25,000 for the construction of a quartermaster's storehouse and employees' buildings. These buildings were started in March and have now been completed. In May, 1927, the directors set aside \$28,000 from the unexpended funds for the erection of a new post exchange building. This building is now completed and stands parallel with the quartermaster's storehouse building. In addition to the post exchange, it accommodates a barber shop and post office.

**Great Need of Improvements.** Much has been accomplished toward the improvement of conditions at the Veterans' Home by the present State administration, which has formulated plans for a building program to extend over a period of ten years; replacing with modern, fireproof, concrete structures the old wooden barracks, hospital, and auxiliary buildings, at present occupied by the membership and various departments. The extreme need of new fireproof barracks buildings, as well as a new, modern, fireproof hospital, has been evident for some years, due to the menacing fire hazard and the insanitary condition of the present occupied buildings, many of which were constructed during the eighties.

**Entertainment in Home.** As the home is some distance removed from centers of population, a great deal of attention is devoted to entertainment and welfare work among the membership and employees. Funds for this work are provided by the post fund, which is supported by the post exchange and unclaimed estates of deceased members, which estates have remained in the posthumous fund for a period of five years. Patriotic, fraternal and religious organizations have also contributed to this work by rendering frequent and appropriate entertainments. All national holidays have also been appropriately observed. One of the most excellent sources of entertainment is the motion picture theater, another is a very fine library, which is well supplied with books, periodicals, magazines, newspapers and general literature, and still another is the "Home Band."



An Honored Director. The Veterans' Home of California has been greatly honored in that one of the members of the board of directors, Captain E. L. Hawk, was elected national commander-in-chief of the Grand Army of the Republic. In October, 1927, after Captain Hawk's election, a reception was tendered him at the home.

#### STATE ATHLETIC COMMISSION.

Boxing Approved by Voters. At the general election on November 6, 1928, the initiative measure to repeal the boxing law was defeated by a majority of 393,383. In 1924 the electorate, through an initiative measure, placed boxing on the statute books by the slender majority of 20,214. Although this question has for some time been in controversy, the recent large majority against the repeal of the law in the November election can only be construed as a public endorsement of the work and activities of the State Athletic Commission during the past four years.

Commission Self-Supporting. The law provides that the sum of \$40,000 be allotted for the expenses of the Athletic Commission. Not a cent for salaries or other expense comes from the funds of the State. The commission is not only self-supporting, but a balance of considerably over a hundred thousand dollars a year has gone into the Athletic Commission fund.

Tax and License Fees. During the third fiscal year of the Commission, from December 1, 1926, to November 30, 1927, the commission received from the 5 per cent tax and license fees \$135,298.36. During the fourth fiscal year, ending November 30, 1928, the receipts fell off to \$122,985.58. During this biennium 2152 shows were held under State supervision, which were attended by 3,163,762 people and produced total gate receipts of \$1,641,410.79.

Veterans' Home Building Program. Under the law the Commission's receipts must be expended only for the maintenance of veterans' homes. The Veterans' Home near Yountville is the only such home in California at present. As has been said above, in addition to \$80,000 out of the general fund, \$170,000 has been appropriated out of the Athletic Commission fund for new construction at Yountville. Under the ten year building program contemplated by the Department of Finance, in agreement with the directors of the Veterans' Home, all of the present buildings will eventually be replaced, and additional barracks and other buildings will be provided.

Why Included With Veterans' Affairs. Although much of the Athletic Commission's activities are not directly connected with veterans' affairs, the fact that the commission has been endorsed by the veterans and was brought into being largely through their activity, coupled with the fact that posts of the American Legion sponsoring boxing contests are exempt from the 5 per cent tax, would seem to make this connection a very appropriate one. The chief reason, however, why this commission forms necessarily a part of veterans' affairs, is the law already referred to, which devotes the entire net receipts of the commission to maintenance of veterans' homes.

#### DEPARTMENT OF NATURAL RESOURCES.

The Department of Natural Resources, as the name indicates, has to do with those resources which formed the native wealth of California ages before the coming of its present population. This department brought together five of the agencies for development of these native resources of our State, and has enabled them to function in five divisions, as follows: Division of Mines and Mining, Division of Petroleum and Gas, Division of Fish and Game, Division of Forestry and Division of Parks.

##### DIVISION OF MINES AND MINING.

Mining Came First. Mining is California's oldest industry and long antedated agriculture in importance. Though the early days of gold have long since passed, the State still has a very considerable mining industry, amounting to more than \$100,000,000 per year in metallic and nonmetallic production. These figures can undoubtedly be increased and production stabilized if plans of the department are carried out in providing for a comprehensive geological survey, to be completed over a period of years. Progress has already been made in bringing to near completion the first stages of the survey of the commercial mineral resources of the State, and in the publication of the resultant reports.

Mining Bureau Merged in Division. The general routine work of the Division of Mines and Mining has been carried on effectively, furnishing information and assistance as needed to various elements of the mining industry. The State Mining Bureau, now merged in this division, has long rendered invaluable service to State and nation, winning merited recognition among the mining men of the world. The California State Mining Bureau has served as a pattern for the establishment of similar agencies in various states of the Union.

##### DIVISION OF PETROLEUM AND GAS.

New Work Entered Upon. This is the newest division of this department, and concerns what is both one of the newest and one of the largest of California's industries. The production of petroleum, petroleum products, and natural gas amounts in value to more than \$280,000,000 a year. During the past few years the industry

has been immensely stimulated by the discovery of deeper oil sands and the discovery of new oil-producing areas.

**Move to Reduce Wastage.** The bringing in of these new wells has caused a great wastage of natural gas, and a vast gas conservation movement headed by the Director of the Department of Natural Resources, in consultation with operators of the oil industry with a view to reducing wastage as much as possible. As a result of our recommendations field committees were formed of production superintendents and engineers to study the problem as it applied to each particular field. Although the results have been but fairly satisfactory, owing to the rapid development of the industry and the large number of new wells at the same time there has been a gratifying response on the part of the operators, all of whom evidently realize the economic loss through a production of oil in excess of market needs and industrial requirements, and especially through the loss of gas which, when once blown off into the air, can never be recovered.

**Methods of Conservation.** Through the efforts of this conservation committee some gas has been shut in, some has been trapped to deprive some companies there to remain for future use, and some has gone to the compressing of producing oil sands, thus increasing the ultimate amount of oil. There has also been a considerable extension of service of natural gas for domestic and industrial use. The latest development of the nature is the replacement of a main pipeline for the laying of a gas-carrying pipe line, connecting the Ventura and Kern County natural gas producing areas with the main pipeline between San Francisco Bay. The methods of dealing with the gas saving problem have met with approval both from the oil operators and from the public, and should be encouraged. The conservation gained and the results attained through conservatively handling of oil and gas producing operations in a given field, under the direction and management of those interested, warrant the suggestion that such action be given to this committee. Everyone would certainly agree that this conservation of oil resources should be conserved as efficiently as possible, in order that it may serve to the utmost the State's development.

#### DIVISION OF FISH AND GAME

**Means Much to U. S.** The importance of the work carried on by the Division of Fish and Game, in the Department of Natural Resources, can not be overestimated. It provides for the enforcement of all laws relating to fish and game in the interest of preservation and conservation. It undertakes the dissemination of information regarding our fish and game in all parts of the State by the game, public schools, and public gatherings. It secures and permits the taking of interesting representative species of fish and game for private purposes, such as exhibits to be displayed at the State Fair and other suitable occasions.

**Would Better Fish Planting.** It undertakes the propagation of fish and is making a study to learn how and when fish may be released in our streams to secure the most beneficial results. It is operating 26 hatcheries and 12 egg-taking stations, and handles over 20,000,000 trout and salmon fry each year. It has recommended and provided for a full year's closing of certain streams throughout the State to provide a better opportunity for restocking such streams.

**Protective Work.** The division is provided with bureaus of research, education, hydraulics, and other lesser agencies to enable it to carry out its many activities. In addition to fish culture, in its fish rescue work it has salvaged almost a million fish which would otherwise have perished returning them to waters suitable for their needs. Its work also provides for protecting the State's streams against pollution, and it is watchful in safeguarding the public against both snail and other fishery products. The patrol force of the division consists of 122 regular deputies and 500 special deputies in addition to the commercial fisheries patrol.

**Other Helpful Activities.** In its game activities it supervises and sets aside for game refuges, and under authority of a recent legislative act, through a Game Refuge and Public Shooting Grounds Commission, has proceeded to survey and classify lands suitable for the conservation of game. It also carries on operations in an effort to reduce the losses of game through predatory animals, and it maintains a game farm where pheasants and other game birds may be rented to be turned loose in suitable localities.

**Statistical Work Done.** The work of the division in compiling statistical records showing the number of deer annually killed in the State, as well as the number and value of fur-bearing animals trapped for commercial purposes, will prove of great value in shaping necessary legislation in the interest of wildlife. I think it is safe to say that our fish and game activities have never been in better hands, and that they have the cordial endorsement of all the sportsmen of the State.

#### DIVISION OF FORESTRY

**An Efficient Board.** Progress has been made in the interest of forestry during the present biennium, particularly in the selection of an exceedingly efficient Board of Forestry, headed by former Governor George C. Pardee. There is being rapidly built up a strong fire prevention and supervision organization, and cooperation has been effected with many counties in forest protection work.

**First State Forest.** There has been exchanged nearly 9000 acres of scattered parcels of State lands within national forests in California for a compact body of

fine standing timber in the vicinity of Lassen National Park, thus establishing California's first State forest. Other forests will be purchased as a result of the State Park Act, and all these must be carefully protected, as well as the vast areas of privately owned forest lands.

**Forest Protection First Duty.** It is self-evident that nothing can be more important than the protection of our forests from fire, partly for their intrinsic value, but still more because of their value as watersheds in causing water to sink into the ground to replenish our underground water resources, instead of wasting itself in winter freshets, as is the case when these watersheds are bare. California was fortunate in the matter of forest fires in 1927, but correspondingly unfortunate in 1928. For this reason there is being recommended a very substantial increase in the forestry budget—a larger percentage of increase than for any other one activity.

**Progress Expected.** As a result of this larger measure of support, it is believed that the coming biennium will witness marked progress in forest conservation, with a much needed extension and enlargement of our field organization, personnel, and motorized equipment. Meanwhile there must be education, and still more education, of the public which goes into our forest during the dry hunting, fishing, and camp-fire season, to bring about a proper reorganization of the vital responsibility for the protection of this great natural heritage.

#### DIVISION OF PARKS.

**Legislation for Parks.** The people of California have for a number of years enjoyed the possession of a few beautiful State parks. The rapid growth and development of our State has threatened to drive into private exploitation, just as has been done in the case of our beaches during the past few years, other attractive spots which should be saved to the people. To prevent this possibility was the purpose of very important legislation enacted at last session. By this legislation a State Division of Parks and State Park Commission were created, a State-wide survey was authorized, looking to the classification of such areas in all portions of the State as are suitable for park purposes; and finally a bond issue of \$6,000,000 was proposed, to be spent for parks, when matched, dollar for dollar, with an equal sum from private sources.

**Report of Park Survey.** This bond proposition was adopted at the last election by an overwhelming vote. The park survey authorized by the Legislature was carried out by the commission through a survey entrusted to that well known and preeminently qualified authority, Frederick Law Olmsted, who has within the past few days submitted to the Park Commission a most excellent report, dealing with fundamentals involving in general State park selections and policies.

**Features of the Report.** This report presents most graphically to the people of California a complete pictorial analysis of those things deemed necessary and worthy of being preserved as State parks. The report will also be a valuable guide in directing the work of the State Park Commission in carrying out the desire of our people, to the end that we secure for ourselves and our posterity a comprehensive State park system worthy of California. In the report there is stressed the recreational value of our ocean beaches, particularly as to their proximity to the large centers of population in the south and along the ocean shore north of San Francisco. It deals also with the preservation of outstanding examples of our redwood groves, Sierra forests and desert areas.

**Examination of Possible Park Sites.** Three hundred twenty-three proposed projects were inspected and classified by Mr. Olmsted and his staff. Approximately one-half of the above number was eliminated as being unsuitable to inclusion in a State park system. Valuable assistance is being rendered by district advisory committees in contributing intimate knowledge as to the merits of local projects. The outstanding character and ability presented by the membership of the State Park Commission insures the carrying out of the State park program and the expenditure of the six million dollar bond money in a thoroughly business-like manner.

#### PENOLOGY.

One of the very important duties of any State is a proper treatment of the crime problem. As regards this subject, in my inaugural address two years ago I spoke as follows:

"The spread of organized crime throughout the United States has become a very real problem. This has become the day of the professional criminal, who has in cold blood organized the business of preying upon society. The effective way to reduce the numbers of these professional criminals is to make it clear to them that their chances of escaping the penalty of the law are too remote; that the risks are so great the crime business doesn't pay. If the criminal or potential criminal is to be deterred from his crime, he must be convinced that his punishment will be certain and that it will be prompt. A wise coordination of the agencies of crime detection and prevention, coupled with carefully considered reforms of our obsolete criminal procedure, should effect a prompt reduction in the amount of crime in California."

**Appointment of Crime Commission.** During last legislative session a great deal was done in the way of speeding up criminal procedure through the passage of a



considerable number of laws to that end. A crime commission was also authorized, which should make a study of the underlying causes of crime, as well as suggest methods leading toward its prevention and cure. The report of the commission, which will be discussed in another part of this message, is a very interesting one; and I am of the opinion that its work might well be continued through a permanent Division of Criminology, for the purpose of conducting a continuous study of this very important problem.

**Suggestions for Department.** I am of the belief that such a Division of Criminology, together with the very splendid board which has charge of our prisons, a special board dealing with some phases of the women's prison problem, the Advisory Pardon Board, the Bureau of Criminal Identification, and the division dealing with the criminal aspects of the narcotic situation, might well operate as one of our regular departments of government. I feel that coordination of effort along these lines may very easily put California to the forefront in this vitally important work.

#### THE STATE PRISONS

**Policy in Prison Administration.** The policy of the State Board of Prison Directors, both in the general administration of the two State prisons and in its individual relationship to prisoners, has been inspired by certain very definite principles that it is believed should control in prison government and by certain very definite objectives that it has been sought to accomplish. It is the belief of those responsible for prison administration that the chief problem of the prison is to train prisoners for decent living, to teach them to respect and obey lawful authority, to reduce the number of "repeaters" in crime, to prevent as far as it is possible so to do the conversion of the first offender into a hardened criminal.

**Endeavors to Help Prisoners.** It accordingly has been the endeavor of those in charge of the prisons to treat and train those who have come under their charge in such a manner that they may leave the prison better than when they entered. To this end particular attention has been paid to physical welfare, mental advancement, and employment, in the hope that those who entered when ill, idle or ignorant might, when corrected, again become useful members of society.

**Prison Population.** During the past two years the number of prisoners in California's two State prisons has increased from 5343 to 6227, an increase of 884. This population (December 1, 1928) was distributed as follows: San Quentin, 4034; Folsom, 2193. The prison population is the largest in the history of both San Quentin and Folsom penitentiaries. It tells its own story of the overcrowded condition of the two prisons. Present facilities are inadequate to house this great number of prisoners, despite the additional housing space provided during the past biennium by the Women's Building and the "West Wing" cell house at San Quentin. Some relief will come by the "East Wing" cell house, containing 570 cells, which will be ready for occupancy by January 15, 1929. The housing problem, however, will still be acute. At Folsom prison there is now in course of construction a new cell house. This new cell house will relieve temporarily the overcrowded cell conditions existing at that prison.

**Youthful Offenders.** An analysis of the population of the two prisons shows that the number of youthful offenders has greatly increased. Notwithstanding the crowded condition at San Quentin prison, where first offenders are confined, every effort is being made toward segregation of these youthful offenders in the hope of their betterment upon release.

#### PAROLES AND PRISON CAMPS

**Paroles Show Decrease.** Both the parole system and the indeterminate sentence law have proved their beneficial worth. A policy of combining firmness with fairness in the administration of the parole law and in the administration of prison affairs generally is reflected in the number of paroles granted in the past two years. Thus on December 31, 1926, there were 1600 prisoners on parole from San Quentin and 242 paroled from Folsom. On December 1, 1928, despite the larger prison population, there were fewer paroled prisoners than twenty-three months previously, the figures being 1479 for San Quentin and 281 for Folsom. To express this by percentage figures, while the prison population increased by 128 per cent, the number of paroles granted decreased by 044 per cent. Since our California parole law was enacted 36 years ago, over 10,000, or 82 per cent, of the prisoners thus released have been restored to a law-abiding, normal life.

**Convict Road Work.** On December 31, 1926, the number of prisoners assigned to the State highway work from San Quentin prison was 157. On December 11, 1928, the number of prisoners from San Quentin engaged in State highway work was 584. From Folsom comparative figures for the same dates were 16 and 2. The assignment of prisoners to the highway has been a great aid to San Quentin in relieving the overcrowded housing condition. To house these prisoners in the penitentiary would require an investment of \$300,000 on the part of the State. The State has also been freed of the cost of sustaining these men during their prison life. On the basis of an average annual employment of 650 prisoners, it is estimated that this means an annual saving of \$150,000 to the State. The prisoners have been helped in the opportunity given them to work in the outdoors and to earn compensation for themselves and their dependents. These highway camps have proved a great benefit to the prisoners. It is to be hoped that the number of these camps

may be increased, and particularly that a highway camp may soon be established containing such prisoners from Folsom as may prove worthy of highway assignment. In the selection of prisoners for road camp work, great care has been exercised in order that prison camps may have the least possible percentage of violations. This extreme care will be exercised in future assignments as it has in the past.

#### PRISON EMPLOYMENT PROBLEM.

**Prison Employment.** The lack of real industrial occupation is a serious problem in both prisons. At San Quentin prison, the chief industry is the jute mill and at Folsom quarrying and rock crushing. At Folsom, farming operations with diversified crops has been of material aid both in supplying farm products and garden truck for that institution. The jute mill account is of particular interest. On December 31, 1926, the jute revolving fund had been reduced to \$235,000. On December 1, 1928, it had been restored to its full capacity of \$200,000 and in addition the general fund was also benefited in the sum of \$53,000 during the same period. The value and usefulness of the jute mill will be greatly increased through improvements about to be made. Sales of furniture at San Quentin for 1926, 1927 and 1928 show the following figures: 1926, \$43,106.80; 1927, \$52,472.19; 1928 (up to December 1st), \$45,723.70. At Folsom a modern rock crushing plant was installed during the biennium, the product being sold to the Division of Highways. The State railroad from Folsom to the prison quarry has been practically rebuilt. During the past two years the prison has been thoroughly cleaned and loads of dirt and debris have been removed to secure and insure proper sanitary conditions.

**General Administration.** Both San Quentin and Folsom prisons have as their executive officers two splendid wardens. The condition of the prisons has been improved, despite crowded conditions prevailing in both institutions. Excellent work is being accomplished at both prisons in educational opportunities accorded prisoners. The medical, surgery and dental departments are well conducted. The management of the prisons has been creditable in all respects.

#### PROPOSED PENAL INSTITUTION FOR WOMEN.

**Need for Institution.** The last session of the Legislature authorized the appointment of a commission to prepare plans for a separate penal institution for women. This commission of two eminent attorneys, together with three women experienced in dealing with problems connected with the care of women offenders, have reported their findings. There exists in California a great need for a separate institution to care for women offenders. The new prison for women at San Quentin is crowded to capacity, there being over a hundred incarcerated at the present time. Experience has proved that housing men and women in the same prison increases the problems of administration and discipline. The building now housing the women prisoners at San Quentin is greatly needed, either as a hospital or to relieve the overcrowded quarters of the men prisoners, and can readily be adapted for urgent necessities, such, for example, as the segregation of nonadult prisoners.

**The Woman Misdemeanant.** Experience of other states indicates that the woman felon and the woman misdemeanant can be cared for in one institution at great saving in expense to the State and with no loss in the reformatory side of the program. The woman misdemeanant, now in our county jails or on probation, constitutes a much greater menace to society than has been generally recognized. That these women are a moral and physical menace to the youth and homes of the commonwealth has long been recognized, but too much emphasis can not be put on the fact that they also are an important cog in the organized crime machine. Police and jail records show that more than five hundred women have been convicted of crimes involving moral turpitude, three or more times each during the last fiscal year.

**Partly a County Charge.** In considering this much needed institution for women offenders I believe that the State should continue to bear the expense connected with the care of felons, but that the counties, which are now meeting the entire expense connected with the care of county prisoners or misdemeanants, should contribute to the expense of caring for these women in a State institution, where a reformatory program can be carried out, where vocational training can be given, and where the habit of work can be inculcated.

#### ADVISORY PARDON BOARD.

**Origin and Purpose of Board.** The Advisory Pardon Board was established by a legislative act passed during the session of 1915. Its purpose was to investigate for the Governor such cases of applicants for executive clemency as may be submitted by him to the board. Reports as to the results of these investigations are, of course, merely advisory or informational, but they are often valuable in giving an accurate picture of the case in hand which would not be possible except for this aid.

**Nature of Cases Considered.** Although hundreds of applications for pardon or commutation have come into my office, I have granted executive clemency very sparingly. In fact, as shown in my report to you upon the subject, clemency has been extended to only nine individuals during the past two years. I have insisted in consideration of California's wise and liberal parole laws, that parole, except

under extraordinary circumstances, should precede commutation or pardon. However, when a prisoner has finished his term of parole, and has returned to an orderly and law-abiding mode of living, I believe that it is best for the State and just to him that his citizenship rights should be restored. To invest with the cases of former prisoners who may have earned this right is one of the important functions of the Pardon Board.

**Personnel of the Board.** The Advisory Pardon Board, as constituted by law, is composed of the Lieutenant Governor, who serves as chairman, the Attorney General, and the warden of the two prisons. If the Legislature sees fit to create a Division of Criminology, as suggested above, I would believe that a fifth member be added to the board, in the person of the chief of such division. The board, composed of a board of five, excellently fitted to give to a Governor the information on which he may require in dealing with acts of executive clemency.

#### CRIMINAL IDENTIFICATION BUREAU

**Bureau of Criminal Identification and Investigation.** The perpetration of crime is closely linked with the early apprehension of the offender and his prompt commitment. To aid in the apprehension of the criminal the Bureau of Criminal Identification and Investigation operates. An indication of the scope of this bureau may be gleaned from the following records for the fiscal year ending June 30, 1928: Station and embezzled property valued in excess of \$500,000 were secured to its return. Of the 28,535 finger print records of persons arrested, recorded in the bureau, reclassification and comparison 42,667 were identified and verified as being habitual law offenders. These identifications have unquestionably effected an additional saving of thousands of dollars to the State in the number of and crimes referred to jury trials. Reports of felonious crimes committed within the State numbering 132,685 were received, analyzed and filed according to the method of classification employed by the perpetrator of the crime.

**Work of the Bureau.** A good many of these cases have been solved and the perpetrators apprehended through identifications reported directly through the modus operandi maintained by the bureau. Persons and fraudulent check numbers numbering 32,296 were identified by the handwriting upon fraudulent checks previously submitted to the handwriting and laboratory section of the bureau for examination. In the majority of these cases, these identifications were of great value to police officials in effecting the immediate apprehension of the guilty delinquents. Of those identified as habitual offenders 970 were either accepted as bona fide visitors or fugitives from justice; many of them were escapes from penal institutions outside the State. Identification led to their extradition and return to the respective institutions from which they escaped, thereby eliminating the expense of prosecution and confinement in California prisons.

#### STATE NARCOTIC DIVISION

**The Three Phases of the Problem.** The State Narcotic Division has been operating a little over a year. During that period considerable time was necessarily devoted to a study of the problem and an evaluation of many suggested methods to its approach. The State is primarily interested in what may be aptly defined as three phases of the problem. First, the protection of the public from the criminal and other antisocial tendencies of narcotic addicts; second, the rehabilitation of such addicts; and, third, the prevention of the spread and increase of the vice of narcotic addiction. The chief of the division conceives the latter named phase to be by far the most important, although, of course, all three phases are so interrelated that any proper activities of the division must necessarily affect them all.

**Cooperation with Local Peace Officers.** It has not been the intention to have this division succeed to the duties and responsibilities of the great body of peace officers of the State in the matter of the suppression of drug addiction, nor has the division deemed itself in competition with such peace officers in the work of apprehending violators of the antinarcotic laws. Rather it has been the purpose of the narcotic division to cooperate to the fullest possible extent with all peace officers and other agencies dealing with this problem, and to assist rather than to supplant such officers in the performance of their duties. This relation between the division and the peace officers of the State has been admirably maintained, with the result that the police, sheriffs and other enforcing officers have freely called upon the division for information and assistance and have shown a commendable interest and energy in attacking this great evil.

**Arrests and Convictions.** From January 1, 1928, to December 15, 1928, there were 1058 completed criminal cases for narcotic violations in the State of California through the activities of the State, county and city police officials, and there were on that date 65 pending cases. In these cases 100 defendants were incarcerated in the State penitentiaries, and a very large number in county jails. These cases do not include a large number of important arrests made in this State by the federal authorities.

**Operation of Narcotic Division.** This division has maintained its own force of inspectors, attorneys and chemists, who have been actively engaged in the work of apprehension and prosecution. The division has thus far been operating under the State Board of Pharmacy, which formerly had charge of this work. It is now



thought, however, that it is no longer wise to depend upon Pharmacy Board funds for this purpose, and it is accordingly recommended that the division operate independently until such time as it is joined with some department having to do with penal matters.

#### REHABILITATION OF NARCOTIC ADDICTS.

**Possibilities of Rehabilitation.** The experience of the division has indicated that there is not a very considerable number of drug addicts who desire to be relieved of their addiction, except when they are made to feel the repressive effects of the penal provisions of the anti-narcotic laws. It is the belief of the chief of this division that an overwhelming majority of the drug addicts in this State have become such voluntarily through self-indulgence and as a result of association with those who had already acquired the habit, and that they are consequently almost impossible to cure. Although reports from other states are also discouraging as to the percentage of victims of this devastating habit who can be rehabilitated and saved, California is nevertheless making a real effort in this direction through its Narcotic Hospital, described under the Department of Institutions. As there indicated, this is only a sort of laboratory attempt to find out whether rehabilitation of drug addicts is not possible. The attempt will cost something, but if it achieves results it will be worth all it costs.

**Evident Decrease in Drug Addiction.** The last Legislature materially increased the severity of the punishment for violation of the important provisions of the anti-narcotic laws and a part of the activities of the State Narcotic Division has been to impress upon trial judges, district attorneys and the citizenry generally the necessity of regarding such violations as serious offenses which the community can not afford to allow to go inadequately punished. It is the belief of the chief of this division that, as a result of drastic federal and State legislation and the energetic and sincere enforcement of this legislation by all of the agencies charged with such enforcement, drug addiction has been materially decreased in California. This belief is based upon the unanimous testimony of peace officers and those in charge of corrective institutions throughout the State.

#### DEPARTMENT OF PUBLIC HEALTH.

The State Department of Public Health is an outgrowth of the State Board of Health, which was organized in April of 1870. This was the second state health board created in the United States, being antedated only by a board created six months earlier in the state of Massachusetts. The new department was organized in 1927, and took over, very largely, the functions of the old State board. The new Department of Public Health consists of seven members, including a secretary who acts as full-time director of the department, and six other members serving without pay.

#### DEPARTMENTAL REPORTS.

**Various Activities of Department.** The reports of the Department of Public Health include discussions of sanitary engineering and general sanitary conditions throughout the State; of the gradual but very positive steps made in the control of tuberculosis; of other diseases with comparatively high death rates, such as cancer or various heart disorders; of communicable diseases, particularly those of children; of diseases rapidly becoming negligible factors, such as typhoid and malaria; of child hygiene, with the mortality rates of infants under one year of age and of maternal mortality; of the possible dangers from some of the more deadly maladies, such as plague or typhus fever; of the visitations more or less prevalent during the past year and the present, as, for instance, influenza and infantile paralysis.

**Influenza Epidemic Mild.** An epidemic of influenza began in California during the first week of last October, when twenty-seven cases were reported. The epidemic apparently reached its height during the week ending December 8th, when 10,683 cases were reported. From the first of October to the middle of December a total of 43,067 cases were reported. Similar epidemics of this disease appeared in other states, eventually covering the eastern and central portions of the country. It is too early as yet to learn the number of deaths that have occurred from influenza and pneumonia in California during the past few weeks. It is certain, however, that the present epidemic is not to be compared in numbers of cases, deaths or severity, with the great pandemic of 1918, when 230,845 cases, with 13,340 deaths, were reported. The chief characteristics of the present epidemic in California are the mildness of the attacks as compared with those of previous widespread epidemics, the infrequency of complications and the resultant low mortality.

**Work on Tuberculosis.** One of the gratifying results of work by our health department is the gradual control of tuberculosis. In 1906 the death rate from this disease was 235.7 per 100,000 of population. In 1923 it had fallen to 150.4, and in 1927 to 140.3 per 100,000. The difference in these rates indicates the progress that has been made in this control. The Bureau of Tuberculosis, connected with this department, has been instrumental in raising the standards of care in county hospitals by means of the State subsidy to approved institutions, the money being appropriated from the State treasury and allocated to the counties for expenditure.

**Disease Brought Into the State.** About 7 per cent of all tuberculosis deaths in California each year are of persons who have lived in the State for less than one year.

while about 30 per cent have lived here for less than four years. Considerable has been accomplished in preventing the migration to California of tuberculous individuals whose cases are too far advanced for any hope of recovery, as well as of those other individuals who come here to be cured, but who are not so situated as to be financially independent for at least a year.

#### CHILD HYGIENE.

**Health of Women and Children.** Since the World War an intensified interest in child welfare has made itself conspicuous throughout the country. Undoubtedly the physical defects discovered in the men called in the draft furnished the impetus for the development of a desire to find and correct all physical defects that might be present in American children. California has taken an active part in the promotion of the health of women and children and the Bureau of Child Hygiene of the Department of Health has answered the extensive demands made upon it. Most of the activities of this bureau are carried on in those of the rural districts where no service for the promotion of maternal and infant welfare is available.

**Reduction of Infant Death Rate.** The reductions in the death rates for infants under one year of age are most conspicuous. The infant mortality rate, which was 73 per 1000 live births in 1923, had fallen to 62.5 per 1000 live births in 1927. This means that 2551 babies lived who otherwise would have died had the 1923 rate not been reduced. Under the stimulation of the activities of the Bureau of Child Hygiene, 229 health centers are now being conducted where infants may secure periodic medical examinations and where mothers may be given educational advice in the upbringing of their children. These are scattered widely over the State, all of the more populous counties having at least one conference each month. The organization of conferences for well babies, physical examinations for children, of preschool age, mothers' classes, lectures, instruction in child care, public health nursing and other services has constituted the bulk of the work of this bureau. The Pacific coast states have achieved an enviable reputation for their maintenance of favorable conditions for the conservation of child life. Together with Washington and Oregon, California maintains the lowest infant mortality rate in the United States and these activities carried on by the State Department of Public Health are important factors in the acquisition of this prestige.

**Prevention of Maternal Deaths.** The work has not been confined alone to the promotion of the health of infants and young children, but activities have also been directed toward the prevention of maternal deaths. As a result, the maternal mortality rate fell from 6.7 deaths per 1000 births in 1923 to 5.2 maternal deaths per 1000 births in 1927. Had the 1923 rate prevailed during these five years the lives of 432 women would have been sacrificed at child birth. The work of the bureau along these lines consists of the inspection of maternity homes and hospitals, the provision of prenatal advice to prospective mothers; demonstrations in the technique of prenatal care, and the distribution of literature. Consultations with 6823 expectant mothers have been conducted and more than 20,000 sets of prenatal letters have been distributed.

**Safeguarding the Health of the Tourist.** Within recent years interstate automobile traffic has developed immeasurably. California has always attracted tourists, but during recent years the lure to the Golden State has brought enormous numbers of tourists, a very large proportion of whom travel by automobile. The State Department of Public Health has made every effort to safeguard the health of these tourists. It has provided sanitary inspection of wayside eating places; has assisted local authorities in the prevention of stream pollution; and has taken every precaution to protect wayfarers from contracting any diseases that might come from infected food or water. Since the tourist traffic is undoubtedly a tremendous commercial asset to the State, the importance of the establishment of protective measures is self-evident.

#### VARIOUS SAFEGUARDS TO HEALTH.

**Safeguarding Domestic Water Supply.** The topography and climate of California necessitates the extensive use of surface streams for domestic water supplies. Most California communities are obliged to obtain their drinking water from such surface streams. This necessitates the treatment of all such water supplies in order to make certain that no disease may be contracted through the use of contaminated water. The State Department of Public Health has stimulated much activity among the officials of communities which draw their water supplies from surface streams, and as a result properly treated waters are distributed to most of the residents of California. Not a single epidemic of water-borne typhoid has occurred within the State since 1924.

**Problem of Sewage Disposal.** All over the United States during recent years there has been a tendency for residents of rural communities to flock to the larger centers of population. This tendency has shown itself in California as well as in other states. The sudden increases in population of the large cities have placed tremendous strains upon the physical capacities of all public works, including streets, water supplies, sewage disposal systems, and other public utilities. The adequate and proper disposal of sewage in the average large city has become an acute problem. The State Department of Public Health has provided needed assistance leading to the solution of these problems. It passed upon the design of sewage disposal

systems, and under the law issues permits for the construction of such systems. There has been recently a marked advance in the design of both large and small sewage disposal systems, and the State Department of Public Health is responsible in no small measure for the progress recorded.

**Protection of Food Supplies.** The canning industry of California is one of its largest industries, and the insurance of the packing of high-grade food products for distribution throughout the world is essential for its progress. Upon its own initiative the canning industry enlisted the support of the State Department of Public Health in the establishment and enforcement of regulations that would safeguard the quality of products canned in California, chiefly vegetables and fish. Through this cooperative arrangement, financed by the cannery themselves, no less than 50,000,000 cases of canned products have been inspected by the State Department of Public Health and the quality established definitely.

**Importance of Public Health Work.** Because of its proximity to oriental and tropical ports, California has public health problems that are of special significance. Alertness in the detection of communicable diseases that may be brought into the State is essential. The State Department of Public Health is entrusted with a heavy responsibility in safeguarding the health of Californians and, in a broader sense, the health of the people of other states, for, under modern conditions of transportation, epidemics of disease may be kindled with a speed comparable to that of our most rapid transportation facilities. The lowered death rates for many of the communicable diseases, and their favorable comparison with similar rates for other states, indicates that public health administration in California is conducted upon a high plane of efficiency and that the maintenance of adequate public health machinery produces results that are commensurate with the efforts and expenditures involved.

#### DEPARTMENT OF PUBLIC WORKS.

The Department of Public Works, as the name indicates, has charge of all such activities as the construction and maintenance of our State highways, the building program for State hospitals, teachers colleges, and the like, and the development of our water resources. Its work is conducted under the Division of Highways (acting in conjunction with the Division of Contracts and Rights of Way), the Division of Engineering and Irrigation, the Division of Water Rights, the Division of Architecture and the Division of Ports (at present concerned only with the ports of Eureka, San Diego, and San Jose).

#### DIVISION OF HIGHWAYS.

**Road Building Assumes Large Volume.** The director of the department serves also as the head and administrative officer of the Division of Highways. The work of road building in California has of late years properly assumed very great importance, being only second to education in cost, both to the State and to the various counties. At the beginning of the present administration, only about \$5,000,000 a year was available for the construction of new State highways, the bond issues previously used for that purpose having been exhausted some years before. The gasoline tax then coming to the State was used entirely for reconstruction, maintenance and repair.

**Gasoline Tax Allocated by Law.** At the 1927 session of the Legislature, the Breed Gasoline Tax Law was so amended as to provide a three-cent gas tax. Of this, one cent goes to the counties (to be shared with the cities as may be found desirable), one cent goes to maintenance and reconstruction of State roads, and one cent to the constructing of new State highways. A State Highway Commission of five members, serving without pay, acting on the basis of facts ascertained by the engineers, at the beginning of each biennium allocates the funds to various highways of the State. The percentage of overhead cost is being steadily reduced, efficiency of operation is being increased, and it can probably be said that, both in extent and quality of road construction and in its business-like administration, California stands at the forefront of all the states.

#### BUDGETING OF HIGHWAY EXPENDITURES.

**New Budget Policy.** Up to two years ago, road construction was not mentioned in the State budget except an item of \$20,800 per year for the salaries of the Highway Commission and Highway Engineer. The 1927 budget, however, published not only an estimate of highway expenditures for the succeeding biennium, but also gave a list of specific expenditures proposed for reconstruction of State roads. This marked the inauguration of a new policy in State highway affairs in California, that of frankly telling the public in advance of expenditures just where and how it is proposed to spend highway funds.

**Original Gasoline Tax Plans.** The maintenance and reconstruction program in this first budget involved total expenditures of \$27,100,000, a like amount being allotted to the counties as their share of the two-cent gas tax. Supplemental allotments of increased revenue and savings on contract awards brought the total of this budget to \$28,577,517 for the biennium.

**Highway Funds Total.** In January, 1928, the additional cent gas tax for the construction of new roads became effective, and a detailed budget of the new roads



proposed, and the amount to be spent on each, was at once published. This budget allocated \$15,100,000 for new construction, this being estimated available income from the present gasoline tax for the 18 months of the biennium during which the new law was effective. The budget for expenditures of federal road money (third State highway funds) totals \$5,582,834. The total of the budget for the three State highway funds for the present biennium, therefore, aggregated \$40,200,000. This does not include the money turned over to the counties for highway purposes, which aggregated \$25,000,000 and which was included in the budget, since it represents an allocation of revenue raised through State law.

**Budget for Next Two Years.** The budget for the 1929-1931 highway program with the funds specifically allocated for new construction had practically been completed, and is being submitted in the accompanying budget message. The highway program of the State has become so important, and the sources of its revenue are so distinct that for the sake of convenience, it has been thought wise to segregate the highway budget from the budget of expenditures for education, and for general purposes. Fund work looking toward the preservation of the highway budget for the biennium of 1931-1933 has already been begun.

**Highway System to Date.** There are now fifty miles controlled by the State highway system, 4273 miles being of primary and 2,792 miles of secondary roads. Of this mileage 2,465 are graded and paved, 1,350 miles are graded and unpaved, 517 miles are merely graded and not yet paved or surfaced, while 2,333 miles have as yet had no work done upon them by the State.

#### POLICY AS TO NEW STATE ROADS.

**Policy as to the Inclusion of New Roads in the State System.** At this time it will be necessary to establish some policy relative to the inclusion of new roads within the State highway system. There is a certain amount of confusion which, by error in description, by oversight, or through other cause, has not remained in the State system when the patent roads were designated as State highways. This probably should be annexed to the present system of roads. It comprises about fifteen miles. But aside from this I am very doubtful whether other additions can be made just now without disrupting our entire highway program.

**Method, Priority and Time of Adding New Roads.** There are certain other roads, now a part of county highway systems, that are largely devoted to State rather than local uses. These roads clearly have prior right to become a part of the State system, when that system is expanded. The question arises as to when such transfer should take place. I would suggest to the Department of Public Works that during the next two years he make a comprehensive traffic study of those county highways in California which now serve as arterial highways, or of roads not now in the State system of probable arterial value, to determine what roads should be added to the system, and the order in which they should be added as determined by State use and traffic needs, together with an estimate of the probable time when such roads can be included in the State system without imposing an impossible burden on that system.

**Recommendation of Department Necessary.** No Governor should be asked or expected to sign a bill providing for the extension of the State highway system, except upon recommendation of the Department of Public Works, a recommendation in its turn based upon a careful study of traffic requirements and highway use, in line with the broad general policy of long time planning. Any other plan will break down our program of highway construction and will sever of political expediency rather than of safe and business-like procedure. Whatever policy may be adopted must be based on traffic and not political pressure.

#### HIGHWAY AND BRIDGE CONSTRUCTION

**Moneys Distributed as Required by Law.** Particular attention is being given to increasing the volume of winter highway work as a means of assisting in the relief of seasonal unemployment. Allocation of funds, both for new construction and for reconstruction, has been made in strict accordance with the Brood bill. In this connection it should be clearly understood that a balance as between construction expenditure in the northern and the southern group of counties can not economically be maintained on a day to day, week to week, or month to month basis. In the northern counties work must be largely prosecuted during the summer months, if due regard is to be given to economy in construction. The southern group of counties offers advantages for winter work, work highly desirable because of the aid to seasonal unemployment that usually prevails during the winter months. Accordingly, during the summer the northern group of counties will inevitably show a greater ratio of expenditure than the southern group, while in the winter conditions will be reversed. A biennial financial balance, however, is entirely possible and will be maintained.

**Volume of Work.** The importance to California of State highway expenditures is shown by the fact that the volume of these expenditures authorized to date (January 7th) for the biennium reached the huge total of \$41,346,184. This money is distributed all over California, furnishing a large, immediate market both for labor and goods, as well as contributing to the future development of the State.

**Toll Bridges.** The policy of the State can be expressed as opposed to privately owned and controlled toll bridges on the State system of highways, but not opposed to publicly constructed, owned and operated toll bridges where adequate public funds are not now available for the construction of free structures. In all cases, however, the aim will be to amortize these investments as rapidly as possible, in order to be able to turn them over to the public, free from all tolls, at the earliest possible date.

#### HIGHWAY SAFETY AND BEAUTIFICATION.

**Increasing Safety of Highways.** Increased attention is being given to making the highways of the State safer for travel. This is being accomplished through the elimination of dangerous curves; the separation of railroad grade crossings; striping the highways and thus providing defined travel ways; the abatement of the dust danger through oiling operations; betterment in alignment; more adequate protective signing; reduction in the crown of roads; increase in road widths; filling borrow pits; increase in guard rails, etc.

**Wider Rights of Way.** During the present biennium, substantial progress has been made toward securing the 100-foot right of way as the minimum requirements of all main north and south State highways and on all other important arteries of travel. Notable examples of highways where the minimum right of way of 100 feet has been obtained are the Foothill boulevard in Los Angeles and San Bernardino counties, and the Bay Shore highway in San Mateo County. On practically every road which was built or reconstructed during the present fiscal year the ultimate width desired for right of way was obtained before contracts were let.

**Highway Beautification.** A definite campaign which is winning widespread support has been launched to save the scenic values of highways, by preventing their injury through unsightly roadside structures and by billboards which, while properly situated in commercial areas along highways, yet have no place along our scenic roads. Study of the highway system is being made to determine those areas of particular scenic charm, recreational value and historical interest, lying adjacent to the highways, that should be preserved. Model sections are being planned at various points to show planting methods by which roadside beautification can be accomplished. An effort has been made to assist in the "Save the Beaches" movement, and care has been given to the preservation of roadside trees and shrubs and other trees, of unusual interest or importance, although growing off the highway right of way.

#### PRISON ROAD CAMPS.

**Origin and Purpose.** Convict labor on highways is no longer an experiment in California. It has been in existence for fourteen years, being first authorized by the Legislature of 1915. Although such labor costs practically the same as road building by contract, it has more than justified itself by the good it has done for the prisoners themselves. The work is for the most part in rough mountain country, and the men are practically unguarded; yet attempts at escape are very few, as are also the numbers of former road camp prisoners who drift back into crime after their release.

**Convict Road Projects.** The number of convict highway projects is now eight as compared with three such projects during the winter of 1927-1928. The expansion of convict camp work has meant the average employment on highway work from March 1, 1928, to December 1, 1928, of 490 prisoners. This has relieved the State of a considerable burden of expense in the maintenance of prisoners in San Quentin. It is estimated that the average employment of 650 convicts on road projects saves \$150,000 a year in their prison upkeep, besides doing immeasurable good in so rehabilitating them physically and mentally as to enable them to "go straight" at the expiration of their term. The small percentage that return to crime after a road camp experience is very gratifying.

Nearly Six Hundred at Work. There were 571 prisoners at work on State highways on December 1, 1928, all of them being paid a small wage for their work. Out of the earnings of the prisoners, a substantial sum has been allotted by them to the care of dependents. Those without dependents save something to aid them in starting life anew. It is worthy of note that out of every one dollar spent on convict highway projects approximately eighty cents goes directly or indirectly to free labor.

#### DIVISION OF ENGINEERING AND IRRIGATION.

**Dam Investigations.** Although the fact that St. Francis dam was a municipal project exempted it from approval and supervision by the State, yet it was felt that the collapse of the dam presented a situation of such vital importance that an investigation of the causes leading to its failure should be made by a board, both expert and impartial. The State accordingly took upon itself the task of organizing such a board. The result of the investigation and the report of the board constituted a notable contribution to the science of dam building, and was a material factor in paving the way for an amicable adjustment of damage claims arising from the disaster. The State board was the first to report. Its reports were followed by the reports of five other investigating bodies, whose findings all agreed with that of the State board. Following this investigation, a general study of all dam structures in California was undertaken by the division, and is now under way. This investi-

gation, it is believed, will have important results in assuring California that conservation of its water supply can proceed with knowledge that this water is being reservoirized behind safe structures.

**Water Investigations.** The Division of Engineering and Irrigation has worked in cooperation with the legislative committee in further study of a plan for coordinating water resources of California. Studies have been both economic and physical. More detailed engineering investigations of certain parts in the coordinated project have been made, while economic phases of the development of these projects have also been studied. The division also participated in hearings held by the legislative committee.

**Irrigation Districts.** The biennium has been important in the greater degree of supervision that has been given to financial structure of irrigation districts. There has been little increase in the land area of irrigation districts during the biennium. Supervision of engineering of these districts has followed the usual procedure. An interesting feature has been the growing importance of water storage districts as a factor in the irrigation situation in California.

**Flood Control.** Usual phases of flood control activity carried on as an outstanding development of the biennium has been the demonstration of the soundness of California's plan of flood control through the by-pass system, as proved by the flood of March, 1928. This system is to form the basis in Mississippi flood control plans.

#### DIVISION OF ARCHITECTURE.

**Construction Work.** The total amount of construction work handled by the division in the past 18 months is \$6,556,191.44, the cost of architectural and engineering service being 5.27 per cent of that sum. This is the largest construction program in that period of time in the history of the division.

**Extent of Activities.** Construction activities during the period were located at 50 places, and consisted of 194 different projects. Of these, 99 were of minor character, being under \$10,000 in cost. By June 30, 1929, all but four of the 194 projects will be complete.

**Promptness of Action.** During the past year the work of this division has been so speeded up that hereafter there will be eliminated the long delay which formerly prevailed, with many months, or even years, elapsing after the Legislature had authorized a building before its construction actually commenced. Existing work has been hastened, tentative drawings have been made for proposed building operations under this year's budget, and as soon as the Legislature approves the budget, detailed drawings will be commenced, so that building contracts may be let as soon as the bill goes into effect.

**Ten-year Building Program.** When we consider the steady increase in inmate population of the various institutions, it would seem utterly impossible wisely to plan for their efficient and economical functioning on any basis other than a building program spread over a period of years.

#### DIVISION OF WATER RIGHTS.

**Much Interest in Water Locations.** The division has received 858 applications to appropriate water, approving 481. It has revoked 203 permits for failure to comply with the conditions thereof, and has issued 189 licenses confirming rights acquired through applications filed and beneficial use.

**Water Investigations and Studies.** An investigation covering several years has been completed, dealing with surface and underground water supplies, and uses of water, in the San Gabriel basin in Los Angeles County. Studies of water titles have been completed and reports filed preparatory to clearing water titles on Shasta River in Siskiyou County, Whitewater River in Riverside and San Bernardino counties, North Cow Creek in Shasta County, and Owl and Soldier creeks in Modoc County. In cooperation with Ventura County an investigation of surface and underground waters has been begun. Similar work is in progress on Upper Pit River in Modoc and Lassen counties.

**Court and Division Decisions.** The adjudication proceedings under which the division functions in clearing up water titles has been approved by the Supreme Court. The superior court of San Joaquin County has upheld in the main the division order of determination in the Stanislaus River proceedings. The status of stored waters after same has been used and restored to a stream has been determined by the division. Another division decision has established the principle that users of underground waters may not complain of diversions from the source supplying their basin providing steps are taken to maintain the underground level at the elevation which would have obtained were the diversions not made, and providing physical basis for such maintenance.

#### STATE HARBOR COMMISSION.

Although the State Harbor Commission is not organized under the Department of Public Works, an account of its activities may appropriately be inserted in this place. The statistical data furnished me has covered the last fiscal biennium, and the figures here set down consequently extend only to July 1, 1928. Since that time, however, it is safe to say that here has been the same steady increase in business and revenues that has been noticeable throughout the last two years.



**Increase of Business.** Cargo passing over the piers during the past biennium reached the enormous total of 21,985,937 tons, an increase of 1,234,525 tons over the previous two years. The State Belt Railroad handled 265,862 loaded cars, an increase of 23,923, or 9.8 per cent. Operating revenues amounted to \$5,965,008.65, an increase of \$373,011.67.

**Decrease of Expense.** Notwithstanding the increased business and revenue and the additional facilities operated, the operating expense has steadily decreased. Not only was the biennial expense less than for the preceding two years, but the last year of the fiscal biennium (all within the present administration) showed a decreased expense over the previous year of \$71,729.08. This decrease in operating expense was brought about by numerous economies and by strict regulation of the purchase of materials and supplies, but without any loss in efficiency or curtailment in service.

**Wage Raises.** This decreased expense of operation has been made in face of the fact that there have been substantial wage raises during the period. Wage increase granted to railroad employees by the Federal Wage Board caused similar increase for employees of the Belt Railroad amounting to \$14,808 per year. Wage increases awarded by the San Francisco Impartial Wage Board to mechanics and other employees prompted our Civil Service Commission to meet these increases to the extent of \$18,935 per year. These increases were undoubtedly deserved, but necessarily lessened net revenues. Notwithstanding this fact, during the past fiscal year under the present administration, net revenues over expenditures amount to \$142,100.

**Contemplated Improvements.** Among the improvements which are about to be provided is a new pier at a cost of \$500,000 on which construction is just about to begin, and two new modern piers for which plans are being prepared, and which will cost about \$1,000,000 each. Besides this there must soon be an extension of the Belt Railroad, the raising of the wharf and Embarkadero between Mission and Harrison streets, the enlargement of storeroom and shop facilities, and very possibly the creation of a precooling storage plant, elsewhere discussed in this message.

**New Accounting System.** In cooperation with the Department of Finance, a new accounting system has been adopted and will shortly be installed. This new system, badly needed to replace the present inadequate and very ancient methods of recording the transactions of the port, is the result of about a year of continuous study and many months of careful preparation. It provides for the extensive use of tabulating and bookkeeping machines, by which methods very complete and comprehensive accounting and statistical records will be maintained at practically no additional cost.

**A State Harbor.** It must be kept in mind that this is a self-supporting State harbor, naturally of special service to San Francisco and the bay region, but none the less of extreme importance to all the State. The proposed refrigeration warehouse for the benefit of agriculture suggests the wider State uses, of which the harbor is capable. It has been built up and its bonds have been sold under State auspices, and I must follow the lead of all other governors in calling attention to the fact that its continued proper maintenance by the State will best serve not only the State at large, but also the city of San Francisco where it is located.

#### DEPARTMENT OF SOCIAL WELFARE.

The chief function of a Department of Social Welfare is to reduce, as far as possible, the social burden of insanity, feeble-mindedness, crime, delinquency and dependency by providing needy children with the opportunity to grow up under normal home conditions, and thereby become worthy self-supporting citizens.

**Begin With the Children.** With thousands of adults who are already mentally and physically unfit and socially demoralized, it is of course impossible to find and remove all of the causes of adult crime, delinquency and dependency. This department, together with similar local agencies, is, however, slowly but surely developing programs which in time will greatly reduce this enormous social and economic burden. In this endeavor the greatest results are naturally achieved through work in child welfare.

**An Ultimate Saving.** Social welfare work is both so necessary and so costly at best that only the most efficient modern methods can be used, and the strictest economy practiced. The phase of the work which falls under the Department of Social Welfare is, however, an ultimate saving to the taxpayer on the principle that an ounce of prevention is worth a pound of cure. The department programs the social work of the State and exercises advisory and supervisory powers through a small staff of trained workers.

**Organization.** In addition to this, the department collects State-wide information on social conditions and problems, and disseminates that information where it rightly belongs. For administrative purposes the work is organized under three divisions: The Division of Inspection and Studies, the Division of County Relations, and the Division of Children's Work.

#### DIVISION OF INSPECTION AND STUDIES.

**Group Studies.** During the present biennium a number of important studies and surveys have been made by this division. Among them was a study of the adult blind, first suggested by the problem of securing the greatest efficiency in industrial training for the blind, and now doubly important in view of the constitutional amendment just adopted for blind relief. One of the values of the Governor's

Council was demonstrated a few months ago when three departments were found to be vitally interested in the conditions of the adult blind of the State. Consequently the directors of education, institutions, and social welfare were appointed a committee to bring the present program, which was formulated forty years ago, up to a point where it meets modern conditions. The directors arranged a series of the adult blind under the Department of Social Welfare and a special program has been agreed upon, covering education, rehabilitation, training and placement. In compliance with a request from the 1927 legislature a survey of the adult aged in California, together with a study of old age pension legislation, was made during 1928. A report on this old age survey has been prepared for presentation to next present session. Still another study was made upon the social aspect of the Mexican situation, the latter being undertaken in conjunction with the Departments of Agriculture and Industrial Relations.

**Survey of Land Settlement Colonies.** There was also conducted a first capital survey of social conditions in one of the California Land Settlement colonies, where another has been undertaken to determine the efficacy of the Preston parole system. Beside this, it is required by law of this division to make inspections and reports as to conditions affecting the 24,666 inmates of State institutions, such as prisons, hospitals, juvenile detention homes, and the like. These inspections are welcomed as supplementing the work of the Department of Institutions and Prison Board, and are undertaken in such a way that duplication of work is avoided. By a further agreement with the Director of Institutions, this department inspects, supervises and licenses private homes for mentally defective children.

#### DIVISION OF COUNTY RELATIONS.

**County Responsibilities.** This division inspects and reports to boards of supervisors regarding conditions in county hospitals, jails, dispensaries, outdoor relief, juvenile detention homes and homes for the aged. The number of inmates in these county institutions ranges between fifty and sixty thousand. The work of the department concerns the standard of administration, housing, social records, and care of the inmates in these institutions.

**The County Jail.** The division during 1928 made a partial survey of jails, visiting 48 of the 60 jails of the State. During the period of this survey, 64,285 adults and 2024 juveniles passed through these county jails in one year, a number which does not take into account city jails or police stations. The report charges that the least standardized of all county work, and one of the biggest problems, is the county jail. The enforced idleness of the inmates, and the only too common lack of segregation of juveniles and first offenders from the older and more hardened criminals, adds to this problem.

**County Welfare Work.** The inspection of all county institutions is being carried on as rapidly as possible, and the department, in cooperation with the boards of supervisors, has established several county welfare departments for the direction of local social work. In general, the relations between county authorities and this State department have been cordial and mutually helpful.

#### DIVISION OF CHILDREN'S WORK.

**Forty Thousand Children Aided.** The Division of Children's Work licenses and supervises all children's institutions and boarding homes and children's agencies and has charge of the adoption work of the State, insuring that the adopted child finds a congenial and appropriate home. It also has charge of the administration of State aid for children. The number of children affected by this work is little short of 40,000.

**Why This Dependency.** For the first time in the history of the State, during the past year a census has been taken of all institutions caring for dependent children. Its purpose was to determine the types of children and the reasons for so large a number—between six and seven thousand—who are being cared for in institutions. The material gathered is very illuminating, and shows the causes and social conditions that contribute in the main to these children's dependency. In cooperation with children's institutions their requirements for license have been materially raised, the most important of these being that each institution must provide adequate trained service to assure proper study of each child's needs and careful planning for its future.

**Homes Must Be Right.** There are in California many children living away from their parents or legal guardians in family boarding homes, and to make certain that these boarding homes—more than 4000 in number—are in every case of a nature to give the right kind of upbringing to these children, is one of the great responsibilities of this department. Each of these homes is inspected and only those meeting the department's standards receive a license.

**Our Provision for Orphans.** As regards State aid to dependent orphans, half-orphans and certain other groups of children, the department has placed emphasis upon its uniform and satisfactory administration in every county of California. One of the main purposes of this act making State funds available to these children is to keep them in their own homes, and of the 14,000 children in California receiving the benefits of this aid, approximately 90 per cent are living with their own mothers. California's provision for this dependent group of boys and girls exceeds in liberality

those of perhaps any other State. The interpretation of this law and the method of its administration secures for each child a more personal and intelligent use of available funds than is usual with legislation of this character.

**Standardizing Juvenile Probation.** Juvenile probation, which is one of the most important instruments of social welfare, has never in California had the advantage of anything but local direction, with the result that there has been developed no uniformity, either of administration or of standards. The department, realizing the supreme importance of probation work as an adjunct to its endeavors, has given to it much thought and effort. Just recently, in cooperation with the State Probation Officers Association, it has worked out an agreeable and satisfactory plan, which promises much for increasingly better results in work with problem children.

#### VOCATIONAL STANDARDS.

In California, as in other states, there has grown up a recognized policy of protecting the public safety, health, and welfare by the requirement of certain standards for the practice of various professions and occupations. These standards are enforced by requiring that every person engaged in the profession or occupation shall secure a license from the State, based upon an examination or other evidence of competency. The licensee is required to pay a fee for the examination and also an annual fee for the continuance of the license. This system of licensing came into existence primarily for the protection of public health and safety and to provide for requiring licenses for the practice of the healing arts. Subsequently it was extended to include professions and occupations dealing with various phases of personal, business, and industrial service. The test for the application of the licensing principle to any occupation should obviously be the extent to which public danger exists in the practice of the occupation by an unqualified person. It may be noted that California has been conservative as compared with other states in the application of restrictions to occupations.

**Functions of Licensing Boards.** Each of the boards administering California's laws on vocational standards has functions which can not be properly assigned to another board or to lay persons. These functions include the fixing of standards for the vocation, in so far as these standards are not fixed by law; the examination of candidates for licenses; and the determination of the necessity for revocation of licenses.

**Interrelations Between Boards.** However, in addition to these functions, there are many elements of interrelation between the respective boards. It seems highly desirable also that so important a function as that of professional and vocational licensing should be represented in the Governor's Council, thereby having the advantage of contact with the executive branch of government and with the other major departments. It would seem best to group these various licensing boards in some such departmental organization as will preserve their autonomy in all needs of professional or occupational interest but which will at the same time give opportunity for cooperative solution of their mutual problems, and give them representation in the Governor's Council.

**Value of Definite Standards.** It is my opinion that the recognition of this function as one of the major activities of the State government will do much toward clear thinking in the future when efforts are made to add new occupations to those for which a license is required. A standard by which the necessity for licensing an occupation is measured will be more definite when the occupation must be considered in comparison to those for which the State has already assumed responsibility through the Department of Vocational Standards and the Licensing Board.

**Existing Boards Still to Be Maintained.** I feel very strongly that the creation of such a department must involve the unhampered continuance of every existing board which regulates a profession, particularly those which deal with the healing arts; and this protection to the powers of the boards can very easily be accomplished and still give the necessary measure of coordination through a departmental organization which will bring the occupational licensing function of the State into harmony with the other activities of the government.

#### PROFESSIONAL BOARDS REGULATING THE HEALING ARTS.

**Board of Medical Examiners.** California has maintained splendid standards for the licensing of physicians and surgeons. It is safe to say that no state in the Union has given better attention to the welfare of its people through the protection against unqualified practitioners in this field. The Board of Medical Examiners works in close harmony with the institutions in California which train for the profession of medicine. In addition to the admission of new practitioners, many physicians come to California from other states. Reciprocity relations are maintained with other states whose standards are equal to those of California.

**Prosecution of Violators.** The activities of the board necessarily involve the prevention of unlicensed, unprofessional or incompetent practice. In rendering this service to the people of the State, the board finds it necessary from time to time to initiate criminal prosecutions against those who violate the Medical Practice Act of the State. In addition to such actions by the board, a continuing effort is being made to enlist the interest and cooperation of local law enforcement agencies because



it is upon sustained local interest that the public most chiefly depends for adequate protection.

**Reduced Fees.** In this, as in every other licensing function of the government, it has been my policy to encourage the reduction of fees to a point which will merely meet the cost of proper regulation, and not accumulate an unnecessary surplus. In line with this policy the Board of Medical Examiners has, during the biennium, reduced by 50 per cent the annual renewal fee for physicians' licenses.

**Board of Osteopathic Examiners.** This board, created by initiative act, licenses and regulates the practice of osteopathy. In this regard the board has substantially the same functions and problems as those discussed in connection with the Board of Medical Examiners. Although the status of the board under its initiative act gives it much wider powers in relation to examinations, employment, and disciplinary functions, I am pleased to report that the members of the board have cooperated heartily and effectively with the general policy of the State, both as regards budget control and general policies of professional regulation.

**Board of Chiropractic Examiners.** This board, dealing with the licensing and regulation of chiropractors, is identical in its legal status with the Board of Osteopathic Examiners. Being one of the newest organized professions dealing with the healing arts, it has faced perplexing problems during the past several years. These problems are now approaching solution and a stabilized regulation of the profession will soon be evident.

**Board of Dental Examiners.** The activities of this board parallel very closely those of the Board of Medical Examiners, as to problems, as to professional standards, admissions to practice, reciprocity with other states and professional regulators. In line with the effort to improve its service to the profession and the public, the office of the secretary has been removed from Petaluma to a central location.

**Board of Pharmacy.** An act passed in 1927 raised the amount of college preparation necessary before candidates were eligible for examination as pharmacists. A greatly increased number of applications were received from those who deemed to be licensed before the new standard, became effective. This same legislation also enlarged the reciprocity relations with the pharmacists of other states. The fee for the annual license renewal was cut in half. There are approximately 10,000 pharmacists registered in the State of California. The suppression of the traffic in narcotics was taken over by a newly created division under the supervision of a chief. The operation of this division has been fully discussed earlier in this message.

**Bureau of Registration of Nurses.** This bureau is under the supervision of the State Board of Public Health. It has fifty-five accredited schools of nursing under its jurisdiction, which schools are regularly inspected by the personnel of the bureau. Approximately 20,000 registered nurses have certificates which allow them to use the title of registered nurse. The Board of Public Health recently passed a resolution increasing the educational requirements of classroom instruction in nursing and has also added a number of additional courses to those previously approved by the board. A pamphlet entitled "The Profession of Nursing" has been prepared and circulated among high schools and junior colleges. Examinations for the registration of nurses are held three times each year in both San Francisco and Los Angeles. High schools and colleges are occasionally visited and those interested in entering the profession are interviewed and counseled.

**Board of Optometry.** Regulation of the practice of optometry has become a recognized and necessary public function in most of the states. Excellent work has been done by this board in the promotion of proper standards of practice and the elimination of quackery.

#### OTHER VOCATIONAL LICENSING BOARDS.

**Boards of Architecture.** The State Board of Architecture is divided into two district boards, one for the north and one for the south. However, the board meets annually as an entire board and the district boards meet monthly in San Francisco and in Los Angeles. The board examines approximately 100 candidates for architects' certificates each year. It has been the object of the board to encourage proper architectural training, grant certificates only to those well qualified, and assist candidates to fit themselves for competent and honest service to the public and the commonwealth.

**Detective License Bureau.** The licensing of private detectives was further regulated by an act passed in 1927. By the provisions of that act the Board of Prison Directors employed a secretary to give full time to this work, with the result that an increased number of private detectives have come under State supervision and additional cooperation has been secured from law enforcement agencies and from mercantile concerns. In addition to those engaged in general detective business, uniformed patrols, insurance investigators and so-called store crackers are brought under the provisions of the act. Approximately 180 are now licensed and pay an annual fee of \$50. Each must post a bond to insure faithful performance of duty. About 38 per cent of those licensed are engaged in patrol work and about 50 per cent in general detective business. The balance of about 12 per cent are engaged in insurance investigation, personal service and store checking. Detectives employed

by political subdivisions of the State are not required to have a license under the provisions of the act.

**Board of Embalmers.** California stands among those at the top of the list of states in the matter of standards required of embalmers. A splendid type of young man is entering the vocation of embalming, and the board is diligently alert in passing upon applicants to assure that those who are licensed are properly versed in the care and the preparation of the dead in order that the public health may be properly safeguarded.

**Board of Barber Examiners.** This board was created by an act passed in 1927 and consists of three members who devote their entire time to the work of the board. The board has licensed over 17,000 barbers annually and in addition has approximately 450 apprentices registered. Examinations are held every three months in sixteen different cities throughout the State and in addition, in three other cities remotely situated, examinations are held every six months. The board has four inspectors working, who have inspected approximately 6000 barber shops. Sixty-nine barbers have been found practicing without certificates and 166 shops have been closed on account of insanitary conditions. Most of these have later reopened in conformity with law. The constant effort of the board is to improve sanitary and health conditions in barber shops, thus benefiting the public at large.

**Board of Cosmetology.** This board was also created by an act of the last Legislature. Under the provisions of the act the Board of Cosmetology blanketed in over 10,500 cosmetological operators. Since the effective date of the law all new operators have been licensed after passing the necessary examination. A large number of cosmetological establishments which before the passage of the act had little or no sanitary provisions for the protection of the public, have been remodeled and improved to meet the standards of sanitation required by the board. Eighty-eight schools of cosmetology were in existence before the passage of the act. Many of these schools were being conducted by unscrupulous and unprincipled persons. The number of these schools has been reduced to forty, and all of them are under the direct supervision of the board and are providing complete and standard courses in the teaching of the various phases of the vocation of cosmetology. Since the enactment of the law a decided improvement has been secured in the condition of cosmetological establishments and the general efficiency of the operators has been brought to a higher standard.

**Board of Pilot Commissioners.** Under existing law this board may license but twenty-two pilots, twenty for the port of San Francisco and two for the ports of Suisun and San Pablo and the Sacramento and San Joaquin rivers. Only two new pilots have been licensed by the board during the present biennium. The board has cooperated splendidly with the Division of Budgets and Accounts in the installation of a uniform system of accounting.

**Board of Veterinary Medical Examiners.** This board, by means of examinations, ascertains the professional qualifications of all applicants for license to practice veterinary medicine. During the past year and a half there has been an increase of fifty veterinarians licensed by the board. At the present time there are 510 licensed veterinarians in the State.

### COMMISSIONS OF INVESTIGATION.

In line with the desire of the present State administration to get to the bottom of problems which confront us, the Legislature at its last session provided for a number of commissions, each charged with the duty of making some important study or investigation of interest to the State. Some of these commissions were legislative, composed of Senators and Assemblymen, and chosen by the presiding officers of the two houses. Among these were the Commission on Water Resources, the Commission on a New Penal Institution, the Commission on Compulsory Automobile Insurance, and the like. All these will report directly to the present Legislature, and I shall not presume to anticipate their reports.

**Statutory Commissions.** Some of the commissions, on the other hand, were statutory, with members to be appointed by the Governor. Among these was the commission to make preparations for the Olympic games, the members of which have not yet been named, owing to the fact that need for their services is only just arising. Others, like the School Code Commission or the Commission on a Penal Institution for Women, have been treated in appropriate places in other portions of this message. Still others, like the Tax Commission, the Crime Commission, and the Commission on Pensions and State Aid, may properly be treated in this place.

### TAX COMMISSION.

**Nature of the Tax Problem.** The California Tax Commission was created in recognition of the fact that the people of the State were demanding a very careful study of our tax problems. It was not because we needed new sources of revenue to provide more money, for we had so cut down expenditures that our existing tax system would apparently supply sufficient revenues for some time to come, with an occasional increase in the gross profits rates of public service corporations. It was rather because certain of these corporations were manifestly being heavily overtaxed, while other larger and more prosperous corporations of the same class were escaping with a clearly insufficient tax burden. It was also because real estate, especially in

certain counties, was obviously paying more than its fair share of our taxes. It was because we had begun to doubt whether our tax system was, after all, the best or most equitable one.

**Organization and Meetings of Commission.** After various meetings for organization purposes, a technical staff was recruited from some of the leading tax experts of the nation, with Dr. Robert M. Haug of Columbia University at its head. At the outset public meetings were held at various cities in different sections of the State. The chairman of the commission has given almost continuous service every day since its organization, and a number of other commissioners have been constantly available. An average of one formal meeting each month has been held, generally of three days duration.

**Emergency Bank Tax Situation.** The commission had not proceeded far with its labors before it discovered that a critical situation existed in the taxation of banks. On August 10th the commission issued a special report, analyzing the bank tax problem, as well as the related questions of the taxes on corporate franchises and on securities and solvent credits, and urging that a special session of the Legislature be called to consider an amendment to the constitution designed to meet the situation. This special session was called, and on September 7th the Legislature, by unanimous vote, decided to submit to the electorate the amendment recommended by the commission. At the election of November 6th the people adopted the amendment by a majority of almost three to one.

**Provisions of New Amendment.** The amendment, as passed, substitutes a tax "based on or according to the net income" of banks, for the old tax on bank shares, the rate being specified at 4 per cent. It imposes a similar tax on other business and financial corporations in substitution for the old corporate franchise tax, with provision whereby personal property taxes paid by such corporations may be offset against the new tax to the extent of 90 per cent of the new tax. Finally, it imposes a 3-mill tax on so-called "foreign" securities and solvent credits. The Legislature will be asked to provide the detailed legislation necessary to put the new amendment into effect.

**Solution of the Main Problem.** In the meantime the commission has been carrying forward its analysis of the general tax problem of the State, and has in preparation its report which will be submitted to you some time during this month. I believe that you will find this report a very comprehensive one, possibly more exhaustive and more carefully prepared than any before offered in any state. It represents the earnest, conscientious work of the commission and its staff of experts, and will be worthy of your most careful consideration. It will attempt to do for California what every state is seeking—give it the fairest and most equitable tax system possible under present conditions, and point the way to further improvements on the system as soon as public demand is ready to receive them.

**Time Available for Deliberation.** Conditions surrounding the commission's main report will be very different from those at the time of the bank tax emergency. Then action was imperative at once if any relief was to be secured. Hence the special legislative session and the prompt submission of the constitutional amendment to the voters. In this case, however, no such haste will be necessary. The commission will probably recommend a constitutional amendment to be adopted by you now, for submission to the voters in November, 1930. This will give two years for study of the amendment, and if there is the general wish for a tax change which the commission senses, the amendment will undoubtedly be acclaimed by both yourselves and the electorate as the best possible present solution. However, there will be no desire on the part of either the commission or myself to force any tax change for which an actual demand does not exist, and I shall suggest that during the February recess you lay this matter before your constituents, in order to ascertain the strength of this demand.

#### CRIME COMMISSION.

**Purpose of the Commission.** The California Crime Commission was established by the last Legislature to make a careful study as to the causes and cure of crime. The Legislature had already passed a large number of code bills, designed to expedite criminal procedure in our courts, and it was considered wise to create this commission for a more fundamental survey of the problem. The commission began its work by reviewing the reports of other State commissions, such as those of New York, Minnesota and Missouri, as well as the proceedings and proposals for legislation submitted by the National Crime Commission.

**Investigations by the Commission.** The commission communicated with every State, county and city official whose duties bring him into contact with crime in any of its phases or at any stage. This included justices of the supreme and appellate courts, every superior court judge, every municipal and police judge, every district attorney, sheriff, police chief, probation officer, public defender, prison and reformatory official. Those who have made a study of crime were also appealed to, such as physicians, psychiatrists and educators.

**Public Hearings and Meetings.** In order to get into touch with every interested citizen, the commission held a number of public hearings in Los Angeles, San Francisco, Oakland, Sacramento, Berkeley, San Jose and other places. Members of the faculties of the University of California and Stanford were consulted. Meetings



were held in conjunction with the State Bar Association at Pasadena, the district attorneys' convention at Del Monte, the Conference of Social Agencies at Yosemite, and the State Peace Officers' Association at San Bernardino.

**Special Investigations.** The chairman of the commission visited the prison at Stillwater, Minnesota, as a place where prison industrial development is very excellently carried out. Another member visited several reformatory institutions in the eastern states, to learn their methods of segregating the youthful from the older and more hardened offenders. Still another member attended sessions of the National Crime Commission and the criminal law section of the American Bar Association. Everything thus learned, both outside the State and from our own officials, has been classified, summarized and studied.

**The Commission's Recommendations.** The commission will recommend to this Legislature a limited number of bills, probably not more than twenty in number. They have avoided mere changes in code procedure, deeming that these were either covered at last session or may be cared for through rules promulgated by the Judicial Council. They have also avoided adding to the number of statutory offenses, but have submitted all their proposals and suggestions to these tests: Is this legislation likely to prevent or reduce crime? Will it make crime more difficult to commit, and the consequences of crime more difficult to escape? Will it help our penal institutions to cure crime rather than breed it? The importance of this problem is so great that I earnestly recommend to you every effort toward its solution.

#### STATE AID AND PENSION COMMISSIONS.

**Special Investigations.** Three investigations, initiated by the Legislature in 1927, deal with the teachers' retirement salary fund, pensions for State employees, and the problem of aid for the needy aged. The three investigations have some common characteristics, chiefly the scientific determination of the future probable liabilities of the State and the need of solid financial foundations. They further reflect the basic idea I have ever kept in mind of building for the future as well as for today.

**Teachers' Retirement Fund.** This study is being conducted by a special commission created by act of the Legislature. This commission advises me that their report will set forth the basis of a sound, permanent system and indicate the steps which would accomplish the revision of the present plan. We have had sufficient experience, both in California and elsewhere, upon which to plan soundly for a teachers' retirement salary system. Our own California experiment has been valuable. It does not now fully meet the need: the amount of retirement salary is too small, and it does not provide assurance of permanent sufficiency of contributions. Under these circumstances I feel that the study made at your direction should be given wide publicity and that any changes necessary should be made with the hearty concurrence of all those interested, including the teachers and school administrators.

**Pensions for State Employees.** This subject has, I believe, in some form been brought before every legislative session in the past twenty years. The first definite action was the measure adopted in 1927 authorizing a study. The report of the special commission will be presented to you within a few days. I understand that it will recommend a plan to provide retirement salaries or pensions, based on contributions by the employees and the State.

**Fundamental Requirements.** In our common desire to make just and proper provision for employees who have served long and faithfully, and our desire to have our teachers' retirement system comply with modern standards, we should, I believe, proceed as promptly as possible in conformity with these fundamental requirements:

1. Financial soundness.
2. Constitutional soundness, involving if necessary an amendment to be adopted by the people.

**State Aid for Needy Aged.** This problem is reported upon by the Department of Social Welfare as directed by your act in 1927. California has a splendid record of success with State aid for orphans. I trust you will give most sympathetic consideration to the extension of State aid, in cooperation with the counties, for the indigent aged, and the necessary constitutional and financial provisions to put it into effect.

#### SUGGESTED DEPARTMENTAL LEGISLATION.

**Reorganization Bills.** As discussed elsewhere in this message, bills will be introduced for the creation of new departments and for the reorganization of existing departments in certain minor details. These bills will provide for the creation of a Department of Investment Regulation to include the activities relating to the regulation of banks, insurance companies, real estate brokers, building and loan associations and corporations; the creation of a Department of Vocational Standards to include the boards of Accountancy, Architecture, Dental Examiners, Embalmers, Barber Examiners, Cosmetology, Medical Examiners, Optometry, Pharmacy, Pilot Commissions, Veterinary Medical Examiners and the Detective License Bureau of the Board of Prison Directors and the Bureau of Registration of Nurses of the Department of Public Health; the creation of a Department of Military and Veterans' Affairs to include the Adjutant General, Veterans' Welfare Board, Woman's Relief Corps Home and Veterans' Home of California; the possible creation of a Department of Penology, to maintain contact between the prisons, the proposed

woman's penal institution, the Bureau of Criminal Identification, the Advisory Pardon Board, and the Division of Narcotic Control; the transfer of the State Agricultural Society and the various district agricultural associations, the Civil Service Commission and the Surveyor General to the Department of Finance; the transfer from the Department of Finance to the Department of Public Works the activities relating to the Division of Motor Vehicles; the creation of a new Board of Agriculture as an advisory board to the Director of Agriculture; and the transfer to the Department of Industrial Relations the duties of the State Fire Marshal in connection with the licensing of cleaning and dyeing establishments, and various other bills such as may be needed to complete the reorganization program of the State.

#### CONCLUSION

In concluding this message I trust I may be pardoned for describing it in a somewhat comprehensive survey of the condition of the State. I do make known the message is lengthy. The agency of the Greenback Channel has made it possible to lay before you, much more comprehensively than before, the status of governmental activities. The faithful adherence to the constitutional provisions regarding the budget has given us a framework for a financial survey of the State which, well as I believe, very valuable to all of us.

Apart from these considerations, that I express again my conviction that the dominant public policy in the minds of all the people at this time is one of long-time planning. The facts and conditions reported to you in this biennial message are data upon which plans will be laid by you and by those who will follow you for the progressive development of our State through many years to come. A careful analysis of true conditions is somewhat tedious to write as well as read, but such a careful analysis guarantees that our progress shall be sane and consistent rather than spasmodic.

We are enjoying in California the privileges and blessings of a government which is the outgrowth of an era of pragmatism that had its beginning about twenty years ago. By marshalling of facts, by an analysis of needs, and by a survey of our resources, we have before us an opportunity to launch a program of constructive progress which, without regard to persons or politics, will influence the history of California for a generation to come.

Respectfully submitted,

C. C. YOUNG, Governor of California.

January 7, 1929

#### ADJOURNMENT.

There being no further business, at two o'clock and twenty minutes p.m., on motion of Senator Slater, the President of the Senate declared the Joint Convention adjourned sine die.

#### IN SENATE.

#### RECONVENED.

At two o'clock and twenty-five minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ADJOURNMENT.

At two o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO, Tuesday, January 8, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—40.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 7, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Supervisor Walter Schmidt, member of the board of supervisors of San Francisco and former member of the Assembly of the State of California.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for the day was unanimously extended to J. M. Paige, secretary of the Chamber of Commerce; C. B. Afflerbaugh, secretary of the Los Angeles County Fair Association, and Hugh A. Thatcher, chairman of the highway department of the Chamber of Commerce, all of Pomona.

## APPOINTMENT BY THE PRESIDENT OF THE SENATE.

The following communication was received and read:

I beg leave to inform you that I have appointed

Frank Durkee, Jr., Page-----	\$2 50 per day
Neal Fellom, Page-----	2 50 per day
Donald Maguire, Page-----	2 50 per day

and respectfully request the consent of the Senate thereto.

H. L. CARNAHAN, President of the Senate.

Senator Crowley moved the appointments be confirmed by the Senate.

The question being upon the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

## RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw their warrants for the said amount, and the Treasurer is hereby directed to pay the same:

F. E. Dalin, Assistant Secretary-----	\$7 00 per day
C. A. McLean, Jr., Assistant Secretary-----	7 00 per day
Jno. P. Rice, Assistant Minute Clerk-----	7 00 per day
Donald Bruce, Assistant Minute Clerk-----	7 00 per day
A. Craner, History Clerk-----	7 00 per day
Carrie Garrison, File Clerk-----	7 00 per day



Wellington Bowser, Journal Clerk	\$7 00 per day
Ed Ruoff, Assistant History Clerk	5 00 per day
E. J. Hurley, Assistant at Desk	5 00 per day
Kathleen Tuitt, Chief Stenographer	6 00 per day
Edith S. Hance, Stenographer	5 00 per day
Agnes Sherrer, Stenographer	5 00 per day
Margaret Bridges, Stenographer	5 00 per day
Eva A. Birk, Stenographer to Judiciary	6 00 per day
John Crotty, Assistant Sergeant-at-Arms	5 00 per day
J. E. Reynolds, Assistant Sergeant at Arms	5 00 per day
Theodore Lafayette, Assistant Sergeant at Arms	5 00 per day
Clarence J. Prentice, Assistant Sergeant-at-Arms	5 00 per day
Mrs. H. J. Carter, Postmistress	4 00 per day
A. H. Breed, Jr., Clerk, Finance Committee	6 00 per day
William T. Calderwood, Assistant Sergeant at Arms	5 00 per day
Lucille Grady, Stenographer	5 00 per day
Norma Brown, Stenographer	5 00 per day
Josephine L. Pewterbaugh, Stenographer	5 00 per day

### Resolution read.

Senator Crowley moved the adoption of the resolution

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

**NOES**—None

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

The following bill was introduced:

By Senator Swing: Senate Bill No. 1—An act to ratify and approve the Colorado River compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the Governor of such ratification and approval.

### CONSIDERATION OF SENATE BILL NUMBER ONE

Senator Swing asked for and was granted unanimous consent to take up for consideration Senate Bill No. 1, without reference to committee.

### CASE OF URGENCY.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Senate Bill No. 1 presents a case of urgency, as that bill is used in section 15 of article 4 of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

### Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—38.

**NOES**—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Senate Bill No. 1.

## SECOND READING OF SENATE BILL NUMBER ONE.

Senate Bill No. 1—An act to ratify and approve the Colorado River compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the Governor of such ratification and approval.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

SEC. 5. Inasmuch as the Colorado River, during flood periods, constitutes a menace to life and property, and inasmuch as the act of Congress, entitled "An act to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes," approved December 21, 1928, provides, among other things, for controlling the floods of the Colorado River and thereby eliminating such hazard, and also expressly provides that said act shall not take effect unless and until the said Colorado River compact shall have been ratified by each of the seven states signatory thereto, and the President by public proclamation shall have so declared, or, in the event the seven states signatory thereto shall have failed to ratify the said compact within six months from the date of the passage of said act, then until six of said states, including the State of California, shall have ratified said compact and shall consent to waive the provisions of the first paragraph of article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven states signatory thereto, and shall have approved said compact without conditions, save that of such six-state approval, and the President by public proclamation shall have so declared, it is hereby declared that this act is an urgency measure, necessary for the immediate preservation of the public health, peace and safety and that under the provisions of section 1 of article IV of the constitution of the State of California an urgency exists and this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—38.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 1 ordered transmitted to the Assembly.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Baker: Senate Bill No. 2—An act to amend section 1180 of the Penal Code, relating to the effect of an order granting a new trial in criminal cases.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Breed: Senate Bill No. 3—An act making an appropriation to meet the deficiency in the appropriation for the mileage of State Senators for the seventy ninth and eightieth fiscal years.

Bill read first time, and referred to Committee on Contingent Expenses.

By Senator Cobb: Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Edwards: Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the seacoast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor, to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Garrison: Senate Bill No. 6—An act to amend section 46 of the "California Irrigation District Act," approved March 31, 1897, as amended, relating to the entry of the record of assessment sales and the addition of penalties to assessments upon redemption.

Bill read first time, and referred to Committee on Irrigation.

By Senator Handy: Senate Bill No. 7—An act to amend section 6287 of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hurley: Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Mueller: Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Murphy: Senate Bill No. 10—An act providing for the protection and assistance of aged persons under certain conditions in the State of California and prescribing penalties for violation of the



provisions hereof and making an appropriation for the carrying out of its purposes.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Senator Weller: Senate Bill No. 11—An act to amend section 1741 of the Political Code, relating to high schools.

Bill read first time, and referred to Committee on Education.

By Senator Young: Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 13—An act to amend section 2210*b* of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Senator Merriam: Senate Concurrent Resolution No. 1—Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the 28th day of August, 1928.

Resolution referred to Committee on Municipal Corporations.

By Senator Murphy: Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked and *prima facie* proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Handy: Senate Bill No. 15—An act to amend section 634 of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Garrison: Senate Bill No. 16—An act to amend sections 35 and 38 of the "California Irrigation District Act," approved March 31, 1897, as amended, relating to the duties of the assessor and the equalization of assessments.

Bill read first time, and referred to Committee on Irrigation.

By Senator Breed: Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections.

Bill read first time, and referred to Committee on Elections.

By Senator West: Senate Bill No. 18—An act to amend section 190 of the Penal Code, relating to the punishment for the crime of murder

and to repeal section 246 of the Penal Code, relating to punishment of persons undergoing life sentence.

Bill read first time, and referred to Committee on Judiciary

By Senator Breed: Senate Bill No. 19—An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America.

Bill read first time, and on motion of Senator Breed ordered on file without reference to committee.

By Senator Murphy: Senate Bill No. 20—An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company, compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties.

Bill read first time, and referred to Committee on Labor and Capital

By Senator Duval: Senate Bill No. 21—An act making an appropriation for the construction, equipment and furnishing of a building or buildings on the campus of the University of California at Los Angeles for the use of the division of subtropical horticulture.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Merriam: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California to amend section 3 of article VI of the constitution of said State, relating to the tenure of office of certain judicial officers and the method of their selection.

Amendment referred to Committee on Constitutional Amendments.

By Senator Slater: Senate Bill No. 22—An act to provide for the establishment, government, maintenance and operation of the public school systems of the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Handy: Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 24—An act to amend section 2141 of the Political Code, relating to the powers of the Department of Institutions.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 25—An act to restrict the running of dogs at large; providing for the issuance of dog and kennel licenses by the State and the disposition of fees received therefrom; creating a live stock preservation fund; providing for the compensation of owners of live stock for damage thereto caused by dogs, and providing penalties for violation of the provisions of this act.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Garrison: Senate Bill No. 26—An act to extend the Mother Lode Highway from Sonora, Tuolumne County, to Mariposa, Mariposa County.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Duval: Senate Bill No. 27—An act to amend section 626s of the Penal Code, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 28—An act to amend sections 1, 17, 21 and 22 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 19, 1915," approved May 28, 1917, as amended, and to add a new section thereto to be numbered 21b, relating to fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Crowley: Senate Bill No. 29—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 30—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended by adding a new section thereto, to be numbered section 1½, relating to registration of drug stores.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senators Canepa, Crowley, Fellom, Gray, Maloney, Murphy and Tubbs: Senate Bill No. 31—An act granting in trust to the city and county of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for



the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator McKinley: Senate Bill No. 32—An act to amend section 601a of the Civil Code, relating to religious corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Inman: Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths, the appointment of State and local registrars of vital statistics, to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same, to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 34—An act to add a new section to the Political Code to be numbered 363j, relating to the Department of Public Works.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 38—An act to provide proper sanitary conditions at railroad terminals for the preservation of the health of employees.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Breed: Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone and electric power corporations.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Boggs: Senate Bill No. 42—An act to add a new section to be numbered section 7½ to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Inman: Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys

collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 45—An act to amend sections 3, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fellom: Senate Bill No. 46—An act to amend section 190 of the Penal Code, relating to the punishment of persons found guilty of murder.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jones, Herbert C.: Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or navigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of taxes; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Concurrent Resolution No. 2—Relative to Henry Meade Bland being given the honorary title of The Laurel Crowned Poet of California.

Resolution referred to Committee on Education.

#### APPOINTMENT BY SERGEANT-AT-ARMS.

The following communication was received and read:

MR. PRESIDENT: I beg to report that I have this day appointed Harry Caro bookkeeper to the Sergeant-at-Arms, and respectfully ask the consent of the Senate thereto.

JOSEPH F. NOLAN, Sergeant-at-Arms.

Senator Breed moved the appointment be confirmed by the Senate. The question being upon the confirmation of the appointment.



The roll was called, and the appointment confirmed by the following vote.

**AYES.** Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harley, Jones, Herbert C. Jones, Ray, Maloney, McCormack, McKinky, Morrison, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, West, and Young—33.

**NOES.** None.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).**

By Senator Young: Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 626*f*, relating to cats in fish and game districts designated by law as game refuges.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 50—An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the distribution of nursery stock for public planting and reforestation.

Bill read first time, and referred to Committee on Conservation.

Also: Senate Bill No. 51—An act to amend section 384*a* of the Penal Code, relating to the protection of native trees, shrubs and plants.

Bill read first time, and referred to Committee on Conservation.

**RECESS.**

On motion of Senator Breed, at eleven o'clock and forty minutes a.m., the President of the Senate declared recess until two o'clock p.m.

**RECONVENED.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**RESOLUTIONS.**

The following resolutions were offered:

By Senator Swing:

*Resolved*, That all persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution or upon any anticipated or proposed bill, measure or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and has filed with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms issue to such person a certificate that he has so registered in conformity with this resolution, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill,

mensure or resolution, without first being discussed and agreed to in committee as herein provided.

Senator Swing moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harney, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—44.  
 NOES—Cleveland and Rochester—2.

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

John T. Young, Chief Assistant to Sergeant at Arms	\$5.00 per day
Miss Josephine Waite, Stenographer	5.00 per day
Mr. George Cartwright, Stenographer	5.00 per day
Mr. A. R. Sweeney, Stenographer	5.00 per day
Miss Ethel Mitchell, Stenographer	5.00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harney, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—32.  
 NOES—None.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER ONE.

Senator Merriam asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 1 from Committee on Municipal Corporations for the purpose of adoption.

Senate Concurrent Resolution No. 1 Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-eighth day of August, 1928.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Harney, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, and Young—34.  
 NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Crowley: Senate Bill No. 52—An act to provide for the examination and certification of persons, other than registered nurses,

engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Inman: Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806 and 882 thereof, relating to the jurisdiction of courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300*m*, relating to fees and costs in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 56—An act to amend the Code of Civil Procedure by adding thereto a new section to title XII of part II thereof, to be numbered 934, relating to police courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 58—An act to add a new section to the Code of Civil Procedure to be numbered 831*½*, and to repeal section 835 thereof, relating to the change of place of trial.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 59—An act to amend section 274*c* of the Code of Civil Procedure, relating to phonographic reporters.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure to be numbered 900*b*, relating to new trials in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 61—An act to add a new section to the Code of Civil Procedure to be numbered 831*b*, relating to practice and procedure in the justices' courts.

Bill read first time, and referred to Committee on Judiciary.



Also: Senate Bill No. 62—An act to add a new section to the Code of Civil Procedure, to be numbered 982*a*, relating to appeals to superior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure to be numbered 927*g*, relating to costs in small claims courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 64—An act to amend section 112 of the Code of Civil Procedure, relating to jurisdiction of justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 66—An act to amend section 4399*a* of the Political Code, relating to county clerk's fees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure to be numbered 77*a* and 77*b*, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 70—An act to amend section 34 of the Code of Civil Procedure, relating to courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 71—An act to add a new section to the Political Code to be numbered 4185*a*, relating to qualifications and eligibility to the office of justice of the peace.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 634, 644, 650, 657, 659, 660, 664, 953*a*, 953*c*, 956 and 1717 thereof, and to add certain new sections thereto, to be numbered sections 659*a*, 661 and 662, respectively, relating to findings, judgments, new trials and appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 75—An act to add a new section, to be numbered 4, to an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of necessary expenses for travel, board and lodging of such justices or judges incurred in the discharge of such assignments," approved May 20, 1927, relating to the extra compensation and the necessary expenses of such justices and judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 76—An act to amend chapter IV of title I of part III of the Political Code by adding thereto a new section, to be known as 727*a*, relating to the Judicial Council and the right of county clerks and clerks of the various courts to draw their salaries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 77—An act to add a new section to the Penal Code, to be numbered 1093*a*, relating to instructions to jurors in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 78—An act to amend section 607 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 607*a* and 607*b*, relating to instructions to jurors in jury trials.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 81—An act to amend sections 591, 592, 593 and 594 of the Code of Civil Procedure, relating to trials.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 82—An act to amend section 681*a* of the Code of Civil Procedure, relating to stay of executions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 83—An act to add new sections to the Code of Civil Procedure, to be numbered 1001, 1001*a*, 1001*b* and 1002, relating to admissions before trial.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending sections 204, 205 and 206 thereof and to repeal sections 204*a*, 204*b*, 204*c*, 204*d*, 208, 209, 211, 214, 215, 219, 220, 225, 226, 227, 228, 230, 231, 232, 246, 247, 248, 250 and 251 of the same code, relating to the selecting, returning, summoning, drawing and impaneling of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 90—An act to amend section 396 of the Code of Civil Procedure, relating to changing place of trial.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 91—An act to amend section 831*b* of Code of Civil Procedure, relating to changing place of trial in municipal courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 92—An act to amend section 647 of the Code of Civil Procedure, relating to what is deemed excepted to.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 93—An act to amend sections 631, 1312, 1330, and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 94—An act to add a new section to the Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county.

Bill read first time, and referred to Committee on Judiciary.



Also: Senate Bill No. 95—An act to amend section 472 of the Code of Civil Procedure, relating to pleadings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 96—An act to amend sections 1327, 1491, 1616, and 1664 of the Code of Civil Procedure, relating to the time within which various acts pertaining to the administration of estates may be done.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 98—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Fellom: Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Lyon: Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for providing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and

liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Rochester: Senate Bill No. 103—An act creating a commission to select a site for a State hospital for the insane.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Crowley: Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof,'" approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Vocational Standards, should such a department be created, and in that event defining the powers and duties of said department under this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 106—An act to amend "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory

thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended; by adding a new section to be numbered section 20½ relating to the impersonation of investigators of the Board of Medical Examiners and providing a penalty for the violation of the provisions hereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Boggs: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to section 1 of article IV of the constitution of the State, relating to the initiative and referendum.

Amendment referred to Committee on Constitutional Amendments.

By Senator Crowley: Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Inman: Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders.

Bill read first time, and referred to Committee on County Government.

By Senator Lyon: Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.



By Senator Hurley: Senate Bill No. 112—An act to prohibit the employment of aliens by contractors and subcontractors on public work and providing penalties for violations of the provisions thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Lyon: Senate Bill No. 113—An act to amend the California Vehicle Act, approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 42 and 43 of said act, relating to registration number plates, the furnishing of the same, and where on motor vehicles the same shall be displayed.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 114—An act to amend section 955 of the Civil Code, relating to the assignment of wages and power of attorney revoking same.

Bill read first time, and referred to Committee on Labor and Capital.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At two o'clock and fifty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

By Senator Lyon: Senate Bill No. 115—An act to amend section 11 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to definitions, licenses, and what must be stated in applications therefor, giving to the Commissioner of Labor the power to revoke, suspend or refuse to grant licenses, providing penalties for operating an agency, directly or indirectly, without a license, for the transferring or accepting any interest therein without permission from the commissioner, or for failing to list in the application all persons financially interested in the agency in question, prohibiting the conducting of agencies in connection with pool halls and soft drink parlors and more specifically defining what are employment agencies.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 116—An act to amend section 3 of an act entitled, "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved March 20, 1919.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 117—An act to amend the California Vehicle Act approved May 30, 1923, as amended and approved May 16, 1925, as amended and approved May 25, 1927, by amending sections 7½ and 83 of said act, relating to the use and operation and the equipment of vehicles operated upon public highways.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 118—An act to amend section 12 of an act entitled, "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended so as to entitle the applicant for employment to double the amount of the fee paid in the event the fee paid is not returned within forty-eight hours after demand, in cases where the applicant fails to obtain employment.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 119—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended relating to definitions, licenses, and what must be stated in applications therefor, giving to the Commissioner of Labor the power to revoke, suspend or refuse to grant licenses, providing penalties for operating an agency, directly or indirectly, without a license, for transferring or accepting any interest thereon without permission from the commissioner, or for failing to list in the application all persons financially interested in the agency in question, prohibiting the conducting of agencies in connection with pool halls and soft drink parlors and more specifically defining what are employment agencies.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Allen: Senate Bill No. 120—An act to amend section 69 of the Civil Code, relating to the issuance of licenses to marry.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 121—An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to permits and records of employment and certificates of age of minors.

Bill read first time, and referred to Committee on Labor and Capital.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

**BUDGET MESSAGE OF C. C. YOUNG, GOVERNOR OF CALIFORNIA**  
*To the Members of the Senate and Assembly.*

The budget herewith presented has been prepared in accordance with section 34 of article IV, of the State constitution. In submitting this budget I have adapted the same plan as was followed in the budget presented by me to the Legislature two years ago; a plan by which all of the proposed expenditures of the State provided by existing law, together with such other items as may be recommended for your consideration, have been included. Every dollar of proposed expenditure has been accounted for, whether to be disbursed by the State directly, or indirectly through the agency of the counties, as in the case of schools, highways, airplanes and the like.

## A SEGREGATED BUDGET.

The proposed expenditures for the coming biennium have been segregated into three separate sections, namely, the general budget, the educational budget, and the highway budget. This segregation has been made in order that special study may be given to each of those three major functional expenditures of the State. The expenditures for the general activities of the State comprise but 24 per cent of the entire budget, while 32 per cent is expended for education and 44 per cent for highways. A large group of the public is directly interested in the expenditures made by the State for educational purposes, while still another large group is interested in the expenditures for highway purposes. Many requests are received throughout the year for detailed statements of expenditures for those two purposes, and special pamphlets dealing with the educational section and the highway section of the budget will be separately printed for distribution to those requesting this information.

## DEPARTMENTAL REQUESTS REPORTED.

Another new procedure is introduced in making known to you the amounts requested by the various agencies of the State and the reasons why deductions have been made in some of the requests. A detailed explanation has been inserted before each functional group in the budget.

Your attention is particularly invited to the fact that of the total budget only \$66,434,322, or 27.22 per cent, comes under the direct control of the Governor. The other 72.78 per cent, or \$177,626,784, of the budget is made up of fixed charges, comprising items which have been appropriated in recurrent amounts by the Legislature, and for expenditures definitely fixed by vote of the people.

## THE GENERAL BUDGET.

The general budget, totaling \$58,710,614, represents an increase of only 6.79 per cent over the expenditures of the previous biennium. This increase is far below the estimated percentage of increase of the population of the State for the next two years. This is without doubt the smallest percentage of increase for the general budget in the history of the State, and represents an actual substantial reduction in the per capita cost of State government. Of the general budget \$6,831,670 consists of fixed charges. The general budget has been arranged according to departmental functions, grouping therein departments already in existence and such other activities as naturally suggest themselves as parts of a functional group. This arrangement will enable those interested in any particular departmental activity to find all of the items in connection with that activity grouped together. This new form of budget has met with the approval of those who are interested in the scientific preparation of governmental budgets.

## SALARIES SUBJECT TO REVISION.

The salaries shown in this budget are those which were actually paid in the 79th fiscal year and are such as are approved for the present fiscal year. In the 81st and 82d fiscal years the salaries shown are in most cases the recommendations made by the departments. It was impossible to check the proposed individual salary increases with the salaries to which the respective employees were properly entitled under the salary schedules of the Civil Service Commission. There is, therefore, no assurance that the proposed salaries will be paid to the occupants of the various positions in the next biennium.

It is recommended that arrangements be made by which the Civil Service Commission may be put in a position to assist in the consideration of the budget by the Department of Finance, so that in future budgets the salaries may be shown as actually paid at the time of the making of the budget; and that a general item be included for each department to provide for the normal increases in compensation after making due allowance for the turnover of employees. This plan, if adopted, will obviate the apparent effort to determine the individual salary allowance nearly two and a half years in advance of the time of payment, and will justly give effect to the salary schedules scientifically prepared by the Civil Service Commission.



## RETIREMENT OF FUNDED DEBT BONDS.

Your attention is invited to the expenditure of \$282,870 each biennium for interest on \$2,277,500 funded debt 6 per cent bonds of 1873, as shown on page 192 of the general budget. These bonds would have matured in 1893, but the people, in 1892, voted not to retire the bonds, which were then held by the school fund and the university fund. The Legislature accordingly, by the provisions of chapter 65, Statutes of 1893, provided that interest should continue to be paid on the bonds. In addition to the bonds for which interest was provided by the act of 1893, the Legislature also included an amount of \$78,750 due the university fund for amounts incorrectly withdrawn in previous years, and upon which interest at 6 per cent per annum was added to the amount of interest for the bonds.

The interest, which has been paid annually for thirty-five years, amounts to \$3,950,225. This sum would have been sufficient to retire the bonds and leave a balance of \$1,172,725. It is recommended that consideration be given to the gradual retirement of these bonds, which would effect a biennial saving of the \$282,870 now paid out in interest.

## THE EDUCATIONAL BUDGET.

In this budget have been grouped together all of the expenditures proposed for educational purposes during the next biennium. The total educational budget of \$78,931,901 includes \$64,362,324 in fixed charges. The proposed expenditures for the University of California represent an increase of 12.76 per cent over the previous biennium, while the total educational budget represents an increase of 10.44 per cent over the previous biennium.

## THE HIGHWAY BUDGET.

The total highway budget of \$106,432,790 is entirely a fixed charge over which the Governor has no control. The increase in the proposed expenditures for the next biennium over the present biennium is 17.03 per cent. This increase is due largely to the additional one-cent gas tax law for new construction, which was enacted by the last Legislature, the revenue from which does not cover a complete two-year period in the present biennium. A considerable increase is also estimated in the gas tax for highway maintenance and reconstruction. These funds are dealt with in greater detail in the comment preceding the highway section of the budget.

The proposed highway budget for the next biennium shows an estimated expenditure of approximately \$27,400,000 for new construction of highways. It is interesting to note the saving to the taxpayers effected by the "pay-as-you-go" plan. If bonds maturing over a period of forty years at 44 per cent interest were issued to provide the \$27,400,000 for new construction, this construction would eventually cost the people of the State \$51,272,250, or an increase of practically \$24,000,000 over the cost of such construction under our present plan of financing.

## THE TOTAL BUDGET.

The original requests received from all agencies exceeded the final approved budget by over \$8,500,000. Many of the requests of the various agencies were voluntarily reduced after consultation. Conferences were held with heads of many of the State institutions and directors of departments, and different institutions were visited to obtain complete knowledge of the particular local situations involved. The State Architect and members of his staff were consulted on various permanent improvement programs. As a result of these conferences, a satisfactory understanding was reached with those in charge of the various activities, and we were enabled to reduce materially the amounts which were originally estimated as being necessary in the next biennium to provide for the needs of the agencies concerned.

The total of proposed expenditures for the next biennium represents an increase of 12.28 per cent, or \$26,688,085. This increase represents approximately \$16,408,274 from special funds and only \$10,279,811 from the general fund. Moreover, of this amount, \$22,291,638, or 83.65 per cent, represents an unescapable increase in fixed charges, while only \$4,396,447, or 16.35 per cent, represents normal increase in the general activities of State government. As is shown further in this message, the percentage of increase for the total budget is lower than for any period since the budget law was enacted, while the actual amount of increase in money in the proposed expenditures during the ensuing biennium payable from the general fund of the State is far below the average of the past twelve years.

## COUNTY SPENDING OF STATE REVENUES.

We frequently overlook the fact that a large part of the funds included in the State budget represents merely agency transactions by the State—funds which the State does not actually spend, but which are apportioned to the counties and local subdivisions. These items, generally speaking, are set aside by law, such as the funds apportioned to the counties out of the gasoline tax and other sources of highway revenue, apportionments for schools, and apportionments for tuberculosis subsidies.

For this reason a table showing the relative amounts of such agency transactions compared to actual government operations is submitted. It will be noted that in the general budget there is a recommended appropriation for this biennium of \$640,000 for subsidies in order to cooperate with the counties in the fight against

tuberculosis. In the educational budget 68 per cent of the recommended biennial appropriations and the apportionments provided by law will be distributed to be expended by counties for elementary schools, high schools and junior colleges. One-third of the total highway budget will be expended by counties for county roads, and for the payment by the State of the county road officers. A comparison of the totals of the table reveals that the sum of State funds apportioned to counties for agency transactions during the 81st and 82d fiscal years will be \$10,000,000 more than the agency transactions of the 79th and 80th fiscal years. The agency transactions form a slightly greater percentage of the total budget than in the preceding biennium.

TABLE OF STATE GOVERNMENT OPERATIONS AND AGENCY TRANSACTIONS  
FOR LOCALITIES.

	State government operations.	Agency transactions for localities.
79th and 80th fiscal years—		
General budget	\$74,777,847.22	\$649,000.00
Educational budget	22,382,674.58	49,087,956.12
Highway budget	62,626,650.02	28,312,683.86
Totals	\$139,387,180.82	\$78,000,039.98
Per cent of total budget	64.11	35.89
81st and 82d fiscal years—		
General budget	\$78,070,614.61	\$649,000.00
Educational budget	24,829,801.36	54,192,166.00
Highway budget	73,083,545.00	33,349,245.00
Totals	\$175,983,960.97	\$88,091,245.00
Per cent of total budget	63.90	39.10

#### THE GENERAL FUND SURPLUS.

I am able to report to you a most satisfactory condition of the general fund. Instead of the reduction of the surplus in this fund believed inevitable by some experienced observers, there is a substantial increase.

In my message to you two years ago, transmitting the budget for the present biennium, beginning July 1, 1927 and ending June 30, 1929, I discussed at some length the general fund surplus which would presumably exist at the beginning of this biennial period. I quoted from a report of the State Controller on December 14, 1926, to the effect that the surplus June 30, 1923, was \$4,707,852.21; that during the past two years \$11,500,000 had been paid in by reduced comparisons to cover the impounded taxes resulting from the King Tax Bill litigation; and that those two amounts, or approximately \$16,250,000, was the general fund surplus two years ago. By conserving the appropriation of \$5,542,000 inadvertently made in 1925 for highway construction, we actually entered the biennium beginning July 1, 1927, with a general fund surplus of \$20,420,983.

I urged the need of conserving this surplus to the greatest possible degree and quoted the State Controller further as saying that the next two years would reduce this general fund surplus to \$10,000,000 without taking into consideration special appropriations commonly made by each legislative session. As a matter of fact, several major appropriations were made, notably that dealing with the employment of convicts on highway construction.

The utmost care has been exercised, however, to maintain the expenditures within the available revenues at all times. Consequently I am happy to report to you that instead of depleting in any degree the surplus with which we entered the biennium, we have been able materially to supplement it. On June 30, 1929, we will have a surplus in the general fund of \$29,302,946.40, an increase in the two years of almost \$10,000,000.

#### ANTICIPATED SURPLUS IN GENERAL FUND, JUNE 30, 1931.

The State Controller estimates the general fund surplus as of June 30, 1929, as above. The revenue for the ensuing biennium is estimated at \$130,178,106.26, while the proposed expenditures for the same period total \$129,399,310. In other words, the proposed budget of expenditures for the next biennium is less than the amount of estimated revenue which will accrue to the general fund of the State under existing statutes. An endeavor has been made this year to hold the increase of the budget to the lowest possible figure commensurate with intelligent service and absolutely necessary permanent improvements. Every effort was also made to keep the budget within the estimated revenues for the biennium, and I am glad to say that has been accomplished. However, legislation is to be recommended during the present session of the Legislature affecting the Inheritance Tax Law, which will reduce the revenue from this source by approximately \$3,000,000. Should this legislation be enacted, the general fund surplus at the close of the next biennium will be reduced by the amount of this loss in revenue.

#### COMPARATIVE TABLES OF EXPENDITURES.

The constitutional amendment providing for State budget administration was adopted by vote of the people in 1922. The following tables set forth comparative

figures covering the entire experience under the budget system. These figures have been carefully segregated into sections in accordance with the plan of budget submitted herewith.

## GENERAL BUDGET.

Fiscal years of bienniums—	Date limits of bienniums	Total expenditures for biennium	Percentage of increase
75th and 76th-----	1923-1925	\$39,079,665	22
77th and 78th-----	1925-1927	48,514,442	17
79th and 80th-----	1927-1929	54,977,847	32
81st and 82d-----	1929-1931	58,710,614	61
			6.79

## EDUCATIONAL BUDGET.

Fiscal years of bienniums—	Date limits of bienniums	Total expenditures for biennium	Percentage of increase
75th and 76th-----	1923-1925	\$54,332,242	80
77th and 78th-----	1925-1927	63,515,378	63
79th and 80th-----	1927-1929	71,470,030	71
81st and 82d-----	1929-1931	78,931,901	36
			10.44

## HIGHWAY BUDGET.

Fiscal years of bienniums—	Date limits of bienniums	Total expenditures for biennium	Percentage of increase
75th and 76th-----	1923-1925	\$48,171,317	48
77th and 78th-----	1925-1927	69,132,927	74
79th and 80th-----	1927-1929	90,939,342	88
81st and 82d-----	1929-1931	106,432,790	00
			17.03

The following table shows the growth of State expenditures for a fourteen-year period. While the budgets for this biennium and the next contain a very large item in the additional one-cent gasoline tax for new road construction, which enters into these two bienniums and not into those preceding, the percentage of increase is nevertheless being sharply reduced.

## TOTAL BUDGETS FOR FOURTEEN YEAR PERIOD.

Fiscal years of bienniums—	Date limits of bienniums	Total expenditures of bienniums	Increase over previous biennium	Percentage of increase over previous biennium
*69th and 70th----	1917-1919	\$61,122,962	32	
*71st and 72d----	1919-1921	79,687,495	03	30.37
*73d and 74th----	1921-1923	115,448,943	27	44.88
75th and 76th----	1923-1925	141,583,225	50	22.63
77th and 78th----	1925-1927	181,162,748	54	27.95
79th and 80th----	1927-1929	217,387,220	81	19.99
81st and 82d----	1929-1931	244,075,305	97	12.28

\* Figures taken from table in State Controller's report of 1923-1924, "Showing State Expenditures for the Past Fifteen Years."

A study of the table above will reveal that a decided check has been placed on the increase of percentage in expenditures during the present administration. In the general budget the ratio of increase has been reduced from 24.14 per cent in 1925-1927 to 6.79 per cent for the period 1929-1931. The total budget ratio of increase has been reduced from 27.95 per cent in 1925-1927 to 12.28 per cent of the period 1929-1931.

In the budget submitted by me two years ago, a table was presented showing that the percentage of increase over the previous biennium was 7.4 per cent. This percentage has been increased to 19.99 per cent during the biennium, two-thirds of which increase, or \$15,100,000, is due to the one-cent gas tax for the construction of new highways, provided after the budget for the last biennium was presented. Other increases were \$2,233,000 in special appropriation bills passed by the Legislature; \$2,689,000 more in highway reconstruction and county highway apportionment revenues than had been anticipated; \$1,137,756 greater school expenditures, due to larger school enrollment; \$857,275 increased funds for fish and game purposes, secured by new fishing and hunting legislation. These, with other smaller items, caused the increase from the estimated percentage in the original budget.

## PERMANENT IMPROVEMENT APPROPRIATIONS.

Presented on the following page is a comparative statement showing the actual and proposed appropriations from the general fund for permanent improvements from the 75th to the 82d fiscal years, inclusive, or from July 1, 1923, to June 30, 1931.

It will be noted that there was a decided cessation of permanent improvements in the 75th and 76th fiscal years, which resulted in an undue burden being placed upon the succeeding years. The appropriations made in the 79th and 80th fiscal years and proposed for the 81st and 82d fiscal years, have been recommended with a view of meeting as far as possible present requirements for housing facilities at the various institutions and schools. It is hoped that the presentation of a long-time building program, based on a careful study and survey of present requirements



and conditions and future growth and development will eliminate drastic changes and unnecessarily large, spasmodic appropriations in any one biennium.

COMPARATIVE STATEMENT SHOWING ACTUAL AND PROPOSED APPROPRIATIONS FROM THE GENERAL FUND FOR PERMANENT IMPROVEMENTS, SEVENTY-FIFTH TO EIGHTY-SECOND FISCAL YEARS, JULY 1, 1923 TO JUNE 30, 1931

	Actual Fiscal Year 1927-1928	Actual Fiscal Year 1928-1929	Actual Fiscal Year 1929-1930	Proposed Fiscal Year 1930-1931
<b>FINANCE</b>				
Division of Printing	\$60,800.00			
Miscellaneous state buildings	200,000.00	\$329,500.00		
Children's Building, Ballona Park	25,000.00			
State Agricultural Society		200,000.00	\$200,000.00	\$200,000.00
South District Agricultural Association		17,000.00		11,000.00
Totals	\$285,800.00	\$627,400.00	\$200,000.00	\$211,000.00
<b>INSTITUTIONS</b>				
Department of Institutions				
Agnew State Hospital	\$7,000.00	\$37,100.00	\$30,000.00	\$30,000.00
Mendocino State Hospital	50,000.00	60,000.00	60,000.00	60,000.00
Napa State Hospital	55,400.00	54,000.00	50,000.00	50,000.00
Norwalk State Hospital		48,000.00		48,000.00
Patterson State Hospital	69,000.00	100,000.00	208,000.00	208,000.00
Stockton State Hospital	177,000.00	210,000.00		210,000.00
Sonoma State Home	100,500.00	110,500.00		110,500.00
Pacific Colony		410,167.00	248,500.00	248,500.00
Preston School of Industry	10,000.00	10,000.00		10,000.00
Ventura School for Girls	100.00	15,000.00	4,000.00	4,000.00
Whittier State School	30,000.00	51,000.00	50,000.00	50,000.00
Narcotic State Hospital				100,000.00
Industrial Home for Adult Blind	10,000.00	4,000.00	10,000.00	10,000.00
Totals	\$500,500.00	\$2,467,017.00	\$2,758,000.00	\$2,287,000.00
<b>MILITARY AND VETERANS' AFFAIRS</b>				
National Guard and Adjutant General's office		\$321,500.00	\$17,000.00	\$207,000.00
Veterans' Home of California	\$30,000.00		75,000.00	
Woman's Relief Corps Home	6,500.00		7,000.00	7,500.00
Totals	\$42,500.00	\$321,500.00	\$104,000.00	\$214,500.00
<b>NATURAL RESOURCES</b>				
State parks	\$8,000.00		\$55,500.00	\$35,480.00
Totals	\$8,000.00		\$55,500.00	\$35,480.00
<b>PENOLOGY</b>				
State Prison at Folsom	\$23,000.00	\$32,500.00	\$264,500.00	\$280,000.00
State Prison at San Quentin	15,000.00	407,000.00	350,000.00	380,000.00
California Industrial Farm for Women	120,000.00			
Totals	\$158,000.00	\$439,500.00	\$614,500.00	\$660,000.00
<b>PUBLIC WORKS</b>				
Rivers, harbors, bridges, etc.	\$2,225,000.00	\$2,910,000.00	\$3,463,000.00	\$380,000.00
Totals	\$2,225,000.00	\$2,910,000.00	\$3,463,000.00	\$380,000.00
<b>EDUCATION</b>				
Clare State Teachers College	\$35,000.00	\$45,000.00	\$118,800.00	\$190,765.42
Fresno State Teachers College	45,000.00	103,000.00	27,000.00	71,450.00
Humboldt State Teachers College	1,275.00	25,000.00	20,000.00	20,000.00
San Diego State Teachers College	31,000.00	77,000.00	45,000.00	375,000.00
San Francisco State Teachers College	190,000.00	205,000.00	215,000.00	25,000.00
San Jose State Teachers College	13,500.00	152,500.00	15,000.00	105,272.00
Santa Barbara State Teachers College	15,000.00	187,500.00	195,000.00	180,000.00
California Polytechnic School		60,500.00	107,000.00	140,000.00
California Schools for the Deaf and the Blind	194,550.00	120,000.00	97,000.00	179,000.00
University of California	140,000.00	680,887.42	504,400.00	851,000.00
Totals	\$635,325.00	\$1,753,917.42	\$1,746,057.60	\$2,239,450.42
Grand totals	\$3,041,885.00	\$8,529,394.42	\$8,487,246.60	\$7,543,125.42

\* \$170,000.00 additional for construction of barracks appropriated from State Athletic Commission Fund. While these appropriations are considered as State expenditures, they are not appropriations from the General Fund.

† School for Blind only.

‡ School for Deaf only.

§ \$465,450.00 appropriation from State Athletic Commission fund recommended for permanent improvements.

## COMPLETE SUMMARY OF EXPENDITURES.

A complete detailed summary has been included in the budget showing all of the expenditures for every purpose since the budget law was enacted. The actual expenditures for the first two bienniums have been carefully checked and corrected. The expenditures shown for the third biennium represent a careful estimate of the total expenditures for the ensuing two years.

## LONG TIME PLANNING.

As a feature of long-time planning, at the end of the budget has been appended a ten-year building program. In presenting this ten-year building program, it is fully recognized that each succeeding Legislature and each succeeding Governor will be free to modify any long-time building program which may be suggested. However, the value of having a basic study of the needs for a period of years in advance is so evident as to justify the preparation of such a program. Furthermore, an attempt has been made to outline a program based so exactly on the available facts that there will be no inducement to modify it except in the direction of better meeting the needs as they may be changed by new conditions.

## CONCLUSION.

As I have stated elsewhere in this message, the budget presented herewith is based upon expenditures necessary for efficient service and essential permanent improvements. It is not a budget made up from the viewpoint of economy alone, in so far as economy means the reduction of amounts requested by the various agencies to keep the total of the budget down to some predetermined amount; but it is a budget based upon an economy that will assure a businesslike, efficient, progressive, and intelligent administration of the State's business.

Respectfully submitted.

C. C. YOUNG, Governor of California.

January 8, 1929.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1—An act to ratify and approve the Colorado River Compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the Governor of such ratification and approval;

Also: Adopted Senate Concurrent Resolution No. 1—Relative to approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-eighth day of August, 1928.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 1, and Senate Concurrent Resolution No. 1 ordered to enrollment.

## RECESS.

At three o'clock and fifteen minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of three o'clock and twenty-five minutes p.m.

## RECONVENED.

At three o'clock and twenty-five minutes p.m., the Senate reconvened. President pro tempore Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Inman: Senate Bill No. 122—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provision of section 34 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922.

Bill read first time, and referred to Committee on Finance.

## ADJOURNMENT.

At three o'clock and thirty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Wednesday, January 9, 1929

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Cathman, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Felling, Garsson, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young. 39

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 8, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator West was, on motion of Senator Christian, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. and Mrs. Joseph Thompson of Sacramento.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Jules La Moine, City Councilman of Walnut Creek.

On request of Senator Tubbs, the privilege of the floor of the Chamber for the day was unanimously extended to Hon. Phil Katz, Public Administrator of city and county of San Francisco.

## PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Merriam:

WHEREAS, California cities, towns and sanitary districts are being faced with problems of disposing of their sewage and industrial wastes under peculiar seasonal and climatic conditions which complicate the problems or make them unique, thus rendering inapplicable or of doubtful value methods and standards developed elsewhere, and

WHEREAS, These pressing problems are of vital concern to all communities, large and small, and their separate investigations would involve, in some cases, prohibitive expense and in many cases wasteful duplication of money and effort; and



WHEREAS, The State is the logical agency to undertake the solution of common problems, particularly those affecting the health of its citizens, now, therefore, it is hereby

*Resolved*, By the council of the city of Long Beach that the action of the League of California Municipalities, at its last meeting, requesting the appropriation by the State of not less than \$65,000 for the establishment and maintenance during the next biennium of the proper and necessary facilities for investigations and research in methods of sewage and wastes disposal and treatment, be and the same is hereby endorsed and approved and this council does hereby respectfully urge the Legislature of the State of California to adopt suitable legislation to accomplish these purposes.

*Resolved, further*, That the members of the Legislature from this district are hereby requested to lend special effort to the furtherance of the purposes herein expressed and the adoption of the necessary legislation to accomplish the same.

*Resolved, further*, That the city clerk be and he is hereby directed to transmit certified copies of this resolution to the Hon. C. C. Young, Governor of the State of California; to our representatives at the Legislature, and to the League of California Municipalities.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Allen: Senate Bill No. 123—An act to add a new section to the Political Code, to be numbered 1740a, relating to secondary schools.

Bill read first time, and referred to Committee on Education.

By Senator Merriam: Senate Bill No. 124—An act declaring a proposed public highway extending from Los Angeles through Pomona to be a State highway and providing for the construction of the same.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Baker: Senate Bill No. 125—An act to add a new section to the Penal Code to be numbered 1308, relating to bail bonds.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 126—An act to add a new section to the Penal Code to be numbered 1269a, relating to bail in criminal cases.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 128—An act to amend an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and

requiring that certain crimes and criminal statistics and information be reported to the bureau.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also; Senate Bill No. 129—An act to amend section 4 of an act entitled "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under 18 years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under 21 years of age who can not adequately speak, read or write the English language, to enforce attendance upon said part-time classes where established, and providing penalties for violation of the provisions of this act," approved May 27, 1919, relating to counsel and guidance for pupils.

Bill read first time, and referred to Committee on Education.

Also; Senate Bill No. 130—An act to amend section 1684 of the Political Code, relating to pupils in public schools.

Bill read first time, and referred to Committee on Education.

Also; Senate Bill No. 131—An act to amend section 1751 of the Political Code, relating to pupils in public schools.

Bill read first time, and referred to Committee on Education.

Also; Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also; Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also; Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also; Senate Bill No. 135—An act to amend sections 8, 9 and 10 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases;

to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter 145 of California statutes of 1917, relating to the same subject," approved June 13, 1923, as amended.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 137—An act to add a new section to the Penal Code to be numbered 496c, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 138—An act to add a new section to the Penal Code to be numbered 1127c, relating to instructions on evidence of flight.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on indirect evidence.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 140—An act to add a new section to the Penal Code to be numbered 1127b, relating to instructions to the jury with reference to the opinions of expert witnesses.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 141—An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and



duties and providing for adult probation boards in said counties, and cities and counties.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Edwards: Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

Bill read first time, and referred to Committee on Education.

By Senator Crowley: Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health, to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Rochester: Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks, making it a misdemeanor to operate such air pressure tanks without such permit, and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees, providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections, and prescribing maximum fees for such inspections.

Bill read first time, and referred to Committee on Labor and Capital.

Also; Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Swing: Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section number 549a providing

for the release from attachment of real property owned by any person not a party to the action.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rochester: Senate Bill No. 147—An act to amend subdivision (c) of section 12 of the "General Dairy Law of California," approved June 15, 1923, as amended, relating to licenses and license fees for manufacturers of and dealers in, and those furnishing, renovated butter, oleomargarine, adulterated butter, or any substance designed to be used as a substitute for butter.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 148—An act to amend sections 1 and 3 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927.

Bill read first time, and referred to Committee on Judiciary.

By Senator Inman: Senate Bill No. 149—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mueller: Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Bill No. 151—An act to establish a nautical school at the port of Los Angeles, to provide for the conduct and maintenance thereof, to make an appropriation therefor, and to authorize the Governor to request and to receive aid from the United States in compliance with the provisions of an act of Congress approved March 4, 1911, or any other act of Congress authorizing the granting of aid in the establishment and maintenance of said school.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Mueller: Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Cobb: Senate Bill No. 153—An act to amend section 14 of an act entitled "An act to amend an act entitled 'An act to establish

a Board of Parole Commissioners for the parole of and government of parole prisoners, and repeal an act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners," approved March 23, 1893, approved June 16, 1913, by adding thereto a new section to be numbered 14, relating to the granting of paroles and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of Parole Commissioners," approved May 29, 1915, as amended, relative to conditions of parole.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Mueller—Senate Bill No. 154—An act to amend section 160<sup>7a</sup> of the Political Code, relating to the publication of annual reports and courses of study by governing boards of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Garrison—Senate Bill No. 155—An act to amend section 15 of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, relating to powers and duties of board of directors.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 156—An act to provide for the purchase by the State of California under certain conditions of certificates of sale of property sold for delinquent assessments of irrigation districts, and for the disposition through the State Land Settlement Board of property acquired by the State pursuant to the purchase of such certificates, and for the management by the California Bond Certification Commission, under certain conditions, of irrigation districts in which the State has so acquired an interest in lands.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 157—An act to amend sections 1 and 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company, compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to hours of labor of female employees, and providing penalties for violating the provisions of this act.

Bill read first time, and referred to Committee on Labor and Capital.



By Senator Mueller: Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California, to be known as section 66a, relating to judges of the superior court in San Diego county, and to repeal certain acts therein named.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 159—An act to amend section 46 of the California Vehicle Act, approved May 30, 1923, as amended, relating to registration of vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Handy: Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts.

Bill read first time, and referred to Committee on Education.

By Senators Rochester and Mueller: Senate Bill No. 162—An act to amend sections 61 and 131 of the Civil Code, and to repeal section 132 of the Civil Code, relating to interlocutory decrees for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 163—An act to amend section 963 of the Code of Civil Procedure, relative to interlocutory decrees of divorce.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wagy: Senate Bill No. 164—An act to appropriate the sum of two hundred thousand (\$200,000) dollars, out of any money in the State treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

#### RESIGNATION OF SENATE OFFICER.

The following communication was received and read:

SACRAMENTO, CALIFORNIA, January 9, 1929.

To the Officers and Members of the Senate.

Forty-eighth Session California State Legislature.

Owing to circumstances that have arisen within the past twenty-four hours I desire at this time to offer my resignation as History Clerk of the Senate and ask that the same be accepted at once.

Also I desire at this time to thank the officers and members of the Senate for the many courtesies that have been extended to me in the past, and trust that I may in some way be able to reciprocate in the future.

Very sincerely yours,

A. P. CRANER, History Clerk.

On motion of Senator Crowley, the resignation of Arthur P. Craner was accepted by the Senate.

## RESOLUTION

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, the same to take effect January 9, 1929:

Arthur P. Cramer, History Clerk..... \$7.00 per day

Resolution read, and on motion of Senator Crowley adopted.

Also:

*Resolved*, That E. J. Hurley be and he is hereby transferred from the position of Assistant at the Desk at \$5.00 per day to the position of Assistant Marine Clerk at \$7.00 per day, payable weekly, the same to take effect as of January 9, 1929, and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed to pay the same.

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassady, Christian, Cobb, Crowder, Duval, Edwards, Evans, Follom, Garrison, Gray, Hinkle, Hurley, Jones, Herbert C. Jones, Ray, Lyon, Malone, McCormack, McKelley, Morrison, Murdoch, Pedrell, Rochester, Sharkey, Slater, Swing, Tabb, and Wagy. 41.

NOES—None.

Also:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate:

Edith S. Hancel, Stenographer..... \$5.00 per day

Resolution read, and on motion of Senator Crowley adopted.

Also:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Fernet Marty, Stenographer..... \$5.00 per day

Gladys McLeod, Stenographer..... 5.00 per day

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassady, Christian, Cobb, Crowley, Duval, Edwards, Evans, Follom, Garrison, Gray, Hinkle, Hurley, Follom, Jones, Herbert C. Jones, Ray, Lyon, Malone, McCormack, McKelley, Morrison, Murphy, Pedrell, Sharkey, Slater, Swing, Tabb, Wagy, and Weber. 33.

NOES—None.

## APPOINTMENT BY THE PRESIDENT OF THE SENATE

The following communication was received and read:

I beg leave to inform you that I have appointed

E. J. Sullivan, Page..... \$2.50 per day

Boyd Garrison, Page..... 2.50 per day

and respectfully request the consent of the Senate thereto.

H. L. CARNAHAN, President of the Senate.

Senator Crowley moved the appointments be confirmed by the Senate.

The question being upon the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—35.

NOES—None.

#### RE-REFERENCE OF SENATE BILL.

On motion of Senator Inman, Senate Bill No. 35 was ordered withdrawn from Committee on Drainage, Swamp and Overflowed Lands, and re-referred to Committee on Finance.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER ONE.

Senator Allen asked unanimous consent for the consideration of Senate Joint Resolution No. 1, without reference to committee.

Unanimous consent granted.

#### SENATE JOINT RESOLUTION No. 1.

Relative to memorializing Congress for federal aid in the control of the western pine bark beetle.

WHEREAS, Timber constitutes one of the greatest resources of California and other western states where the lumber industry gives employment to over half of the wage earners of the Pacific Coast; and

WHEREAS, The forests of western United States now contain two-thirds of the remaining virgin timber resources of the country and the entire nation is dependent upon these forests for its supply of timber and other forest products; and

WHEREAS, Bark beetles and other forest insects are annually destroying hundreds of millions of board feet of virgin timber each year, and such losses by insects exceed the total annual growth of young timber in this region, and the losses in the pine region of the west caused by beetles is greater than the loss by fire; and

WHEREAS, Such losses are resulting in a too-rapid exploitation of the timber resources of this region in an effort to salvage timber before it is killed by insects; and

WHEREAS, These insect depredations have become a serious threat to the timber resources comparable to the activities of the boll weevil and corn borer in other parts of the nation; and

WHEREAS, It is impossible to control bark beetle infestations on private lands unless control work is also conducted upon adjoining federally owned lands; and

WHEREAS, A very large proportion of all timber in the west is owned by the United States government; now, therefore, be it

*Resolved by the Senate and Assembly, jointly,* That the Legislature of the State of California respectfully urge and request adequate federal assistance in the control of this great forest menace, and the adoption by the Congress of the United States of appropriate legislation for the appropriation of the requisite funds for the purpose of meeting this emergency; and

*Be it further resolved,* That the Secretary of the Senate be and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the Secretary of Agriculture, to the Secretary of the Interior and to each of the members of the Senate and House of Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—36.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 1 ordered transmitted to the Assembly.



## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Rochester: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding a new section thereto to be numbered section 26 of article VI, relating to the nomination and election of judges.

Amendment referred to Committee on Constitutional Amendments.

By Senator Carter: Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Bill read first time, and referred to Committee on Judiciary.

By Senator Merriam: Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month to month tenancies.

Bill read first time, and referred to Committee on Judiciary.

## RECESS.

On motion of Senator Breed, at eleven o'clock and thirty minutes a.m. the President of the Senate declared recess until eleven o'clock and forty minutes a.m.

## RECONVISED.

At eleven o'clock and forty minutes a.m. the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Jones, Herbert C.: Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1887, as amended, relating to the powers and duties of the Commissioner and providing penalties for violation of the said section.

Bill read first time, and referred to Committee on Labor and Commerce.

Also: Senate Bill No. 168—An act to amend section 689 of the Code of Civil Procedure, relating to the claims of third parties and indemnities to the sheriff, by providing for trial within ten days as to the ownership of property whenever a third party claim is filed under an attachment or execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 169—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

## RESOLUTION.

The following resolution was offered:

By Senator Crowley:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate:

Lucille Grady, Stenographer . . . . . \$5.00 per day

Resolution read, and on motion of Senator Crowley adopted.

## ADJOURNMENT.

At eleven o'clock and forty-five minutes a.m., on motion of Senator Breed, the President declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, January 10, 1929.

The Senate met at ten o'clock a.m.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—40.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 9, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Leonard Stone and A. E. Johnston of Fort Bragg.

## RESOLUTION.

The following resolution was offered:

By Senator Hurley:

WHEREAS, The Legislature will be called upon shortly to give its consideration to the budget which has to do with the financing of the State government; and

WHEREAS, It is necessary, in order that we may give proper consideration to this budget that we have before us more detail data than is contained in the budget; therefore, be it

*Resolved*, That the State Board of Control and the Civil Service Commission be and they are hereby directed to prepare and submit immediately to the Senate and the Assembly a report containing a complete list of the officers and employees of each and every office, department, board, bureau, commission and institution of the government of the State of California, said report being set up so as to show (1) the name of each such office, department, board, bureau, commission or institution and (2) the names of each of its officers and regular employees of every kind and character with title of position and amount of monthly salary or wages. Said report shall be as of January 1, 1929. Said report shall also contain a statement, with reference to each office, department, board, bureau, commission and institution, showing the number of persons engaged for temporary or emergency employment during the fiscal year ending June 30, 1928, and the total amount expended on account of such temporary or emergency employment.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Swing: Senate Bill No. 170—An act to amend section 626d of the Penal Code, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Baker: Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Slater: Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts.

Bill read first time, and referred to Committee on Education.

By Senators Boggs and Mueller: Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a, and 20b, of an act entitled "An act to define real estate brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create a State Real Estate Department and the office of Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors, to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale of lands for colonization or subdivision purposes; broker's bonds; relating to sale or lease of land for colonization purposes or farm land subdivision; providing penalties for the violations of the provisions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weller: Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of Architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gray: Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State civil service employees, and in further-



ance thereof providing a fund for pension and death benefits for such employees.

Bill read first time, and referred to Committee on Civil Service.

By Senator McKinley: Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Young: Senate Bill No. 182—An act to regulate the sale, possession, distribution, and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Pedrotti: Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weller: Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41, and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add fourteen new sections to said act, to be numbered sections 2a, 2b, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j, and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Murphy: Senate Bill No. 185—An act relating to the removal of railway division points or terminals, the giving of notice thereof, the imposition of certain civil liabilities with respect thereto, and prescribing penalties in certain cases.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Hurley: Senate Bill No. 186—An act to amend section 2 of an act entitled "An act regulating the payment of wages earned in

seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913, relating to wages earned in seasonal labor.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 187—An act to regulate employment where the work is to be performed outside of this State by persons hired within this State and prescribing punishment for the violation of the provisions hereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 188—An act to add a new section to the Political Code, to be numbered 3236, relating to preference on public contracts and furnishing supplies.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 189—An act to define private or individual game hunting clubs, to regulate their operation and maintenance, and to clothe the Fish and Game Commission with power to exercise jurisdiction thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Swing: Senate Bill No. 190—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hurley: Senate Bill No. 191—An act to amend section 633 of the Political Code, relating to licensing of insurance brokers.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 192—An act to prevent unfair discrimination against California manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against nonresident manufacturers.

Bill read first time, and referred to Committee on Manufactures.

Also: Senate Bill No. 193—An act to amend section 629c of the Political Code, relating to group insurance.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 194—An act to amend section 10 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Fellom: Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways.

State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety, and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Weller: Senate Bill No. 196—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under judgment of imprisonment rendered in a criminal action may be required to labor.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county jail under judgment of imprisonment in a criminal action or proceeding.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Hurley: Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Sharkey: Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 200—An act to prohibit any person or common carrier by railroad moving any fixed signal, switch or switch light for the purpose of what is commonly known as test of employees, to define fixed signals, and providing penalties for the violation of the provisions hereof.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital.

Bill read first time, and referred to Committee on County Government.

By Senator Baker: Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the



commission of a crime and the evidence upon which conviction may be had.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 204—An act to add a new section to the Penal Code to be numbered 1257, relating to new trials and reversals on appeal.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 207—An act to add a new section, numbered 1027, to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Weller: Senate Bill No. 208—An act to amend section 636 of the Penal Code, relating to netting.

Bill read first time, and referred to Committee on Fish and Game.

By Senators Lyon and Pedrotti: Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependance, and empowering county boards of supervisors to levy a special tax.

Bill read first time, and referred to Committee on County Government.

By Senator Lyon: Senate Concurrent Resolution No. 3—Relative to approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the sixth day of November, 1928.

Resolution referred to Committee on Municipal Corporations.

By Senators Lyon, Pedrotti, Evans, McKinley, Weller, Rochester, Merriam and Carter: Senate Concurrent Resolution No. 4—Approving amendment to the charter of the county of Los Angeles, State of California.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER FOUR.

Senator Lyon asked unanimous consent for the consideration of Senate Concurrent Resolution No. 4, without reference to committee.

Unanimous consent granted.

Senate Concurrent Resolution No. 4—Relative to approving amendment to the charter of the county of Los Angeles.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—32.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

SECRETARY JOSEPH A. BEEK AT THE DESK.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed to pay the same:

Miss Florence Iverson, Stenographer	\$5 00 per day
Miss Lydia McKinney, Stenographer	5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

#### CONSIDERATION OF DAILY FILE.

#### WITHDRAWAL OF SENATE BILL.

Senator Breed asked for and was granted unanimous consent to withdraw Senate Bill No. 3 from Committee on Contingent Expenses, and place it on second reading file.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 3—An act making an appropriation to meet the deficiency in the appropriation for the mileage of State Senators for the seventy-ninth and eightieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

#### RECESS.

At eleven o'clock and five minutes a.m., on motion of Senator Inman, the President pro tempore declared the Senate at recess until the hour of eleven o'clock and thirty minutes a.m.

#### RECONVENED.

At eleven o'clock and thirty minutes a.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Inman: Senate Bill No. 210—An act to add a new section to be numbered 19c to the "California Irrigation District Act," relating to elections and declaring the urgency thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Cassidy: Senate Bill No. 211—An act to amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver, gold-dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b, relating to the enforcement thereof and the escheat of ores seized thereunder.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Garrison: Senate Bill No. 212—An act to limit the liabilities of irrigation district directors for the negligence of appointees and employees thereof in certain instances.

Bill read first time, and referred to Committee on Irrigation.

By Senator Crowley: Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the medical corps of the Army, Navy and Public Health Service of the United States.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Allen: Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

Bill read first time, and referred to Committee on County Government.



Also: Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

Bill read first time, and referred to Committee on County Government.

By Senator Murphy: Senate Bill No. 220—An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities or public corporations and agencies.

Bill read first time, and referred to Committee on Judiciary.

#### RESOLUTIONS.

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That the State Controller be and he is hereby ordered and directed to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Senators	County	Mileage	Total at 55 c. cents per mile
Allen, J. M.	Siskiyou	590	\$20 50
Baker, C. C.	Monterey	416	29 80
Boggs, Frank S.	San Joaquin	96	4 80
Breed, Arthur H.	Alameda	168	8 40
Catepa, Victor J.	San Francisco	180	9 00
Carter, Henry E.	Los Angeles	944	47 20
Cassidy, Bert Alfred	Placer	74	3 70
Christian, E. H.	Alameda	182	9 10
Cleveland, George C.	Santa Cruz	449	22 30
Cobb, Charles H.	Fresno	338	16 90
Crowley, John J.	San Francisco	180	9 00
David, Walter H.	Ventura	966	49 80
Edwards, Nelson T.	Orange	959	48 50
Evans, H. J.	Los Angeles	914	45 70
Feldman, Ray	Santa Francisco	180	9 00
Garrison, J. C.	Stanislaus	164	8 20
Gray, P. J.	San Francisco	180	9 00
Harley, Fred C.	Mendocino	300	15 00
Hutches, Edgar S.	Alameda	168	8 40
Inman, J. M.	Sacramento	2	10
Jones, Herbert C.	Santa Clara	256	12 80
Jones, Ray	Yuba	104	5 20
Lyon, Charles W.	Los Angeles	926	46 30
Maloney, Thomas A.	San Francisco	180	9 00
McArmack, Thomas	Solano	124	6 20
McKinley, J. W.	Los Angeles	894	44 70
Merriam, Frank F.	San Diego	938	46 90
Moulder, Edwin A.	San Francisco	1 178	58 90
Murphy, Daniel C.	San Francisco	180	9 00
Nelson, H. C.	Humboldt	624	31 20
Petratti, J. J.	Los Angeles	894	44 70
Rochester, George W.	Los Angeles	894	44 70
Shawcross, Will R.	Contra Costa	124	6 20
Slater, Herbert W.	Sonoma	180	9 00
Swing, Ralph L.	San Bernardino	1 016	50 80
Tubbs, Talant	San Francisco	180	9 00
Wagy, J. I.	Kern	556	27 80
Weller, Frank C.	Los Angeles	910	45 50
West, T. C.	Alameda	168	8 40
Young, Sanborn	Santa Clara	276	13 90
Officers			Total at ten cents per mile
Carnahan, H. L., President	Los Angeles	864	\$86 40
Beck, Joseph A., Secretary	Orange	900	90 00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	834	83 40
Powers, Harold J., Minute Clerk	Modoc	832	83 20

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—43.

**NOES**—None.

Also:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant in favor of the Secretary of the Senate in the sum of two hundred eighty-nine and 30/100 (\$289.30) dollars for expenses incurred, incident and prior to the preliminary organization of the forty-eighth session of the Senate for maintenance of and other officers, and assistants, typewritten rent, postage, telephone and telegraph bills, supplies and other expenses necessarily incurred, the same to be payable out of the contingent fund of the Senate and the Treasurer is hereby directed to pay the same, vouchers for all items to be presented to the Controller by the Secretary of the Senate.

Resolution read

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedotti, Rochester, Sharkey, Slater, Tabbs, Wagy, Weller, West, and Young—24.

**NOES**—None.

By Senator Swing:

*Resolved*, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate forty-three (43) sets of the 1923 Edition of Dearing's Codes and General Laws of the State of California, including 1925-1927 Supplement, complete in seven volumes, and forty-three (43) copies of Treadwell's Annotated Constitution of the State of California, 1916 Edition, 1923, with all amendments to date, one volume, backrun binding, also forty-three (43) copies of Robert's Rules of Order, All of said sets and volumes to be paid for out of the contingent fund of the Senate.

Also, That the Secretary of the Senate be and he is hereby authorized and directed to deliver one of said sets of Codes and General Laws, said volumes, together with one volume of Treadwell's Annotated Constitution of California, also one volume of said Rules, to each Senator.

Resolution read.

Senator Swing moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, and West—31.

**NOES**—None.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1929.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4 Relative to approving amendment to the charter of the county of Los Angeles.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 4 ordered to enrollment.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 9, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1—An act to ratify and approve the Colorado River Compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the Governor of such ratification and approval—and reports that the same has been considered correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 11—An act to ratify and approve the Colorado River Compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the Governor of such ratification and approval—and reports that the same has been correctly enrolled, and presented to the Governor on the tenth day of January, 1929, at eleven o'clock a.m.

JONES, RAY, Chairman.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and ordered printed in the Journal:

## MESSAGE OF GOVERNOR C. C. YOUNG REGARDING ACTS OF EXECUTIVE CLEMENCY.

*To the Senate and Assembly of the State of California.*

Pursuant to the provisions of the constitution, article VII, section 1, and the Penal Code, section 1419, of California, I am communicating to you, at the beginning of the forty-eighth session of the Legislature on this seventh day of January, 1929, each case of reprieve, commutation, or pardon granted by me since I assumed office two years ago, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve, with the reasons for granting the same.

In order that you may know fully the facts in each case, as well as my reasons for exercising executive clemency therein, and particularly that my attitude towards the use of this power may be generally known, I am stating briefly the substance of the executive orders and including certain letters and press releases of an official character. For those who are interested in any particular case, I am transmitting the entire text of each executive order in the appendix to this communication.

## EXECUTIVE CLEMENCY IN NINE CASES.

I have exercised executive clemency in the cases of nine individuals during the past two years, but only one man has been released from prison. These nine cases include one reprieve to a prisoner who died during the period of reprieve, aside from another which was given and twice extended to a prisoner whose sentence was finally commuted and who is included in the list of commutations, three commutations of sentence from death to life imprisonment (two of which were without possibility of parole), three pardons to restore citizenship and civil rights after parole and expiration of sentence, one pardon from prison where innocence was conclusively proved, and one pardon to a woman about to be imprisoned.

## ADVISORY PARDON BOARD.

In the budget for the current biennium, the forty-seventh Legislature included an item for the support of the Advisory Pardon Board. Accordingly, within the past year, I have revived that board by referring to it for investigation and recommendation some twenty-four applications for pardon or commutation appearing to me, from the information at hand, to merit such investigation. Except in capital cases, it has been my announced policy to await a recommendation from the Pardon Board before acting upon any application for executive clemency. The board has been actively functioning for slightly more than a year and has been of great assistance to me as an advisory body. The scope of their work, and my general policy in executive clemency matters, is well defined in the following letter from my executive secretary to the chairman of the board:

January 31, 1928.

Honorable Burton Fitts,  
Chairman, Advisory Pardon Board,  
Sun Finance Building,  
Los Angeles, California.

Dear Sir:

Under the provisions of an act approved May 18, 1915, as amended by an act approved May 8, 1917, the Governor is referring to the Advisory Pardon



Board the following applications for pardons and commutations of sentence with the request that the board investigate and report thereon, and make such recommendations with reference thereto, as to it may seem advisable.

Name	County	Crime
Baldwin, Chester B.	Santa Clara	Robbery, second degree
Brown, Robert	Los Angeles	Murder, second degree
Collins, Daniel E.	Tulare	Manslaughter
Derichs, Peter H.	Contra Costa	Burglary, second degree
Ducuing, Lucien	Sacramento	Falsely pretenses
Kinney, Myrtle	San Diego	Burglary and receiving
Parks, C. A.	Sacramento	Burglary, first degree
Schwartz, Bernard	Los Angeles	See 95 P. C., 141001, C. O. M. F. P.
Seiffert, John H.	San Diego	Murder, second degree

He requests that the board examine and consider the aforesaid applications and all transcripts of judicial proceedings, affidavits and other documents herewith submitted in connection therewith, and that such testimony be taken, witnesses examined under oath, and any and all things done necessary to make a full and complete investigation thereof.

The papers enclosed in the envelope with each application constitute the entire file of the Governor's office on each particular case, and it is requested that this file and its contents be returned to the Governor with the board's recommendation when investigation of the case is completed, together with such other data and documents as may have been included in the meantime.

For the information of the board, and in order that you may be guided to some extent thereby, the Governor has directed me to outline his general policy in executive clemency matters.

First, the requirements of sections 1421 and 1422 of the Penal Code, respecting service of notice upon the district attorney and probation officers, and of the rules of this office, copy enclosed, must be strictly complied with.

Second, in cases where a restoration of citizenship is sought, an appreciable length of time must have elapsed between the time of final discharge and the time of acting on the application, to clearly demonstrate that the applicant is observing a course of proper conduct after the restrictions of parole have been removed.

Third, a parole should precede a pardon or commutation in those cases where the application is not based upon innocence.

Fourth, where innocence is asserted, the burden of proof is upon the applicant, just as before conviction he was presumed to be innocent and the burden was upon the prosecution to establish guilt beyond a reasonable doubt.

Of course, what is said above is more or less general, and exceptional cases may arise from time to time necessitating a departure from these principles in order to avoid a miscarriage of justice. In the ordinary run of cases, however, it is believed that adherence to a general policy of sustaining the verdicts of juries and the judgments of our courts will be a furtherance of justice.

The indeterminate sentence law and the parole law as administered by the State Board of Prison Directors must also be upheld. Due regard must be given to our penal system as a whole rather than to an individual case involving certain mitigating factors. Pleas founded upon sentimental considerations must be disregarded. Petitions and recommendations from persons not in a position to know the facts should have little weight.

During the past year the Governor has referred to the various county parole boards all pleas for executive clemency in behalf of persons serving a jail sentence. No action has been taken in the cases of juvenile delinquents committed to one of the correctional institutions without a recommendation from the Department of Institutions. Death penalty cases have been investigated from this office. No change is anticipated in this procedure in future cases.

In closing, your attention is respectfully invited to the provision of section 2 of the act of May 18, 1915, which requires the board to meet at the State Capitol at least once every two months. Therefore, will you please have the secretary of the board keep me advised of the time of those meetings, as well as the time and place of special meetings, in order that I may, at the Governor's request, transmit applications to the board from time to time in advance of such meetings.

Very sincerely yours,

(Signed) KEITH CARLIN.

In addition to the large number pending at the time I took office, more than two hundred applications for pardon or commutation have been presented to me. These cases have all been carefully looked into and the applicants advised as to procedure in accordance with the law and rules of the office. As soon as the file was complete, appropriate action has been taken. Although the rule promulgated by my predecessor, that all arguments and statements be submitted in writing, has likewise been adopted by me, I have nevertheless in no case refused an interview

requested by anyone. In every instance I have listened to such pleas as have been presented, and have endeavored to accord considerate treatment to those who have appeared before me.

NO ACTION IN MISDEMEANOR AND CONTEMPT CASES.

A few requests have been made of me to act in misdemeanor cases and in cases of contempt of court. My attitude with respect to such cases is reflected in a letter written by Mr. Carlin, at my direction, to a former district attorney of Orange County who came to Sacramento and conferred with me. The letter follows:

May 31, 1928.

Mr. A. P. Nelson,  
Attorney at law,  
Santa Ana, California.

Dear Mr. Nelson:

The Governor has carefully considered the application for executive clemency presented in behalf of your client, who was convicted by a jury in the superior court of Orange County of the crime of simple assault, a misdemeanor, and sentenced to thirty days in the county jail, and has concluded to deny the application.

As stated to you during our conference, the Governor has been compelled as a matter of policy to adopt an ironclad rule against the consideration of applications for executive clemency in misdemeanor cases. He has uniformly referred such applications in the past to the parole boards of the various counties in order that any injustices resulting from a misdemeanor conviction might be remedied by such boards. Upon examination of the transcript of testimony taken at the trial, and of your brief in the District Court of Appeal, Second Appellate District, Division Two, the Governor finds no reasons which would seem to justify him in making an exception to the rule in this case.

It is true that there are one or two questions of law raised, which the appellate court did not consider in dismissing the appeal, that might be for the general welfare of the State if they were finally settled. The Governor's decision on these points, however, would represent nothing more nor less than his opinion, would not be final or binding upon anyone, and would adjudicate nothing. The proper forum for the determination of such matters is, of course, the courts, and, since the instant case can no longer serve as the vehicle for such determination, the members of the bar and the public at large will have to await the decision in some other case wherein the same questions are properly presented.

Little, if anything, could be accomplished had the Governor taken a different viewpoint, since it would then have been necessary to publish notice of intention to apply for executive clemency as required by section 1422 of the Penal Code. While this publication could be waived, the Governor has never done so in any case. He feels that the spirit of the law should be complied with and the people of the community wherein the conviction was had given an opportunity to express themselves for or against the granting of an application for executive clemency. Furthermore, he is opposed to what may be termed a secret pardon.

In those cases which the Governor believes may justify executive clemency, the usual course is to refer them to the Advisory Pardon Board for an investigation and a recommendation. This procedure necessarily takes time and the thirty-day sentence which your client began serving a week ago would have expired. Since he incurs no disabilities as a result of his conviction of a misdemeanor, and loses no citizenship or civil rights, no practical result could be accomplished by granting him a pardon after he had served his sentence. A pardon could not restore to him the thirty days served.

I am writing you thus at length in order that you may know that your request has really received serious consideration and was not dismissed or denied cavalierly. Having been district attorney of Orange County, and having yourself occupied a high official position, you can readily appreciate the necessity of an office charged with law enforcement laying down rules of policy and rigidly adhering to them. To let the bars down in one case would set up a precedent, and the Governor would soon be called upon in numerous other misdemeanor cases to interfere. As no resultant good would be accomplished to the State at large by such a course, and very little, if any, to your client, I think you will agree that he has done the obvious and proper thing in denying the application.

I understand that you have already taken this matter up with the Orange County parole board. It would, therefore, serve no purpose for the Governor to again call the case to their attention and I see no alternative for your client than to complete the remaining twenty-odd days of his sentence.

In accordance with your request, I am returning under separate cover the trial transcript.

Yours very truly,

(Signed) KEITH CARLIN.

## EXECUTIONS DURING PAST TWO YEARS

During the past two years 12 men have been executed at the two prisons in this State, as follows:

Name	Executed	Prison
1. Slater, W. J.	Jan. 7, 1927	San Quentin
2. Adams, Sydney	Jan. 21, 1927	San Quentin
3. Arnold, Ray	Jan. 28, 1927	Folsom
4. Sayer, Ed. K.	Feb. 4, 1927	Folsom
5. Clark, Earl J.	Sept. 23, 1927	San Quentin
6. Yukich, Millan	Oct. 7, 1927	San Quentin
7. Sieber, Charles	Oct. 21, 1927	San Quentin
8. Shannon, Willard D.	May 4, 1928	Folsom
9. Kelly, Clarence	May 11, 1928	San Quentin
10. Dowell, Mark	Sept. 17, 1928	San Quentin
11. Hickman, Wm. Edward	Oct. 19, 1928	San Quentin
12. Malone, John Joseph	Dec. 7, 1928	San Quentin

In each of these cases appeals were made for a commutation of sentence from death to imprisonment for life. In each instance I personally read every word of the transcript of testimony taken at the trial and all letters and documents relating to the cases that reached this office, and also talked with all who came to see me. In most instances, in declining to intervene, I refused for publication of a statement setting forth my reasons. A few of the more notable, such as the Arnold and Sayer, Millan Yukich, and Clarence Kelly cases, will be treated briefly herein under the caption "Denials in Capital Cases."

## ACTS OF EXECUTIVE CLEMENCY

The several acts of executive clemency are treated briefly in the succeeding paragraphs according to the classification of "Reprieves," "Commutations," "Pardons," and "Restorations," the last named being pardons to restore citizenship and civil rights after parole and discharge. The full text of all the Executive orders appear in the Appendix chronologically, just as they are found in the record books. A fifth classification, entitled "Denials in Capital Cases," is appended unsorted above.

## A. REPRIEVES

\*1. GEORGE WATERS was sentenced to be hanged at San Quentin on January 20, 1928, for the murder of his wife. Certain representations having been made to me at the last minute, creating a possible doubt as to his guilt, I granted a two weeks reprieve on January 19 for the purpose of investigation. This investigation led into six different counties of the State and made it necessary to again postpone the execution. Accordingly, on February 3, I extended the time to February 24. On February 21 it became apparent that some of the reports necessary in reaching a final conclusion, and certain persons whom I desired to interview personally, would not be available in time, and the execution was again postponed a week, until March 2. I came to a final decision on February 28, and commuted the sentence to life imprisonment without possibility of parole.

\*2. LONNIE JOHNSON was sentenced to be hanged on May 11, 1928, also for homicide. A week before the date set for his execution I was advised by the warden of San Quentin Prison that he was desperately ill and would in all probability have to be carried to the gallows. Daily reports were made to me up to May 10, and, on that date, upon the recommendations of Warden Holahan and Dr. L. L. Stanley, resident physician at the prison, and representations from both to the effect that Johnson was very weak and his health rapidly failing, Dr. Stanley expressing the opinion that he could not live more than 60 days, I granted a reprieve for 30 days, or until August 10, 1928. Johnson died on July 5, 1928, in the hospital at San Quentin.

## B. COMMUTATIONS

\*1. SCOTT C. STONE, sentence commuted March 9, 1927, from death to life imprisonment without parole. Convicted in Los Angeles County of murder of first degree on December 22, 1925, and sentenced to be hanged at San Quentin, where he was received on December 31, 1926. Recommended by Deputy Sheriff Norris G. Stensland, Chief of Detectives H. H. Cline, District Attorney Asa Keyes, Deputy District Attorney E. J. Dennison, Deputy District Attorney Joseph W. Ryan, Judge Edwin F. Hahn, who presided at the trial, a majority of the members of the jury, the mother and grandmother of the murdered Martin children, the principal witnesses for the prosecution, and many other officials and citizens of Los Angeles County, all of whom agreed that an element of doubt existed as to his guilt, due to the circumstantial character of the evidence.

\*Full text of Executive Order to be found in the Appendix beginning at page 120.

\*Full text of Executive Order to be found in the Appendix beginning at page 120.

\*Full text of Executive Order to be found in the Appendix beginning at page 120.



**\*\*2. JOSEPH SANDOVAL**, sentence commuted September 22, 1927, from death to life imprisonment. Convicted in Ventura County of murder of the first degree on August 13, 1926, and sentenced to be hanged at San Quentin, where he was received on August 25, 1926. Recommended by Judge Merle J. Rogers, who presided at the trial; Sheriff R. E. Clark, eleven members of the jury, Judge Edward Henderson, who was the district attorney of Ventura County at the time of the trial; County Clerk L. C. Hallowell, David J. Reese, for many years head of the State Civil Service Commission; Jose Lopez, the brother of the murdered woman and an eye witness to the shooting, and a number of other officials and citizens of Ventura County, including several prominent attorneys. All are of the opinion that Sandoval had intended to plead guilty, but was prevented from doing so by his attorney, that he had sought to avoid the quarrel that led to the shooting, and that it is very doubtful if the facts warranted a verdict of first degree murder.

**†3. GEORGE WATTERS**, sentence commuted February 28, 1928, from death to life imprisonment without parole. Convicted in Sacramento County of murder of the first degree on September 21, 1926, and sentenced to be hanged at San Quentin, where he was received on September 24, 1926. Recommended by the district attorney, J. J. Henderson, Judge John F. Pullen, who presided at the trial; Dr. Anita M. Mühl, M.D., head of the Division of Special Education of the State Department of Education; my Executive Secretary, Keith Carlin, under whose direction a lengthy and exhaustive investigation was conducted, and others. No trace of the body of Myrtle Watters, the supposedly murdered wife, has ever been found, and Watters was convicted upon the testimony of his 9-year-old daughter, Genevieve, who has related half a dozen stories of the crime. The bare possibility that the wife may not have been murdered, and might afterward reappear, made it clearly unsafe to proceed with the execution.

#### C. PARDONS.

**\*1. CHARLOTTE ANITA WHITNEY**, pardoned June 20, 1927. Convicted in Alameda County of a violation of the Criminal Syndicalism Act—membership in an association prohibited by the act—on February 20, 1920, and sentenced to a term of one to fourteen years in San Quentin. Recommended by Walter J. Peterson, chief of police of Oakland at the time of the arrest; Orrin Kip McMurray, Dean of the School of Law, University of California; Judge James G. Quinn, who presided at the trial; Justices Frank H. Kerrigan and John E. Tyler of the District Court of Appeal which decided the case; the attorney who wrote the Criminal Syndicalism Act and the State Senator who introduced it, as well as hundreds of outstanding citizens of California and other states, including bankers, lawyers, publishers, judges, educators, ex-service men, agricultural leaders, social workers, ministers of every denomination, and men and women of large affairs the country over. There was never a conviction in any other case in this State based solely on evidence of membership in an organization prohibited by the law, and Miss Whitney's conviction has been well expressed as falling "within the outside limits of a technical violation."

**†2. JAMES S. WILLIS**, pardoned August 18, 1927. Convicted in Sacramento County of robbery, first degree, and assault with intent to commit murder on April 12, 1927, and sentenced to consecutive terms of five years to life and one to fourteen years at San Quentin, where he was received April 15, 1927. Because of prior felony convictions, a majority of the judges of the Supreme Court, in accordance with law, joined in a recommendation to me. In addition to Judges Waste, Seawell, Shenk, Curtis, Preston and Langdon, being all of the judges of the Supreme Court present in California at the time, a pardon was recommended by the district attorney, Neil R. McAllister, after the conviction of one Vincent Bohac of the same crimes for which Willis was paying the penalty. Bohac was positively identified by the said witnesses who had formerly identified Willis, and who admitted they were mistaken. It is thus absolutely certain that Willis, possibly in the hope of receiving a light sentence, was being punished for a crime with which he had no connection whatever. This is the only man released from prison during the past two years.

#### D. RESTORATIONS.

**\*1. LUCIEN DUCUING**, pardoned April 26, 1928. Convicted in Sonoma County of obtaining money under false pretenses on July 23, 1924, and sentenced to an indeterminate term of one to ten years at San Quentin, where he was received August 2, 1924. He was discharged August 23, 1925. Recommended by Judge Ross Campbell, who presided at the trial; Deputy District Attorney Clarendon W. Anderson, the Advisory Pardon Board, and several reputable citizens who have been associated with Ducuing since his discharge and testify to his exemplary conduct.

**\*\*Full text of Executive Order to be found in the Appendix beginning at page 146.**

**†Full text of Executive Order to be found in the Appendix beginning at page 151.**

**\*Full text of Executive Order to be found in the Appendix beginning at page 137.**

**†Full text of Executive Order to be found in the Appendix beginning at page 143.**

**\*Full text of Executive Order to be found in the Appendix beginning at page 157.**

**\*\*2. PETER DERIGIS**, pardoned May 21, 1928. Convicted in Contra Costa County of burglary, second degree, on February 4, 1913, and sentenced to a term of five years at San Quentin, where he was received on February 5, 1913. He was paroled on December 2, 1915, and discharged upon the expiration of his sentence February 4, 1918. Recommended by Ed H. Whyte, the State Parole Officer, F. Bernbach, Director of the St. Francis Grammar School at Watsonville, California, who employed him as infirmarian at the school during nearly three years after his discharge; Dr. S. C. Rodgers, one of the physicians at the school; the Right Reverend Edward Burgess, president of Salinas College, Salinas, Arkansas, where he has been employed as infirmarian and nurse during the past seven years or more; Judge Ray Blair of the county and probate court of Logan County, Arkansas; S. H. Kincannon, sheriff of Logan County, Arkansas; Conrad Eklund, mayor of Salinas, Arkansas; others who testify to his exemplary conduct, and, finally, by the Advisory Pardon Board.

**†3. JOHN CABONI**, pardoned June 29, 1928. Convicted in San Francisco of manslaughter on August 10, 1912, and sentenced to a term of eight years at Folsom, where he was received on August 13, 1912. He was paroled on February 19, 1915, and discharged on December 10, 1917. Recommended by Judge J. J. Trafton, who presided at the trial; Deputy District Attorney Maxwell McNutt, Rabbi Rudolph I. Coffee, of Temple Sinai, First Hebrew Congregation of Oakland, his several employers during the past eight years, including officers of the Dunwidge Construction Co., G. Weissbaum & Co., J. N. J. Firebrick Co., and Montgomery Sutter Building Co., all of San Francisco, and, lastly, by all of the members of the Advisory Pardon Board.

#### 1. DEFENDANTS IN CAPITAL CASES

The following statements were given to the press concerning the cases of

##### 1. RAY ARNOLD and ED. K. SAYER.

For the past few weeks I have been diligently studying the cases of Ray Arnold and Edward K. Sayer, convicted of murder of the first degree and now awaiting execution. Both I and my Executive Secretary have carefully examined the documents on file relating to both cases, including a transcript of the testimony taken at the trial, and the two Supreme Court decisions, one in January and one in October, 1926, both by unanimous decision affirming the judgment of the lower court. In addition, six months have been obtained from the district attorney and the judge who tried the case.

I have also read all of the letters submitted in regard to both defendants, many of them addressed to Governor Richardson during 1926, and the remainder addressed to myself since the beginning of the present year. I have talked at length with Mr. Connolly, the attorney for Sayer, and with former Governor Gillett who has associated himself in the case, and have carefully studied their briefs sent to me since our conference. Finally, I have gone over the cases with relatives of the condemned men, with the mother of Sayer and with the brother-in-law of Arnold.

I should have been less than human if I had not given sympathetic attention to the appeals which have been made to me, for I thoroughly appreciate the feelings of those who have appealed. I have earnestly endeavored to give them all the weight to which they are entitled, but after full consideration I have definitely decided that I have no right in either of these cases to interfere with the execution of the law. Having reached this decision, it is only proper that I should end suspense by announcing it now.

In those appeals to me which have attempted to present arguments, the claims were made that the trial was not a fair one; that, even if the defendants' defense of an alibi is insufficient, they are only "technically" guilty, since the murder was actually committed by a third accomplice, who afterwards committed suicide; and, finally, that in the case of Sayer there was a moral deficiency which rendered him irresponsible for his act.

The question of a fair trial has been twice settled by the Supreme Court in most careful and exhaustive decisions. It would appear, indeed, that the trial court was more than fair to the defendants in excluding evidence of five or six other robberies committed by them in their raid of bandits before the final one, which resulted in the unprovoked murder of a Japanese woman, as she was attempting to escape from the scene of the hold-up. The Supreme Court held, in effect at least, that such evidence of previous robberies might very properly have been admissible. The transcript fully makes it evident that the entire defense was most carefully and capably handled.

Furthermore, I can not agree that the law under which these men were convicted of murder in the first degree is in any sense "technical." The law very clearly states that "all persons concerned in the commission of a felony, whether they directly commit the act constituting the offense, or aid and abet in its commission, though not present, shall be prosecuted, tried, and punished as principals." The evidence amply shows that these young men were together engaged in committing a robbery, in the course of which a human being was

**\*\*Full text of Executive Order to be found in the Appendix beginning at page 150.**

**†Full text of Executive Order to be found in the Appendix beginning at page 152.**

murdered. Under these circumstances, the court holds that those who do not fire the fatal shot "are considered in law as guilty of the crime which was committed in the death of the deceased as though they had actually slain the deceased with their own hands"; and also that "murder committed in the attempt to perpetrate robbery is murder of the first degree." This law is a very well established and very necessary one, for without it the law-abiding public would never be safe from attacks of banditry. This law is not peculiar to California. I am advised that a similar law is in effect today, either by statute or common law, in every state in the Union and in every civilized nation.

Finally, the claim is made that the defendant Sayer is morally irresponsible for his acts, and has never been morally responsible, though nowhere is any insanity alleged. Three doctors examined Sayer after the trial and all reported that he was perfectly sane. In fact one alienist, though calling Sayer a "moral moron," in the same sentence states that he is "intellectually acute"; while another physician who also claims that he lacks "moral sense" also states that "intellectually he is up to normal." These are the two medical men who make the strongest plea as to his lack of responsibility. Though his weakness is alleged to be of long standing, no attempt was made at the trial to show either mental or moral incapacity. As a matter of fact, I suspect that any one who commits a felony must be morally weak, but, if society is to be protected, I feel that the penalty of his act must nevertheless be paid.

I need not say that the necessity of upholding the law and of refusing pleas for clemency is the most painful duty a governor is called upon to perform. In the case of Sayer, for instance, I am forced to disregard the wishes of many friends of this very respected Colorado family. In his behalf letters have been written by a cabinet member, by governors, past and present, by members of Congress, by judges, and similar high officials, as well as by some of my own personal friends. Yet, as one sworn to uphold the law, despite these pleas, and, hardest of all, despite the plea of his good mother, I can only respect the results of a fair and impartial trial and let the law take its course, in his case as well as in that of Arnold.

In the future I shall continue carefully to consider every similar case upon its merits, though I shall not attempt to discuss other cases as fully as I have done in this instance. I have felt that it was only proper just now to make my attitude perfectly clear—that, while I entirely realize the meaning of a governor's power in exercising executive clemency, unless there is some extraordinary circumstance to cause me to honestly doubt the correctness of a verdict, I shall never misuse my power by attempting to overturn the results of fair and impartial trials in our courts of justice. While sympathy for those affected has its proper place, it can not be permitted to outweigh the necessity of maintaining a stern and consistent respect for law.

## 2. MILLAN VUKICH:

For the past several weeks I have had before me the case of Millan Vukich, convicted in Placer County of murder in the first degree, and sentenced to be hanged at San Quentin Prison on Friday, October 7. I have, with more than usual care, read all of the very lengthy transcript of this case, together with all of the communications I have received concerning it.

Vukich was convicted of murdering a man named R. T. Stone on September 27, 1925. Stone had been the employer of Vukich at a Placer County saw-mill somewhat over two years before, or during the months of July and August, 1923. On August 5, Vukich received wages amounting to \$118, but, on September 1, when he quit his job after a personal encounter with Stone, there was still owing him \$161.

Vukich spent the next two years, partly working at temporary jobs, partly in jail where he was sent for six months for assaulting and nearly killing another former employer over a wage dispute, but largely in endeavoring, through the help of various attorneys and state officials, to collect the money due him from Stone. There is no doubt that to collect this money became an obsession with him, that he became constantly more and more bitter towards the one who owed the debt, and that thoughts of killing him often entered his mind.

Late in September, 1925, he journeyed to Reno, Nevada, purchased a take-down rifle, a pistol, a dirk knife, and several rounds of ammunition; then traveled back, mostly by night, to Placer County; arrived at Stone's place at 2 o'clock in the morning; hid in an outhouse until 10 o'clock that forenoon; from his hiding place shot Stone through the heart as, in company with his wife, he was walking towards the outhouse; and escaped, traveling at night and across country, until finally, after entering Mexico and returning, he was arrested in Arizona near the international border.

At his trial an attempt was made to prove insanity. The judge gave a very long and careful charge to the jury, consisting of seventy-five separate instructions, about half of them requested by the defense; the jury promptly brought in a verdict of guilty without recommendation, which verdict required the



court, under the law, to impose the death sentence. And the Supreme Court, by a unanimous decision, affirmed this judgment.

A plea is now being made to the Governor for a commutation of sentence to life imprisonment—a plea which clearly can not be granted for the following reasons:

First, the murder was as deliberate and premeditated as any that has ever come to my attention. There is no doubt that Vinchek had become greatly incensed over the nonpayment of his wages two years before, but, as the court pointed out, "Grievances which have been committed against an accused will not justify the aggrieved party in taking the law into his own hands and destroying human life." The murder was "truly premeditated, he was 'lying in wait,'" and gave the victim no chance for his life.

Second, the only possible defense would have been insanity, which, according to our law, must be more than a mere aberration and must amount to an inability to distinguish right from wrong in relation to the act charged. A long and careful trial failed to establish such insanity. No sane failure nor since the murder does the evidence show that Vinchek is the possessor of more than average mental acuteness. At my request, within the past few days, two physicians have examined the prisoner, and both, separately and while the attitude towards him is distinctly sympathetic, their reports have had him sane.

Third, there has not been a single fact brought to light since the trial which was not in possession of the jury when the verdict was rendered. If any new fact had been discovered it would have been given the greatest consideration; but, in the absence of such new evidence, to ask the retraction of a jury's verdict after that jury had not throughout the trial, hearing of the testimony, weighing the evidence, and forming their conscientious judgment, is to confess the failure of our jury system.

Fourth, the penalty in this State for first degree murder is, by special statute, fixed by the jury. It is the jury's function, not only to measure the question of guilt or innocence as in other crimes, but also to take into consideration extenuating circumstances and to recommend life imprisonment if any such circumstances are found to exist. The jury must believe that every particle of evidence as to Vinchek's mental condition that is before me now, Vinchek did and, finding nothing therein to justify mitigation of the punishment, made no recommendation a verdict which automatically carries with it the death penalty. Am I now to substitute my individual opinion for the collective judgment of the twelve members of the jury? To do so would be effect in to usurp the function of the jury and to deny by a committee not the legislative enactment which expressly imposes this duty upon the jury. I have never had occasion to remark that, while I certainly reserve the meaning of a governor's power in exercising executive clemency, unless there is some extraordinary circumstance to cause me honestly to doubt the instructions of a court, I must not misuse my power by attempting to overturn the results of fair and impartial trials in our courts of justice.

For these reasons, despite the human sympathy which attaches to every condemned man and which naturally stirs a passion in the public to appeal on his behalf, and with a responsibility to the State as a whole due to its law-abiding citizens, I am again compelled to discharge the most unpleasant duty entrusted with my office by declaring my inability, in this case, to interfere conscientiously with the due process of law.

### 3. CLARENCE ("BUCK") KELLY:

I have declined to interfere with the execution of Clarence Kelly, sentenced to be hanged at San Quentin on Friday, May 11, 1928. A last minute appeal for a commutation of the death sentence to life imprisonment has been made to me by Kelly's attorney, Mr. Milton T. U'Ren of San Francisco, who contends that Kelly did not actually do the killing in any of the three separate murders of which he was convicted; or, if he did, that his mind was so deranged from the use of liquor as to render him incapable of forming a criminal intent. It is not contended that Kelly was not present during the orgy of crime that resulted in eight holdups, the fatal shooting of three men and the shooting of three others on the evening of October 11, 1926, between the hours of 5 and 7.

I have read carefully from the transcript of testimony, the instructions of the trial court, the unanimous decision of the Supreme Court affirming the judgment, and all other documents relating to the case. I find nothing in the record that leaves the slightest doubt in my mind as to the correctness of the jury's verdict. I find nothing whatever of mitigating character that would lead me to believe that the extreme penalty of the law should not be applied in this case. Even though the contention of Mr. U'Ren were accepted at full value—that the fatal shots were fired by another—it is an admitted fact that Kelly was present at the scene of the crimes and associated with those claimed to have been the perpetrators thereof, rendering him equally culpable both legally and morally. His illegal state of intoxication, voluntarily produced,

was before the court, and the jury was given full instructions as to the law governing such matters. All of this was ably argued at the trial and considered by the jury who gave it such weight as I think it deserved.

An affidavit has been filed that, had the affiant been available at the time of the trial, would have made no difference in the result. Its contents are wholly hearsay and affiant could not have testified as a witness.

I am, therefore, constrained to let the law take its course in the belief that, if ever there was a case deserving of the death penalty, this is one.

#### CASE OF THOMAS J. MOONEY.

Of all the cases that have come into the office during my incumbency, there is one, bequeathed me by my predecessor, that has received a great deal of publicity, and in which I have deferred consideration, due to pressure of other business. I refer to the case of Thomas J. Mooney, who once before asked for and received executive clemency at the hands of former Governor Stephens, the death sentence being commuted to life imprisonment on November 28, 1918. Due to considerable agitation on the part of Mooney and his friends, I have recently received hundreds of letters and resolutions from various persons and organizations all over the United States, demanding a full pardon. Several months ago I took occasion to outline the present status of the matter in a letter to Mr. Paul Scharrenberg, who had interviewed me regarding this case, and still more recently to Judge Griffin, who presided at Mooney's trial. Certainly, I have no desire to avoid responsibility in this or any other case, and I shall proceed to a thorough study of the voluminous record as soon as I am relieved of the duties incident to the present legislative session.

In order to make clear my attitude, I am incorporating herein the letters referred to above:

Letter to Mr. Paul Scharrenberg.

September 19, 1928.

Mr. Paul Scharrenberg,  
Secretary State Federation of Labor,  
525 Market St., San Francisco, Calif.

Dear Mr. Scharrenberg:

When you called upon me at my office last Saturday morning I promised to write you a letter relative to the case of Thomas J. Mooney, now in San Quentin Prison, and an applicant for pardon. During the past few months I have received many copies of resolutions on this subject from eastern states and from various locals connected with your State Federation. Inasmuch as I have not been able to answer these individually, I am hereby acknowledging them through this communication to yourself.

In this instance, as in any similar case, there are just three alternatives as to facts, and just three possible courses of action on the basis of those respective facts. I think I may fairly state these as follows:

1. *If the prisoner is guilty he certainly ought not to be released.* I think that every one of your members would agree with me in this. Whatever our sympathy may be for any individual, it would manifestly be bad for society as a whole to show lenience to one whose act has destroyed many innocent lives.

2. *If the prisoner is innocent he ought unconditionally to be set free.* He is being punished for one particular crime, and if not guilty of that crime it would be intolerable to continue his punishment simply because some one may think him capable of committing other crimes.

3. *If the prisoner is probably guilty, but with a possibility of innocence, exactly the same course ought to be followed as in every other case.* In our ordinary California procedure, this would normally mean parole whenever the Prison Board may feel such parole to be wise, with full pardon and restoration to citizenship if innocence were ever definitely established.

I fully realize the fact that there are numbers of people fairly well acquainted with this case who sincerely believe that Thomas J. Mooney is innocent, just as there are other numbers, similarly acquainted, who are equally certain that he is guilty. While fully respecting the beliefs of the former group, and honoring the earnest and high-minded spirit of those who hold those beliefs, I must confess that I have never been able to share their opinion. I was in San Francisco on the day of the tragedy, followed the case as carefully as I could, and have read much upon it, including evidence, subsequent disclosures, and similar documents. While, like many other people, I have been dissatisfied with some of the aspects of the trial, I have never been able to bring myself to a belief of the innocence of the accused.

However, as you know, some two or three weeks ago I promised a number of citizens interested in this case that I would give an earnest and careful rereading to every particle of the material bearing upon it. In view of the vast quantity of this material, and other duties which necessarily occupy most of my time, such a study, pursued during spare hours, will take a very

considerable number of months. Nevertheless I am more than glad to put forth this effort, rather than feel the slightest possibility that failure on my part to act can be due to carelessness or inattention.

Before concluding this letter, may I, in the friendliest possible spirit, say just one word to yourself and other members of your organization? I have already referred to petitions and resolutions which have been coming in to me from this and other states. I think that upon reflection you will realize that these communications do far more harm than good. Manifestly, the individuals who sign such petitions or who vote for such resolutions can not have made a first-hand study of all the material bearing upon the case. I am certain, also, that there is not one of them who would ask that a prisoner be pardoned solely because he had belonged to a labor union.

However, when the case is presented to the members of the local, together with the fact that the prisoner was a union member, and even some one giving the assurance that he is innocent, it would be natural human nature for those thus appealed to not to vote in the resolution. But when these resolutions come in to a governor, it looks very much like a drive from those who necessarily can not have first-hand knowledge as to the case and realizing that he is expected to make up his mind as to the innocence of a prisoner merely on the basis of the numbers who appeal to him. I think you would agree that this would be no more probable on his part than if he should continue to keep an innocent prisoner confined, providing a suitably extensive number of petitions urge that he do so.

I have been told that in the past large sums of money have been raised for a Mooney defense. I am concerned that this may have been necessary and valuable during the time of the actual trial. Now I am not sure of any purpose of such a fund now except to finance drives such as I have mentioned above. And although I do not question the true motives of those who take part in these drives, I would say again that I think that a great mistake. No self-respecting governor would relish appearing to be pushed into an action which he may decide to be right, and no honest governor could permit himself to be pushed into an action which he may decide to be wrong.

Finally, I wish to say just one word more. I have heard the term expressed that in instances such as the Mooney case men have been punished for their political or social beliefs rather than for any actual crime. I want to express as strongly as I know how my endorsement of any such action. I have never heard of a belief that executive clemency extends to the rich and powerful rather than to the poor and friendless. I believe that just the opposite is the case. Thus far I have commuted those sentences from the death penalty in life imprisonment, because a careful reading of the transcript of the trial which convinced me that there was just that shadow of doubt as to guilt which would make it wrong to permit the condemned man to be hanged. Yet in each case the prisoner was so poor that the court had to appoint the lawyer to defend him, and so far as I know had no friends whatever.

I have written frankly and at length on this case, Mr. Scharrerberg, because I feel that you and your associates are entitled to know just where I stand. The easiest course would always be the granting of such pleas made by the friends of a prisoner as have been presented in this case, yet I do not believe you would ask me to take that course unless I felt it to be the right one. I trust that you will understand my feeling regarding any movement in the nature of a drive which I have referred to above, and orders and further that, although I do not wish to give false encouragement by the promise, at the same time I shall carry out my agreement to go into the case again with an open mind and with great care.

Yours very sincerely,

C. C. YOUNG, Governor

Letter to Judge Franklin A. Griffin.

December 8, 1928.

Honorable Franklin A. Griffin,  
Judge of the Superior Court,  
San Francisco, California.

Dear Judge Griffin:

I am in receipt of your letter, signed by yourself and others, relative to the case of Thomas J. Mooney.

When I met with you and others in Berkeley a few weeks ago, I told you that at my earliest opportunity I would repeat every word of the Mooney transcript as well as every document bearing upon subsequent developments of the case. From my own experience in the Governor's office, I think you can realize how impossible it is to find time for continuous work on a task of this magnitude, except in a period of vacation. Especially is this so at the present season of the biennial messages, budgets, departmental legislation, and a score of other duties preparatory to a legislative session. The same thing, of course, will apply to the actual session itself and the bill signing period which follows.



I also told you at our Berkeley conference that if, as a result of this conscientious study of the case, I found myself able to agree with you in your evidently sincere belief in Mooney's entire innocence, there would naturally be only one thing for me to do, but that I was at present unable to share that belief. I repeated the same thing in my letter to Mr. Scharrenberg; and now, as a result of these statements, you ask me to disclose what information or evidence I have of Mooney's guilt, not disclosed at the trial, and not known to yourself.

This question on your part is of course purely a rhetorical one. You know that I have never claimed to have additional evidence, and you can not for a moment believe that I assume to have any. I know that there was a long and well defended trial before an able and conscientious judge, and a jury of twelve, each sworn to give the defendant the benefit of every reasonable doubt. I know that those at the trial had the benefit of scrutinizing the witnesses as to their reliability, of observing the defendant, and of hearing the whole story developed in an orderly way, both from the standpoint of the prosecution and of the defense. I know that, as compared with this opportunity, the mere reading of transcripts and documents is at best unsatisfactory; but that is all which can be before me now.

You say that the transcript of testimony at the trial "no longer exists"; by which I assume you mean that it has been contradicted and proven false by statements subsequently made, either by those who testified or by others. I can only make a careful review of this transcript and these outside and subsequent statements, weighing the one against the other. Unless this differs from every other case I have ever known, I must assume that the burden of proof rests with these later revelations if the evidence at the trial is thus to be nullified. I gave this question careful thought in considering the case of Scott C. Stone, and in my order of commutation enunciated the following principle:

"It is contended that, if there is a 'reasonable doubt' regarding the guilt of a condemned man, a full pardon should be granted. This argument is not sound. Presumption of innocence follows one accused of crime only throughout the trial, and such presumption is negatived by conviction. Thereafter the guilt of the defendant must be assumed as an established fact, an assumption that can be overcome only by proof, beyond a reasonable doubt, that the defendant is innocent. In other words, to justify a full pardon, the burden is upon the convicted defendant Stone to convince the Governor of his innocence beyond a reasonable doubt. No such overwhelming proof of innocence has been produced in this case."

I am earnestly solicitous to uphold the judgments of our courts and the verdicts of our juries. I must assume them to be honest and capable and correct in their findings, and I consider it a very grave matter to presume to set these findings aside, however much my personal sympathies might impel me to do so. To be sure, there are cases when capital punishment is involved—I have had two such—where subsequent doubts as to the reliability of witnesses made it manifestly wrong to go through with the death penalty, since even the bare possibility of mistake is enough to prevent such an irretrievable act.

Evidently with this possibility in mind, Governor Stephens very properly commuted the sentence of Thomas J. Mooney and resolved all doubts in his favor to the extent of saving him from the gallows. I feel certain that, had I been Governor, I should have done the same thing, just as I did in the two capital cases which came before me. In these cases, however, I specified in my order of commutation that there should be no future possibility of parole—a restriction which was not imposed in the case of Mooney. I did not pardon the condemned men, for, while there was that possibility of innocence which properly prevented their execution, there was not the certainty, or even the probability of innocence which would have justified a pardon.

Since I have been in office I have received literally scores of petitions for pardon where the relatives or friends of the prisoner have urged his entire innocence as the reason for executive clemency. These cases have not been as conspicuous as the Mooney case, but I have no doubt that the great majority of those who have presented their pleas are as sincerely convinced of the justice of their cause as are those in the case of Mooney. However, after presumably fair trials, the courts decided otherwise; and, except in one case where the real perpetrator of the crime afterwards confessed, led the officers to his hidden loot, and demonstrated the entire innocence of the prisoner, I have been unwilling to overturn the judgments of the courts. To do so, as has been done wholesale in two or three other states, would be the undermining of confidence in our own courts, and, I feel certain, would be a very great disservice to the State.

There are two distinct classes of people advocating a pardon in this case. The first class is composed of those like yourself, the members of the jury, and others, who actually know something about the case at first hand. These are entitled to much consideration; though, if there is any doubt at all as to the correctness of the verdict, I can imagine that a feeling of responsibility for

the original conviction might make them over zealous to see that verdict nullified. There is scarcely a case for clemency which comes before me in which one or more jurymen—sometimes a clear majority, if not all twelve, of the jury—do not urge that their former verdict be set aside by a pardon. In other words, though any one of them by his single vote would have prevented conviction, after their responsibility has ceased they urge an action which they themselves would not take when responsible.

The second and by far the largest class asking for this pardon manifestly know nothing about the case except what they have read or been told by others. As the result of very extensive propaganda, but with perfect candor, members of certain labor organizations, for instance, are deeply interested in Mooney as one of their number. They have been informed that "an innocent man has been left to rot within prison walls," and they are rightfully indignant at this, without the slightest personal knowledge as to whether there are facts underlying these assumptions. I can not help admiring the loyalty of these friends, but obviously I should not be swayed by them, except where they may have first-hand knowledge of the case.

There is in addition a small third class of possibly very excellent people, who are also for the most part with no personal knowledge as to this particular matter, but whose psychology seems to make them more susceptible for the law-breakers within our prisons than for the law-abiding public outside. Presumably it is one of these who has written in a recent issue of an excellent magazine that "Mooney and Billings are not criminals, but are the respectable people of California are"; and who graciously offers to me as a politician, who will not act for their release until it is obviously to his political interest to let them out." However, he is generous enough to say that the people of California have for me merely "a mood of pitying contempt as towards a weak rather than an intentionally ill-minded man." For that I suppose I should at least be thankful.

There was one incident at the Berkeley conference, Judge Griffin to whom I could not help taking exception. You indicated that former associates who had failed to pardon Mooney were actuated by political considerations. If you thought this true of them you must have had a sourish feeling as regards myself. I trust that upon second thought you will give the same treatment to a Governor's honesty and sincerity of purpose which you would properly expect him to accord to your own. However, if a Governor should so make to a "drive," or to the pressure of his friends, as to act contrary to his own sincere beliefs and convictions, I agree that he would deserve the charge of cowardice. Although I do not believe I am either cowardly or cold-blooded, and although I have never refused fairly to discuss this or any other case, it is true that I have granted very few pardons since becoming Governor, and, except in the one case I have mentioned, all of those were given to those who had proved their worth after having received their parole. The reasons for this attitude on my part I have tried to express above and in my executive orders.

As I have said, I intend at my earliest opportunity to study very thoroughly into this case. If I conclude beyond doubt that Mooney is innocent, he certainly should be punished because of any indirect tendencies on his part or possible offenses extraneous to this particular case; if he is guilty, I believe that all would agree that no punishment could be too severe, if there is merely a doubt as to his guilt, I can not see where his case could be treated differently from that of many other prisoners of whom the same thing can be said. In the meantime I trust you will realize that I have not the slightest feeling against Tom Mooney, nor the slightest desire except to carry out my oath of office, and to do that which I believe both fair to the individual and, at the same time, for the best interests of the State in the maintenance of respect for law and the administration of justice.

Yours very sincerely,

C. C. YOUNG, Governor.

#### PRINCIPLES UNDERLYING EXECUTIVE CLEMENCY

In this communication to you I have tried to set forth the principles which have actuated me in the consideration of the many applications for executive clemency that are continually coming before me. A mental of these principles will be found in the various executive orders printed in the appendix, in the letter of my Executive Secretary to the Advisory Pardon Board, in my letters relative to the case of Thomas J. Mooney, and in my statements to the press upon the denial of clemency in certain capital cases.

A few of the principles which must guide in matters of this kind may possibly be summed up as follows:

First. In consideration of any case, it is necessary to keep in mind not only the prisons hundreds of individuals who have transgressed our laws, but who happily possess so many pleasing traits and appealing qualities that it would be very easy to wish to exercise clemency in their behalf. On the other hand, I believe that

we must always keep in mind the inevitable effect upon society as a whole if it should appear an easy thing to avoid the penalty of the law through excess of sympathy for the individual on the part of a governor. Too great exercise of the pardon-power has been tried in a few states, with very disastrous results.

Second. In a number of cases I have had occasion to stress the point that, in the absence of new facts not brought to light at the trial, I should be extremely loath to overturn the verdicts of our juries and the judgment of our courts. If any new evidence is discovered that was not available to the jury, it is of course entitled to great consideration. But I do not believe a governor should sit as a thirteenth juror, as it were, since he obviously can not have the advantages and opportunities of the twelve members of the panel who weighed the evidence and who saw and heard the living, speaking witnesses. A jury's verdict, therefore, must be normally regarded as conclusive, and to justify subsequent pardon in advance of parole, either innocence should be proven beyond all reasonable doubt, or it must be very clear that further punishment would involve a serious miscarriage of justice.

Third. The views expressed in the last paragraph apply in all classes of cases with the one exception that, where the death penalty has been imposed, I believe that extreme care should be taken lest an irretrievable error be committed. In such cases, if a doubt exists in a governor's mind after a painstaking study of the trial transcript, the court decisions, and all the papers and documents relating to the crime and its perpetrator, the benefit of that doubt should be given to the condemned man to the extent of saving him from the gallows.

Fourth. It is of course absolutely necessary that no undue influence of any kind in behalf of a prisoner must ever be allowed to creep into any case. I recall two instances which occurred while as Lieutenant Governor I was a member of the Advisory Pardon Board, and which will illustrate my point. The first was of a man convicted of assault, in whose behalf the board received hundreds of letters from politicians, from business men, from county officials, and others, none of whom could have known anything about the merits of the case, but who had been urged that this procedure might help the prisoner. This case was turned down, almost without a hearing, since it was discredited by the very nature of the "drive." The second case, also of assault, was that of a Chinaman, over sixty years of age and apparently without a friend in the world. He had, however, been convicted solely on circumstantial evidence, and the board was so fully convinced of his probable innocence, and so very much concerned over what was apparently an injustice, that it finally sent in a recommendation in his favor. Contrary to prevailing opinion, it is the latter type of case which always presents the real appeal.

Fifth. Under the very liberal parole laws which prevail in California, the first clemency to be shown a prisoner should normally be through action of the Parole Board. During the thirty-six years since parole was first established in this State, only about 18 per cent of those paroled have found their way back into the prisons, and the majority of these have gone back, not through the commission of a new crime, but for the breaking of parole regulations. During this period, of somewhat more than 12,000 paroled, over 10,000 have been restored to normal, law-abiding lives. Parole is extended to those unquestionably guilty of the crime for which they were convicted, but whose past history and whose prison behavior makes it probable that they can be rehabilitated, as well as to those concerning whom there is a doubt as to their guilt or the propriety of their conviction, but not a sufficient certainty of innocence to warrant an absolute pardon. It is clearly an erroneous assumption that acceptance of parole implies admission of guilt.

Sixth. During the period of parole the former prisoner is bound to conduct himself properly, for to do so is a condition of the necessarily rather rigid parole regulations. He must be industrious, temperate, law-abiding, and in other ways justify the freedom which has been accorded him. As such as the period of parole has expired, however, and conditions of parole no longer compel him to observe a course of good conduct as the price of freedom from prison restraint, I believe the State should give him assurance that he may look forward to ultimate pardon and restoration to citizenship, provided after a reasonable length of time he can show that he has proved himself worthy of such recognition.

Respectfully submitted this tenth day of January, 1929.

C. C. YOUNG, Governor of California.

#### APPENDIX.

##### COMMUTATION.

SCOTT C. STONE was convicted of murder of the first degree by a jury in the superior court of Los Angeles County, and, on December 22, 1925, was sentenced to be hanged. Stone appealed from the judgment of conviction and from the order denying a new trial. In a decision dated November 9, 1926, the Supreme Court affirmed the judgment and order, and later, on December 8, 1926, denied a rehearing. He was resentenced on the twenty-first day of the same month, his execution being set for March 11, 1927. He was received at San Quentin on December 31, 1926, and given number 43045.

On August 23, 1924, Max and Nina Martin, aged 12 and 8, respectively, were last seen alive. About 6.30 on the afternoon of that day they left their home on South



Mansfield street in the southwesterly portion of Los Angeles, and visited their grandmother, who lived some three blocks distant. They remained there but a few moments, and then were seen to enter and leave a milk store next by. For a number of weeks after their disappearance many searching parties were organized, on one occasion several hundred persons being so engaged.

Nearly six months later Julio Martinez, a Mexican youth, discovered what proved to be their remains, badly decomposed and covered with mud, hidden in a shallow ditch traversing a large cultivated field in the same section of the city. The clothing of both children was disarranged, and was perfectly identified as belonging to the two Martin girls. There can be no reasonable doubt that they had both met their death by violence and had been hidden in the ditch where they were found.

Scott C. Stone was, and had been for some time, a night watchman in this neighborhood. It was shown by the evidence that he was acquainted with many of the children in the vicinity, including these two girls. In October, 1924, he was arrested for taking indecent liberties with a young girl, but was soon afterwards dismissed for lack of evidence. However, on February 7, 1925, he was again arrested for the same offense, pleaded guilty to a lesser charge, and was sentenced to six months in the county jail.

As will be noted, this second arrest was made just after the bodies of the Martin children had been discovered. The real motive for this arrest was, certainly, not so much to prosecute the charge upon which he was arrested, as to hold him in custody where he could be grilled concerning some possible connection with the disappearance of the Martin children. Evidence implicating him in this case was secured, and as a result he was finally indicted by the grand jury, and on December 1, 1925, was brought to trial. Public sentiment had been aroused because of the atrocious nature of the crime, and, I think, it fair to state, because of the fact and of sensational newspaper articles which added to the popular clamor, there was unusual eagerness to secure a conviction.

The chief witness against Stone was a neighbor, Mrs. William F. McIntosh, who testified that she had seen the Martin girls shortly after 4 o'clock in the evening of their disappearance riding with the defendant on his motorcycle. She was the only witness who connected Stone as being with the girls on that day. The very most important witness was Aiva H. Elford, a young and respectable girl, formerly now serving a long term in San Quentin. I need not say, in the county jail, and was allowed in the same tank with Stone, warmed himself with his confidence, and in various private conversations from day to day purported to have secured certain damaging statements from him, but no admission as to guilt in this particular case.

This, in brief, constitutes the essential part of the testimony connecting Scott C. Stone with the murder of the Martin children. After a most thorough study of the transcript of this testimony, as well as a careful reading of all the recommendations made to me by the arresting officer, prosecuting attorneys, chief witnesses, jurors, judge, and relatives of the murdered children, I have concluded that there is but one thing I can conscientiously do, and that is to commute this sentence from death to life imprisonment without possibility of parole.

I am doing this in spite of the fact that I believe more strongly every day that it is a governor's duty to uphold the law and to insist on attempts to weaken it or break it down, in spite of the fact that to permit this conviction would be the easy course, since, so far as I know, not a single person has found or released a prisoner has interested for him, in spite of the fact that Stone himself is very evidently of low moral calibre and a vicious element in society, in spite of the fact that the murder of which he was convicted was undoubtedly heinous, and, if there were absolute certainty of the murderer's identity, would be richly deserving of the death penalty.

I am commuting this sentence simply because I am convinced, and believe that practically all others connected with the trial are now convinced, that the identity of the one who murdered these children has not been absolutely proved. Although I believe that in all probability Stone was the one who committed the crime, there is just enough doubt about the case to preclude the hanging of a man solely upon circumstantial evidence, produced many months after the murder and supported almost wholly by two witnesses of very doubtful credibility to say the least.

While not opposed to the death penalty I am convinced that, when it is inflicted in a case of purely circumstantial evidence, such evidence should be very strong indeed, and should with practical certainty point to the identity of the murderer. I do not believe the people of this State want to see a man hanged simply because of a probability of his guilt or because he is the type of man who might have committed the crime. Neither do I believe that such a man under such circumstances, when once convicted of a murder, should ever be permitted to go free, unless at some future time it should be clearly demonstrated that he is innocent. In short, while there is sufficient presumption of guilt in this case to warrant life imprisonment without parole, I feel that this presumption is not sufficiently conclusive to justify the penalty of death.

That others share this feeling is evident from the letters and recommendations I have received. By this I do not mean the hundreds of letters from those who know nothing whatever about the case, but are writing through an excess of sentimentalism or emotional impulse. Such letters and petitions are always present at times like this, and, of course, must not be allowed to weigh at all in the final decision. What I refer to is not to these, but to letters and affidavits of those who were closely identified with the trial, and had most to do with the prosecution. Excerpts from each of these letters will, I think, demonstrate the uncertainty of mind which now prevails among those who took part in this case.

In a recent letter from Deputy Sheriff Norris G. Stensland, one of the officers who arrested Stone, he states that, during numerous conversations with Mrs. McIntosh between the months of October, 1924, and February, 1925, she would ask him "how the Martin case was getting along." He then continues:

"I informed Mrs. McIntosh that deputies were canvassing the district to see if anyone could be found who had ever seen Stone with the Martin girls. At no time did Mrs. McIntosh tell me that she recognized Stone as being with the Martin girls, and it was months later that she gave a perfect description of the girls, and said she knew they were the Martin girls that were with Stone the Saturday afternoon they disappeared.

As an investigating officer and arresting officer in this case, without malice, fear, or prejudice, and bearing in mind the brutal attack and murder of Nina and May Martin, I feel justified in saying that to hang Stone would be a travesty upon justice and the name of the State, the people and officers involved."

H. H. Cline, chief of detectives of the Los Angeles police department, under date of March 4, writes to me in these words:

"Officers of this department were assigned to the case and not only spent days and weeks, but, I would state, were continually in the neighborhood of the children's home for a period of about three months. Every cellar, every vacant house and every occupied house where the children could have been hidden away or trapped, was searched. Meetings were held and the matter was taken up by different societies and churches in the neighborhood, the case receiving more notoriety than any other case in this city. In fact, one certain day was set aside and people from all over the city, Boy Scouts, as well as practically the entire police department, met near the scene of the disappearance and a thorough search was made of the vicinity and the surrounding territory, without success.

My reason for making this statement is that I wish to call your attention to the fact that I believe this man, Stone, was convicted mostly upon the testimony of one Mrs. Wm. McIntosh of 2918 Rimpau avenue, and her son Ralph McIntosh, who testified, over one year after the disappearance of the girls, in fact, in December, 1925, that they had seen the two children in question get into an automobile with the defendant Stone, on the evening of their disappearance. However, during the entire investigation, not only of the police department but of other organizations, neither Mrs. McIntosh nor her son ever gave any such information to this department, despite the fact that there was a \$500 reward offered for any information that would lead to a solution of the mystery surrounding the disappearance of the Martin girls.

While I am absolutely in favor of capital punishment, this being the first time that my department has ever written a letter to the Governor of the State of California asking that clemency be shown, I am going to do so in this case for the reason that I and officers of the police department who were assigned to the investigation at that time, always have and now do doubt very much whether the defendant, Stone, actually committed these murders.

I believe it is a case where executive leniency should be shown."

On February 28, Asa Keyes, district attorney of Los Angeles County, writes in part as follows:

"It may be possible that Mrs. McIntosh and her mother had a strong motive for testifying as they did against the defendant. In my opinion, the verdict of the jury was based almost entirely on the testimony of Mrs. McIntosh. From subsequent developments, I am not at all satisfied of the character of Mrs. McIntosh, and, while I think there is slight probability that she did not tell the truth, nevertheless there is a possibility that she did not testify to the absolute truth.

I therefore feel that in this case executive clemency should be extended to the defendant and that the judgment of death be commuted to that of life imprisonment.

This murder was an extremely atrocious one and if the defendant's guilt were to be absolutely demonstrated beyond a possibility of doubt, I would not so recommend and am only making this recommendation to your excellency by

reason of the fact that the character of some of the witnesses produced against the defendant is such as to make me believe that they may not have testified truthfully at the trial.

Mr. Dennison, who tried this case and in whose judgment I have the utmost confidence, joins me in this recommendation."

Deputy District Attorney E. J. Dennison, chief prosecutor at the trial, writes under date of March 3:

"I heartily agree with Mr. Keyes in his recommendation for executive clemency to reduce the sentence of death to that of life imprisonment. I do not feel that the defendant's guilt was demonstrated beyond possibility of doubt, and feel that, had he been represented by experienced counsel, the extreme penalty would not have been inflicted.

To that end I believe that executive clemency should be extended to this man and that the sentence of death should be commuted to that of life imprisonment."

In a letter dated February 25, Judge Edwin F. Holden, who presided nobly and fairly at the trial as to draw comment from the Supreme Court in its decision, writes as follows:

"With regard to the testimony of members of the Pryor and MacIntosh family; this, as I remember it, had to do with the identification of Stone. They were the witnesses who testified to having seen the two girls in the automobile with Stone the evening they disappeared. I rather feel that their testimony was the most important given in the case. As I think I indicated in my previous letter to you, whatever weakness exists in this case is that which is usually inherent in all circumstantial cases, not in the ability of the person charged with the crime. I understand from statements that have come to me since the trial, that Mrs. MacIntosh has since the trial made statements quite inconsistent with her testimony given in the case. I regret that in connection with such reports that not infrequently a witness on the stand will be moved to the use of more exact and positive language than the facts would ordinarily warrant, and then, again, witnesses often are susceptible to influences brought to bear after the testimony, and as a result are inclined to change either their testimony or the language used in court. If I was convinced (and this could only come after I had personally had an extended opportunity of examining Mrs. MacIntosh) that Mrs. MacIntosh belonged to that class who, under the influence of the atmosphere of the court and feeling of importance as a witness, makes positive assertions and after mature consideration changed her statements, then I should feel that Stone would fairly be entitled to clemency at your hands."

On March 4, a very full and convincing letter was written to me by Deputy District Attorney Joseph W. Ryan who assisted Mr. Dennison in prosecuting the case. Mr. Ryan says:

"Ordinarily it is not the province nor the duty of prosecuting bodies or officers to request leniency in criminal cases. There often comes a time when such requests become honorable as well as a duty. I feel that this is such a case and the proper time.

There is now a doubt in my mind whether all of the evidence introduced had its source in the fountain of truth. Several facts and circumstances lead me to this conclusion.

Mrs. Winifred McIntosh testified that she had noted in a book or diary, the fact of her seeing the defendant with the two MacIntosh children, \* \* \* the early evening of August 23, 1924. Yet she refused that information for more than six months, when the whole county was in a turmoil over the disappearance of the children and their probable whereabouts. In fact, this information was never disclosed until after the bodies were recovered on February 4, 1925, although she had been interviewed many times by officers of the Los Angeles Police Department, as well as members of the Sheriff's office of this county.

Since the trial of Stone, I have become better acquainted with the character of the witness Alva H. Floyd, now in San Quentin Penitentiary. I am firmly convinced that a great part of the testimony of Floyd concerning his alleged conversation with Stone while they were incarcerated in the county jail, was given with hope of immunity at our hands. However, no reward or immunity was ever held out to him by our office.

Floyd has had occasion to appear before our last grand jury to accuse various citizens of Calver City with embezzlement, and other crimes, yet, when traced to their source such statements, accusations and charges proved groundless and without merit. Can we honorably, conscientiously and justly take the God-given life of a man when such a witness played a greater or lesser part in the final outcome?



There are many other small details, all of which, when taken together, are sufficient to create a doubt in my mind as to the quality of the evidence.

I believe that the 'extreme penalty' should never be exacted except in those cases where the evidence is overwhelming against the accused. Are we prepared to say that this is such a case?

It is not freedom I ask, but that your Honor grant the defendant clemency and reduce his sentence to life imprisonment."

Further concerning the unreliability of the testimony of Mrs. McIntosh, Mrs. C. B. Lovelace, grandmother of the Martin children, on February 23d, makes the following statement:

"This is to certify that I know that almost every day after the Martin children were missing in the Baldwin Hills, and between then and the trial of Mr. Scott C. Stone, that some of the McIntosh family visited my daughter to enquire of news of the lost children or the well being of the mother. Yet all this time never said they had seen them in Mr. Stone's car the night they were lost. If they saw the Martin children as testified at trial why did they not mention it in all the sympathetic visits to my daughter?"

Along the same lines is a letter, dated February 23d, from Mrs. Paul Buus, the mother of the murdered children:

"Mrs. MacIntosh, who was probably the chief witness on whose evidence Mr. Stone was convicted, said on the witness stand that she knew my children well and recognized them in Mr. Stone's automobile the night they disappeared. Yet, before that, before the undersigned witnesses, in my own home, stated that she did not know my children. She said she was going on the witness stand because of her sympathy for me in my trouble. Yet it seems very strange to me that when first my children disappeared and the Baldwin Hills were being searched, and all the residents of the Glen Airy district were anxious to help in every way to restore my lost children to me, that this same woman who declared she knew my children so well, and declared on the witness stand that she had seen them in Mr. Stone's car the night of their disappearance, did not come to me and say she had seen them. It would not have been much trouble, for she lives only a few blocks from me. Why did she have to wait so many months, even until the bodies were found, before she came forward with her evidence?"

The witnesses to whom Mrs. Buus refers were neighbors, Mrs. C. H. Hedley and Mrs. Nellie D. Wilson. They both sign the following statement at the end of the foregoing letter:

"We, the undersigned, were present in the home of Mrs. Buus, the mother of the murdered children, when Mrs. MacIntosh stated that she did not know May and Nina Martin."

While it is true that it is a function of the jury to weigh the evidence and determine the credibility of witnesses, it is equally true that it is the manifest duty of a governor to review most carefully this evidence upon which the jury based their verdict, when everyone connected with the trial of the case now expresses at least some doubt. In reading the transcript I was deeply impressed with the testimony of two witnesses for the defense whose testimony absolutely contradicted that of Mrs. McIntosh on the vital question of connecting Stone with the Martin girls the day of their disappearance.

These two witnesses are E. B. Hershberger, advertising manager of the International Harvester Company, and his wife, who was at that time president of the Women's Club of the West Adams district. Both testified positively that they had seen Stone at about 8 o'clock on the evening of August 23, fixing the date in a very definite manner. Mr. and Mrs. Hershberger state that they were looking at the house of Mrs. Rose Gold, which was being offered them for rent, while Stone sat in his car outside with Mrs. Gold's two children, a little boy and girl. This testimony is summed up in a letter to me, dated February 26, and signed by Mrs. Gold and the two Hershbergers, as follows:

"This is to certify that we, the undersigned, know for a certainty that we were in the company of Mr. Scott C. Stone on the night and at the very time which he is accused of having in his car the Martin children for the purpose of murdering them, said time, August 23d, year 1924, on Saturday night between 7 and 9 o'clock.

Mrs. McIntosh, star witness for the prosecution, says she saw the Martin children in Mr. Stone's car drive past her at this particular hour.

Prosecuting attorney says that this statement of Mrs. McIntosh was the principal evidence for the conviction of Mr. Stone. As a matter of fact we, the undersigned, were actually talking with Mr. Stone outside the home of Mrs. Gold in the presence of Mrs. Gold and her two children, at 3025 Hillcrest avenue, at the time he is accused of having the Martin children in his

car. And from Hillcrest avenue he took Mrs. Gold, her little son and daughter, to the movies."

Mr. and Mrs. Hershberger qualify the last sentence of the above letter by the following postscript:

"We testify to the truth of all of the above with the exception of the last sentence of the last paragraph. Instead Mr. Stone told Mrs. Hershberger that he was taking Mrs. Gold and children to the movies. Mrs. Gold got in Mr. Stone's car wherein Mr. Stone and Mrs. Gold's two children were already seated. They drove away from 3025 Hillcrest avenue at the same time that we left."

A majority of the jurors have asked for a reconsideration of sentence and two of them have made affidavit that, owing to a misunderstanding or misapprehension of the judge's instructions, the jury did not know that the case happened to recommend a sentence of life imprisonment. One of these jurors says in her affidavit:

"Not only your affiant, but all the other members of the said jury, believed and were under the impression that the jury had nothing whatsoever to do with the imposition of the penalty. Your affiant further states that she feels and has always felt that a term of life imprisonment for the defendant, S. C. Stone, would be the proper punishment in this case, due to the conflicting evidence and the character of the testimony presented during the trial of the case. Your affiant further states that her only reason in voting as she did vote was due solely and only to the fact that she did not know, at the time the said cause was submitted to her and to the other jurors for decision, that she could recommend leniency in a capital case."

The second juror to make affidavit says:

"All of the other jurors, with the exception of the two gentlemen upon the said jury, believed and stated to your affiant that they had nothing whatsoever to do with the penalty in the said case. \* \* \* that the imposition of the penalty in the case was entirely up to the judge, and that the affiant had nothing whatsoever to do with any reconsideration. \* \* \* that she feels, and has always felt, that a term of life imprisonment would be the proper punishment."

However, in the letter from Judge Hahn, dated February 25th, he points out that his instructions to the jury were expressed in the clearest possible manner, while in a subsequent letter of March 4th, he states that after interrogating, at my request, all of the jurors he could secure eight in number, he ascertained that the two jurors quoted above are entirely mistaken in their recollection that the jurors as a whole did not understand that they could recommend life imprisonment, and that these ideas have developed in the minds of these two jurors since the trial. In this same letter he further declares that the present attitude of the jurors on the question of clemency is as follows:

"In addition to the discussion I had with the jurors as to what occurred in the jury room, I also went into a discussion as to how they felt on the question of the exercising of clemency on your part. One juror \* \* \* hesitated to express a feeling favorable to such clemency. The others all felt favorable toward it. \* \* \* I think that I can truthfully say that if you should decide to exercise mercy clemency that there will be no feeling on the part of any of the jurors that the lack of exercise have not been fully met, provided that Stone is not subsequently paroled. That possibility was suggested by several of the jurors when I discussed this question with them. They generally felt that he should not be released based on society, and that if life imprisonment really meant that he would be incarcerated for the rest of his life, they were rather disposed to feel that this was a case for such action."

In the first of my three letters from Judge Hahn dated February 17th, he clearly indicates that there is sufficient doubt surrounding this case to justify executive clemency. In part, he says in this letter:

"There is, of course, this element in the case which could not help but make its impression on the jury and that is, that the crime was a diabolical act. There was no possible excuse for the taking of the lives of these two girls. In fact, to my mind it seems so diabolical that it could have been done only by a degenerate or by someone who at the time must have been bereft of reason or judgment."

There was evidence in the case that Stone had begged of mistreatment of girls and that he was of a moral degenerate mind. I think the evidence showing him to be a man of this character and the unquestioned fact that whoever committed the crime was a man of that type had a good deal to do with the jury's verdict.

On the whole, it was a type of case that honest minds may have well entertained a reasonable doubt. It was not a type of circumstantial evidence that inevitably led to but one conclusion.

Since the trial of the case, I have been advised that at least one or two of the witnesses who testified that they saw the girls in the automobile with

Stone on the evening they disappeared had weakened in their assurance that Stone was the man in the automobile. The identification made by these witnesses was not surrounded with such circumstances and facts as to make one feel they may not have been mistaken."

Stone, himself, has never weakened in maintaining his innocence. In a letter from the prison chaplain, who has of late been most closely in touch with him, Rev. Frederick H. Menzel, reads as follows:

"For about a month Mr. Scott C. Stone (No. 43045, San Quentin), to be executed next Friday, has been in my spiritual care. I understand that his case has been submitted to you for review, coupled with the appeal that you extend executive clemency to him by reducing his death sentence to that of life imprisonment. Permit me to join my voice to the many voices which are appealing to you in behalf of this man.

If my information is correct, this man has been convicted purely upon circumstantial evidence. Furthermore, while I have again and again urged the man to confess his guilt to me, his pastor, he continued to claim innocence. Finally, I do not get the impression that this man is guilty."

Next, I come to letters of the four women most closely connected with this case. Mrs. McIntosh, under date of March 4th, and her mother, Mrs. Pryor, under date of March 6th, both urge me to commute the sentence, in view of expressed doubt as to the guilt of Stone. Somewhat different in character, though very significant, are letters from Mrs. Lovelace, the grandmother of the murdered children, and from Mrs. Buus, their mother. The grandmother says, in one of her communications:

"I wish to state, as the grandmother of the murdered Martin children, that if Mr. Scott C. Stone is hanged for the murder of my grandchildren, it will make my daughter, their mother, exceedingly unhappy, and she will never feel that the right man was arrested and convicted. I also believe, myself, that there is a very, very strong probability in favor of Mr. Stone's innocence, and trust that the sentence will be commuted."

And, on her part, the mother writes to me under date of February 23d:

"Because I am anxious to be relieved of a lifetime of misery which it will bring to me if Mr. Scott C. Stone is hanged for the murder of my two children, I am making a last minute appeal to you. You are my only hope now to save one whom I feel sure has something on his side which makes his guilt very uncertain \* \* \* I beg of you—Oh! I plead with you, relieve a bereaved mother of unnecessary and continuous heartache by commuting Mr. Stone's sentence."

A last minute telegram has been received from Mrs. Buus today:

"I understand you are making your decision this morning in the Stone case. As the mother of the murdered children I wish to say that unless you commute the sentence you will make me very unhappy for the rest of my life."

Thus I have quoted at length from practically all of those who were engaged in prosecuting the case of Scott C. Stone. As has been seen, they all unite in strong recommendation that the penalty shall be reduced from death to life imprisonment. These are the ones who were present at the trial, who know intimately all the circumstances and who are in the best position to form a proper judgment.

When we take into consideration the diabolical nature of the crime, and couple with it the fact that Stone himself is of unattractive personality, without money, influence or friends, it is evident that there can be but one explanation of this desire for leniency. It is clear that while nearly all still hold a strong probability of Stone's guilt, they also believe that there is just enough possibility of his innocence to make them unwilling that the death penalty should be exacted. They seem unanimously to have made up their minds that there is sufficient doubt about this case, and sufficient reason for distrusting the reliability of the chief witnesses, to render it unsafe to hang this man, lest subsequent evidence may at some future time show another to have been the actual murderer.

The Supreme Court had no alternative other than to sustain the verdict. Under the law they must not perform the jury's function to weigh the evidence and pass upon the credibility of the witnesses. There was ample testimony, taken at face value, upon which to base a conviction. And, as said by the court:

"The record in this case is singularly free from any ruling that might be claimed to be error."

But I do not occupy the same position in relation to the trial as that of the Supreme Court. In my capacity as Chief Executive, I must, to some extent, exercise the prerogative of both court and jury in the administration of law and justice under the constitution.

It is contended that, if there is a "reasonable doubt" regarding the guilt of a condemned man, a full pardon should be granted. This argument is not sound. Presumption of innocence follows one accused of crime only throughout the trial and such presumption is negated by conviction. Thereafter the guilt of the defendant



must be assumed as an established fact, an assumption that can be overcome only by proof, beyond a reasonable doubt, that the defendant is innocent. In other words, to justify a full pardon, the burden is upon the convicted defendant State to convince the Governor of his innocence beyond a reasonable doubt. No such overwhelming proof of innocence has been produced in this case. On the contrary the probability of guilt is so strong that I do not feel justified in extending clemency even to the degree of commuting to life imprisonment, with the possibility of parole after serving seven years of his sentence, and thus turning loose upon society a man who is presumably a vicious degenerate to become a menace to the children of the community.

Now, therefore, I, C. C. Young, Governor of the State of California, do hereby commute the sentence of death imposed upon Scott C. Stone in the superior court of the State of California, in and for the county of Los Angeles, upon condition that he be imprisoned during the term of his natural life in the State Prison at San Quentin without parole.

In witness whereof, I have hereunto set my hand and cause the Great Seal of the State of California to be applied this ninth day of March, 1927.

[SEAL]

C. C. YOUNG, Governor

Attest: FRANK C. JORDAN, Secretary of State.

By ROBERT V. JORDAN, Deputy.

#### PARDON

There has been presented to me an application for the pardon of Charlotte Anna Whitney, who, on January 27, 1920, was tried in the superior court in Alameda County, before Superior Judge James G. Quinn, on a charge of violating the so-called Criminal Syndicalism Act. The information comprised five counts, first, that she had helped to organize, and had acted as an association prohibited by the Criminal Syndicalism Act; second, that she had conspired, written or printed matter teaching and advocating violence as prohibited by that act; third, that by spoken and written words she had taught and advocated violence; fourth, that by spoken and written words she had justified the commission of violence; and fifth, that she herself had committed acts of violence.

Miss Whitney pled not guilty to these five charges, and on February 20, 1920, was found guilty on the first count, membership in an association believed by the jury to be prohibited by the act; but the jury refused to convict on the other four counts. She was sentenced to San Quentin Prison for a term of from one to fourteen years. The case was taken to the First District Court of Appeal, presided over by Justices Tyler, Kernan and Richards, and on April 22, 1922, the judgment of the lower court was affirmed. A hearing before the State Supreme Court was denied, and the case was taken to the United States Supreme Court to test the constitutionality of the California Criminal Syndicalism Act. On May 16th of this year the court declared the law constitutional though two of the justices in a separate opinion expressed regret that in the original trial there had not been raised the issue of danger or lack of danger from the particular organization with which the defendant had joined.

I must confess that, when this application for pardon was first presented to me, I was very doubtful as to whether it could properly be granted. In the two places, I felt strongly that the ordinary processes of our courts should not be interfered with, and that their verdicts should be upheld. Secondly, I felt, even though some of Miss Whitney's adherents questioned the wisdom or necessity of the law under which she was convicted, that after the constitutionality of that law had been upheld by our highest court, its penalties must be executed. I also felt that although, in the present case, a term in prison might seem harsh as applied to the particular individual concerned, on the other hand a pardon might seem a letting down of the bars designed for the protection of society.

To grant a pardon in advance of a parole, or even before any portion of a prison term is served, would seem a very unusual procedure, and I felt that such a practice could not be forthcoming under anything like ordinary circumstances. However, I have since devoted several weeks to a study of the case, have read and re-read all of its thousand pages of transcript, have sought whatever light I could from the judges participating in the case, and from those possessing intimate and unbiased knowledge of the defendant and her activities. In short, I have made the most complete investigation of which I was capable, in order to determine whether, notwithstanding the decisions of the courts, there was reason for exercising that power of pardon which, under our form of government, is constitutionally placed in the hands of a chief executive.

I have now completed my investigation and study of this case, and have become completely convinced that, under all the circumstances involved, a pardon for Miss Whitney must issue. I am aware that many may not agree with me in this decision, but I would only suggest my belief that an equally thorough study would inevitably bring a similar conclusion on the part of practically every doubter. Unfortunately, lack of space prevents the extended review of the case which would be desirable, but I may perhaps at least present a few of its salient points.

On November 9, 1919, there was held in the city of Oakland a State convention of an organization known as the Communist Labor Party of California. This was

an offshoot from the Socialist Party and comprised the radical wing of that party. The State convention in question was held openly; reporters were present, and the story of the convention was told in the news columns of that afternoon and the next day. About one hundred delegates were present, Anita Whitney being one. The Oakland Socialist Local, to which she had belonged, went over to the new party and she went along with the others.

In the convention Miss Whitney was placed upon the committee of credentials and the committee of resolutions. As a member of the latter committee she argued for a resolution, the adoption of which she had secured in the committee. The resolution in question sought to pledge the new party to the ballot as a means of carrying out its aims. It read, in part:

"The Communist Labor Party of California fully recognizes the value of political action as a means of spreading communist propaganda; it insists that in proportion to the development of the economic strength of the working class, it, the working class, must also develop its political power. . . . Therefore, we again urge the workers who are possessed of the right of franchise to cast their votes for the party which represents their immediate and final interest."

After a considerable controversy this resolution was voted down, and instead there was adopted in toto the platform of the national organization, the Communist Labor Party of America. Notwithstanding her defeat Miss Whitney, as was perhaps natural, remained throughout the day of the convention, and, in fact, attended one or two committee meetings during the subsequent month. This, as far as the evidence discloses, marks the extent of her association with the Communist Labor Party, for membership in which she was subsequently convicted.

This autumn of 1919 was a period of much unrest and nervous tension as an aftermath of the Great War. Industries had to be reorganized, unemployment was rife, labor was extremely fearful of its future, new political theories and philosophies were everywhere projected. In this panic-stricken frame of mind which prevailed at the time, civic authorities were naturally suspicious and were prone to regard new political or social movements as revolutionary in tendency. Nevertheless, there were no arrests as a result of this Communist Labor Convention for nearly three weeks. Then as Miss Whitney was leaving a meeting of Oakland clubwomen where she had been speaking on the condition of the American negro, she was placed under arrest on November 28, 1919. This action was taken at the direction of Fenton Thompson, inspector of police, under the authority of the Oakland Police Commission.

The Oakland chief of police at that time was Walter J. Peterson, a firm enemy to radical propaganda of every kind, and a staunch supporter of the Criminal Syndicalism Act. He has recently been quoted as having made the following statement with reference to Miss Whitney's arrest:

"I investigated Anita Whitney's record in 1919. I found that she had always done an enormous amount of good in the community. I wasn't in sympathy with her pacifist ideas and a lot of her other notions. But I recognized that it wasn't in her nature to commit violence nor to encourage it. She was one of those idealists who want to make the world better for every one."

So I ordered Fenton Thompson not to arrest her. But he was so zealous that he went over my head to Commissioner F. F. Morse and the arrest was made. No constructive good can come from making a martyr of Anita Whitney. She should never have been held in the first place."

Having been arrested, Miss Whitney was speedily brought to trial. The prosecution was conducted by two exceedingly able deputies from the district attorney's office. For the defense there was a rather elderly man with evidently little taste for court practice, and Thomas O'Connor, a brilliant attorney, who assumed entire charge of the case. This was in the midst of an epidemic of influenza, and during the trial one of the jurors contracted the malady and died, her place being taken by a thirteenth juror, who had been unopposed for fear of such an occurrence. Another juror and Miss Whitney herself were for a time seriously ill. And, finally, Thomas O'Connor, the mainstay of the defense, was himself stricken.

For several days O'Connor, in spite of a raging fever, stuck to his post. At length he was forced to give up, and a two days continuance was granted. On the expiration of this period the attorney was reported as very ill and delirious. The court decided that the case could not safely await his recovery, and ordered the trial to go on without him. A remark made during the colloquy by the assistant defense counsel, as to what might happen should the case proceed, seems strangely prophetic:

"It probably will mean Mr. O'Connor's life, and it may mean a miscarriage of justice to this defendant."

Nevertheless, after her request granted for consultation, the case went on. Two days later Mr. O'Connor died, taking with him to the grave all plans which he had made for the defense. Another lawyer, hastily summoned and of necessity unprepared, continued in the trial until the end, but with the result already noted.

Thus I have tried to outline the nature of the charge upon which Miss Whitney was convicted, as well as some of the extraordinary circumstances attending her

trial. It is true that we have the advantage of considering this in the calm light of our present knowledge, rather than in the excited days of 1919 and 1920. I do not believe it conceivable that today such a trial would take place, or a conviction be demanded even by the strongest adherents of the Criminal Syndicalism Act. The trial having been held, however, and a conviction having been secured, it remains to be considered whether pardon at this time would be a proper action. On this point, I should like to quote one of the ablest and most conservative legal minds in California, Orrin Kip McMurray, head of the School of Law in the University of California. In a recent letter, Professor McMurray says:

"If Miss Whitney were to be tried today it is very improbable that a conviction could be had; indeed, it is scarcely possible that a district attorney would urge her prosecution. The testimony in her case is by no means strong and \* \* \* should, I submit, hardly convince a California jury in 1927 that Miss Whitney is a dangerous person at the present time. The union of act and intent, though technically established, is rather faint. The Supreme Court of the United States, both in the majority and the minority opinion, review the facts sufficiently to indicate the conflict of testimony, concerning which the appellate courts had no power to judge. The constitution has put this power of review in the Executive. As Chief Justice Taft remarks: 'Executive clemency exists to afford relief from undue harshness or evident mistake in the operation or enforcement of the criminal law. The administration of justice by the courts is not necessarily always wise or certainly considerate of the circumstances which may properly mitigate guilt.'"

And then Dean McMurray goes on to show that conviction by a trial court under due process of law should be no bar to pardon, since the pardoning power of the Executive was established for the sole purpose of affording to a convicted defendant, where extraordinary circumstances exist, that clemency which, under their limited powers of review, appellate courts can not furnish.

Supplementing this very comprehensive review by Professor McMurray, I should like to point out a few additional facts which must, I believe, convince any one who makes a thorough study of the transcript of the trial. First, as has already been shown, there was the illness and death of Thomas O'Connor, the brilliant counsel for the defense, in the midst of the trial, under such distressing circumstances that not a single note of any kind was handed on to his hastily summoned and totally unprepared successor. From that time on the defense seems all at sea. The evidence offered in the case, for instance, was almost entirely confined to witnesses for the prosecution. As against more than twenty such witnesses, with the exception of one prosecution witness recalled, Miss Whitney herself was the only witness for the defense, and her direct testimony occupies only three pages of the thousand-page transcript.

Moreover, a very large part of the testimony, and that which undoubtedly had most effect upon the jury, had to do, not with the Communist Labor Party which Miss Whitney had joined, but with the I. W. W., with which she was never connected. This testimony was largely composed of a recital of atrocities committed in California by the I. W. W. from 1913 to 1918, the narrating of I. W. W. policies of lawlessness, sabotage, and crime, and the reading of incendiary and blasphemous I. W. W. songs. This evidence was admitted on the showing that a brief endorsement of the I. W. W. had been made in a special report on labor organization in the Communist Labor Party—not the Communist Labor Party of California with which Miss Whitney was connected in Oakland, but the National party at Chicago, whose platform the California party had formally adopted. I can not help believing that the conviction of Miss Whitney was largely due to the recital of these actions by the I. W. W., actions with which she had nothing to do, and occurring years before the offense for which she was indicted—the joining of a distinct and very different organization. I also can not help believing that, had Thomas O'Connor lived, this apparently extraneous testimony would never have been permitted to come before the jury, at least, with the effect it actually had.

I furthermore believe that Justice Brandeis in his opinion has pointed out the chief weakness in this case. The law defines criminal syndicalism as involving "the commission of crime, sabotage, or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change of industrial ownership or control, or effecting any political change." The Communist Labor Party has practically disappeared, not only in California, but also in other states where no criminal syndicalism law existed. It was a visionary attempt to plant a European radicalism upon an American soil, where it simply could not thrive. I am unable to learn of any activities of this party, in California at least, or possibly in America, which ever rendered it a danger to the State or a menace to our institutions. I am satisfied that, in the light of our present knowledge, no charge of criminal syndicalism would be now brought against its members.

Justice Brandeis in his able review of the case expresses himself as follows:

"Whenever the fundamental rights of free speech and assembly are alleged to be invaded, it must remain open to a defendant to present the issue



whether there actually did exist at the time a clear danger; whether the danger, if any, was imminent; and whether the evil apprehended was one so substantial as to justify the stringent restriction interposed by the Legislature. \* \* \* Whether in 1919, when Miss Whitney did the things complained of, there was in California such clear and present danger of serious evil, might have been made the important issue in the case. She might have required that the issue be determined either by the court or by the jury."

In a word, although the Supreme Court in its decision was forced to confine itself solely to the constitutionality of the law, the distinguished justice feels impelled to point out an essential element which was lacking at the original trial, and which, in my opinion, if employed as it should have been, would never have permitted conviction for mere membership in the Communist Labor Party—a party with which probably none of us would have any sympathy, but which was organized in an open public meeting, and in joining which Miss Whitney undoubtedly had no thought of breaking any law. In saying this, however, I am not unmindful of the fact that the jury at that time conceived the criminal syndicalism statute actually to apply, and that their verdict makes the defendant at least technically guilty.

I have been interested in the receipt of a letter from Superior Judge James G. Quinn, who presided at the trial and imposed the sentence upon Miss Whitney. In this letter Judge Quinn says in part:

"Through the years which have elapsed it has been natural that I should have given a great deal of thought to this case because of its extraordinary features and because the contest involved the validity of the law under which Miss Whitney was tried. The Supreme Court of the United States has upheld the law. The sole question remaining is whether the vindication of the law and the safety of the State require the incarceration of Miss Whitney.

Her trial was held at a most difficult time; not only was it a time of public excitement because of the war conditions, but in addition it was a time of excitement owing to the influenza epidemic. In all my experience at the bar and on the bench, I do not recall having passed through a more trying situation.

A regrettable incident of Miss Whitney's case was the death of Mr. O'Connor in the midst of the trial. His death of course was a great loss to the defendant. His ability as an advocate was universally recognized, and his thorough grasp of her defense was apparent to every one identified with the trial.

During the course of the trial I studied Miss Whitney. She is a lady of culture and refinement, and I can well imagine the suffering she has undergone during more than seven years which have elapsed since her conviction. The strain upon her mentally undoubtedly has been far greater punishment than would have been incarceration in the case of a person of a different nature.

Reviewing the entire matter, I believe that justice and the welfare of the State would be subserved in this case if she was granted a pardon."

It will be recalled that the Whitney case was passed upon, not by the State Supreme Court, but by the District Court of Appeal, presided over by Justices Tyler, Kerrigan and Richards. Accordingly I have requested the judges who were then members of this court to furnish me their recommendations. I found that I was not able to get into communication with Judge Richards, since he had left the State and was on his way to Europe, but I have received letters from both Judges Kerrigan and Tyler.

Judge Kerrigan, who is now a United States District Judge for the Northern District of California, has written me as follows:

"As you may know, I was one of the judges of the District Court of Appeal which decided the case of Miss Anita Whitney when it was appealed from the trial court. I am persuaded that from the technical point of view no other result could have been arrived at by the various courts which have had her case before them.

Without going into extensive discussion of my reasons, I have come to believe that no purpose useful to the State can be served by imprisoning a woman of her type in the State penitentiary. Accordingly, I wish most earnestly to recommend the granting of executive clemency in this case."

From Justice John F. Tyler, presiding justice of the First District Court of Appeal, a position he also held when the Whitney case was before that court, I have received a letter from which I quote the following concluding paragraphs:

"The psychology of the situation has doubtless changed since Miss Whitney's conviction, and considering the long period of time she has been compelled to wait pending a final determination of her case, and the anxiety and mental pain she must have suffered in consequence, and considering further that the crime of which she stands convicted is political in character, I am of the opinion that she has already been sufficiently punished, and that the granting to this aged little woman a pardon would be an act of mercy. You will recall that this was the attitude of our government, in this class of cases, at

the close of the Civil War. Then again, the history of Miss Whitney's life, as revealed by the facts of the case, shows that both before and subsequent to her trial she simply allowed herself to be mis-guided by listening to the vicious principles of that class which is primarily responsible for her unfortunate situation.

The record further discloses that she is by nature and heritage endowed with a kindly and peaceful character. Considering all the foregoing matters, and the facts of her particular case, together with the additional fact that she is a woman well advanced in years, it would seem that to deny absolution to her in a State penitentiary would serve no useful purpose to society. For the reasons stated I believe that the humane thing to do is to grant her a pardon."

It will be noted that Justice Tyler has much to say regarding the personal attributes of Miss Whitney, and, indeed, I believe that her personal character may properly have great weight in the solution of the problem before me. During the past few weeks I have received scores of letters from prominent men and women who have known her for very many years. These letters are almost uniformly in their origin, but they all say practically the same thing—namely, that while Miss Whitney is very firm and courageous where she believes a principle to be involved, at the same time she is essentially gentle in nature and disposition—a woman to whom violence in any form is utterly repulsive.

Miss Whitney was born in 1867 and is consequently about exactly sixty years old. She came of an eminent family, received a fine education and inherited just sufficient fortune to enable her to live in a modest way and at the same time devote her life to public service. She was for a long time secretary of the Associated Charities in Oakland, and probation officer for girls in Alameda County. I have been informed by one of her fellow workers in this service:

"I know from months of daily association with her how deep-seated she was to that type of work. She worked long hours at \$85 a month, took no suits, economized on her luncheons, and gave more generously than she could afford from her own funds to alleviate distress that could not otherwise be cared for through regular official channels. She was free, unselfish, unpretentious, of shrewd, firm, decent, and defray in action of public affairs, but she was very more of poverty, crime, and distress than some people have seen. There is a wonderful record to her credit of unselfish effort to better the world a little."

I have quoted the above paragraph partly because it comes from a conservative, well-balanced woman, who has for many years known Miss Whitney intimately, but more particularly because it sums up in a few words the picture of all her acquaintances. As she grew older in her social work, she did what others in her sphere of life would never do and can never understand. Instead of working only for these people she began to work with them. This led to her joining the Socialist Party, and more and more to her taking part in those political activities culminating in the convention of November 9, 1919. However, as I have been informed by a special agent of the federal government who examined her entire correspondence:

"Neither in all of the letters from and to her, and about her, nor in the investigations covering her activities, does there appear a single line or word tending to show that she ever advocated a violation of any law."

In a newspaper which reached my desk this morning I read the headlines, "Proposed Pardon of the I. W. W. Leader, Anna Whitney." I quote this because I believe it expresses a very common misconception. There is not the slightest evidence to show that Miss Whitney was either ever a member of the I. W. W., or ever subscribed to its principles or practices. In fact, it was clearly demonstrated in the trial that Miss Whitney had no connection with the I. W. W., although she belonged to the Communist Labor Party. I think it is an acknowledged fact, abundantly proved, that the I. W. W. has advocated and practiced violence, terrorism, and sabotage in California. If anything like this is true of the Communist Labor Party, I have never heard of it, and this trial certainly did not disclose it. Accordingly, while it might easily be shown that merely to belong to the I. W. W. constitutes criminal radicalism, the charge would be certainly far more remote as applied to the Communist Labor Party. In order to save Miss Whitney's own conception of this party, it is only necessary to quote a page from the transcript of her testimony:

Question: "And now then what did you understand to be, or know to be, the meaning of that organization that occurred on November 9, at Loring Hall?"

Answer by Miss Whitney: "It was a convention to formulate the principles and to put into existence the Communist Labor Party, a political party for California, to be a branch of the National Communist Labor Party."

Q. "Was it to be, or did you intend that it should be an instrument of terrorism or of violence?"

A. "No, sir."

Q. "Did you, or did you not, know whether or not it was the purpose of that meeting to violate any known law?"

A. "I knew it was not. The meeting was an open convention, and would not of course have been an open convention if we were deliberately planning to break the laws of the State in which we live."

This sworn testimony on the part of Miss Whitney would seem to establish her own conception of the organization which she had joined, and would also seem to affect what Justice Brandeis calls "the issue whether there actually did exist at the time a clear danger; whether the danger, if any, was imminent; and whether the evil apprehended was so substantial as to justify the stringent restriction imposed by the Legislature."

During the past month I have received many hundreds of communications urging pardon for Anita Whitney. Some of the petitions, it is true, are evidently instigated by the Civil Liberties Union and similar organizations, which have been for years staunch opponents of the Criminal Syndicalism Act, and whose attitude is consequently easy to explain. But aside from these petitions, by far the largest number of communications I have received come from those who favor a law of this kind; who are pleased that its constitutionality has been upheld by the federal courts; but who express themselves as convinced that no good end can be attained by sending Miss Whitney to prison.

Among others, I have heard from bankers, from corporation lawyers, from newspaper publishers, from mayors of cities, from judges and ex-judges, from educators, from former service men, from agricultural leaders, from men of large business affairs, from social workers, from members of women's organizations, from churches of every denomination—all urging this pardon. For instance, I have a letter from a prominent San Francisco attorney who actually wrote the Criminal Syndicalism Act, and has been busy defending it before committees at subsequent legislative sessions, who says:

"I feel that a pardon in the case of Miss Whitney would be entirely justified, and indeed most proper; not because she is a woman, not because of any station in life which she has held or may now hold, but merely because in the individual case I am convinced that there was an element lacking in the facts shown in the case which would have, in my opinion, warranted an acquittal, and which, in my opinion, warrants a pardon."

Not only this attorney who wrote the Criminal Syndicalism Act, but also the State Senator who introduced it into the Legislature and secured its passage, has written to me. He says:

"I desire to join with the many other California citizens who are asking for a pardon for Miss Anita Whitney. Imprisonment can make a martyr of her, but it can not make her a criminal in the eyes of the public. Her charitable and humane acts are too numerous and too well known for that. I have read the reporter's transcript in her case and am at a loss to understand how a verdict of guilty was secured."

Punishment of offenders has several purposes: to reform the offender, to deter others from committing crimes, and to create a wholesome respect for law. Not one of these can be accomplished by the imprisonment of Miss Whitney. No one who knows her will contend that she will be improved by a term in prison. If she is incarcerated, many of our very best and leading citizens will feel that a gross injustice has been done. That is not a feeling that is conducive to respect for law and government, or that deters from committing crime.

I sincerely trust that you may see your way clear to grant the requested pardon, and right, so far as possible, the damage already done."

The last two quotations are from men who believe in the Criminal Syndicalism Act, and who also believe that any miscarriage of justice under that act must be corrected by executive pardon in order to preserve the act itself. But there are others, lovers of liberty and free speech, who believe that any act like this must be so carefully applied as not to throttle that which must ever serve as the most indispensable birthright of every free American. These would quote the words of Justice Brandeis as the finest expression of the kind produced during the present generation:

"Those who won our independence believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government."



Some who have written to me in opposition to the action I am taking have insisted that if a pardon is granted to Miss Whitney, it must also be granted to all who have been convicted under the Criminal Syndicalism Act. With this assumption I can not agree. I am not pardoning Miss Whitney on the ground that any punishment under the act is unjustifiable. No governor, sworn to uphold the law, has any right to set aside or nullify a law, especially a law which has been declared constitutional by the highest court of the land. Neither am I pardoning her because, according to a common misconception, she is a wealthy woman who has been using her money to keep out of prison, thus making "one law for the poor and another for the rich." According to everything I can learn, Miss Whitney is in very moderate circumstances, and has been enabled to prosecute her appeal only through the generous interest taken in her case on the part of her friends and counsel.

I believe that a careful reading of what I have here written will make my position plain. Once again I will say that I feel absolutely convinced that any one who studies the transcript and records of this case, as I have studied them, will agree that there is no possible alternative to this pardon which I am granting. Of the hundred or more who helped organize the Communist Labor Party in California, only two besides Miss Whitney were convicted, and in these cases the jury found them guilty, not only of membership in the party, but on other counts involving the actual advocacy, aiding, teaching, or plotting of violence, on the part of the defendants themselves. These two, by the way, are not now in prison. So far as I can ascertain, there never was a conviction in any case in the State of California, other than Miss Whitney's, solely on account of membership in the Communist Labor Party—a conviction which has been well expressed as falling "within the outside limits of a technical violation of the law." Accordingly, her case can not be construed as representative of other and different convictions under the Criminal Syndicalism Act.

Let us very briefly sum up a few of the things I have tried to say above. I am issuing a pardon for Charlotte Anita Whitney in spite of the fact that under all ordinary circumstances the verdicts of our courts must be upheld, in spite of the undoubted constitutionality of the law under which she was convicted, in spite of the fact that the courts have adjudged that in issuing the Communist Labor Party she violated the Criminal Syndicalism Act, in spite of my belief that nothing is more necessary than to instill into our people a healthy respect for the dignity and majesty of law.

I am issuing this pardon because I do not believe that under ordinary circumstances this case would ever have been brought to trial, because the abnormal conditions attending the trial go a long way toward explaining the verdict of the jury, because I feel that the Criminal Syndicalism Act was primarily intended to apply to organizations actually known as advocates of violence, terrorism, or sabotage, rather than to such organizations as a Communist Labor Party, because the police who have been connected with the case, as well as the authors and some of the strongest advocates of the law under which Miss Whitney was convicted, made an urging that a pardon be granted, because not only the evidence at the trial, but also the testimony of all Miss Whitney's acquaintances, show her to have the utmost respect for law and to be averse to violence in any form, because her unflinching might easily serve a harmful purpose by leaving the winning sports of radicals, through making her their martyr, because, whatever may be thought as to "the folly of her misdirected sympathies," Miss Whitney, lifelong friend of the unfortunate, is not in any true sense a "criminal," and to condemn her, at sixty years of age, to a felon's cell is an action which is absolutely unthinkable.

Now, therefore, I, C. C. Young, Governor of the State of California, do hereby pardon Charlotte Anita Whitney.

In witness whereof, I have heretofore set my hand and caused the Great Seal of the State of California to be affixed this twentieth day of June, 1927.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.  
By ROBERT V. JORDAN, Deputy.

#### PARDON

There has been presented to me an application for the pardon of James S. Willis, who, on April 12, 1927, was convicted in the superior court of Sacramento County of the crimes of first degree robbery and assault with intent to commit murder. On the same date Hon. J. P. Pullen, judge of said court, sentenced him to the State Prison at San Quentin for an indeterminate term of from five years to life for the first offense, and from one to fourteen years for the other, the sentences to run consecutively. He was taken to San Quentin and given prison number 43503.

The offenses with which Willis was charged consisted in the robbery of the attendant of one oil service station and the attempted murder of the proprietor of another. The man who committed these crimes first held up a boy by the name of Robert Richardson on the streets of Sacramento about three o'clock in the afternoon of March 19, 1927. At the point of a revolver, Richardson was forced into his automobile and compelled to drive the same, a Buick coach, about the city for more than an

hour, during which time the bandit took several drinks from a bottle. Richardson was finally put out of his car on the outskirts of the city, and the bandit drove off. A short time thereafter, this man drove Richardson's Buick coach to a Union oil station on the corner of Tenth and P streets, and held up the operator, Paul Winstead, taking thirty-odd dollars in cash from the register, as well as Winstead's watch and fob. He proceeded, about five o'clock, to a service station at 1417 Twenty-third street, owned by Oscar G. Jones. After a little preliminary argument over money, he shot Jones three times in the arm and once in the back. The bullets taken from Jones' body were of .22 caliber. After the shooting, the bandit drove away immediately without taking anything, or having got out of the Buick coach, which was subsequently found parked a short distance from the police station in Sacramento.

It appears from the record that James S. Willis, now a young man 27 years old, had already been convicted on December 17, 1921, of the crime of grand larceny, and sentenced to the State Reformatory at Monroe, in the state of Washington. He was discharged in 1922 and, in 1924, was convicted of a violation of the Harrison Narcotic Act at Seattle, Washington, and sentenced to the federal penitentiary at McNeill Island to a term of two years.

Willis was identified by the two victims of the robbery and the attempted murder as the man who committed the crimes. On April 8 he was indicted by the grand jury on both charges, and four days later, on April 12, pleaded guilty to each indictment and was convicted and sentenced as recited above. The district attorney of Sacramento County, Neil R. McAllister, in a letter dated July 19, 1927, has given me the following account of the events leading up to this conviction:

"Shortly prior to the time of the commission of the offenses in Sacramento, for which Willis was sentenced on his plea of guilty, he was charged in Stockton with the crime of burglarizing his father's office. His father is a prominent physician at that place. Among the things taken from Dr. Willis' office were two guns and several flasks of whisky. The fact that one of the guns taken from his office was supposed to be of the same caliber as the one with which Jones was shot, and also that the man who did the shooting had a flask of whisky, led the local police to suspect Willis of crimes committed here. He was apprehended and charged with robbing Winstead and shooting Jones.

The first thing done here by the man who committed the two above described offenses, was to hold up a boy by the name of Robert Richardson, and force the boy to drive him about the city for some time. He afterwards put the boy out of the machine and proceeded alone on his way. Upon his arrest, Robert Richardson would not identify him as the man who held him up. Jones, who was in the Sutter Hospital, said he was the man, as did Winstead. Neither the gun used nor any of the property taken from Winstead was found on Willis. Willis repeatedly denied that he had anything to do with the commission of either offense, and never made any confession other than that implied by his plea of guilty.

At the time of his arraignment before Hon. J. F. Pullen he was represented by Mr. Coale, an attorney of Stockton, engaged by Dr. Willis, the father of the defendant. Dr. Willis was also present at the time of the arraignment. To his attorney and his father he maintained his innocence, but stated that he was going to enter a plea of guilty, and this he did.

Inasmuch as it is quite a common practice for defendants charged with crime to deny the fact right up to the time of entering a plea of guilty, no particular significance was attached by me to the denial by Willis."

The case, as narrated up to this point, would seem to have been a very ordinary one. The further facts that Willis was a confirmed drug addict and that he had twice before been convicted of felonies committed in the state of Washington, as well as facts leading to the recent charge of burglary in Stockton, would have marked him as one who might have committed these Sacramento crimes, even had he not pleaded guilty to their commission. Yet it is now clearly evident, despite his plea of guilty and his identification by the two victims, that he was absolutely innocent of the crimes, that he knew nothing at all concerning them, and that they were committed by another whom he did not know and of whom he had never heard.

This plea of guilty on the part of Willis to crimes which he could not have committed, together with a confession in another state made by the real perpetrator of the crimes—a confession prompted solely by a guilty conscience, and with no knowledge that another was being punished in his stead, presents one of the strangest stories in all criminal annals. It has appeared to me so unusual that I have given a very careful study to the transcripts and all the documents bearing upon the case, and especially to the very remarkable and detailed confession of the one who has since been convicted and sentenced for these crimes to which Willis had previously pleaded guilty.

At almost the very date of the conviction and sentencing of Willis, a youth of 23, named Vincent Bohac, walked into a police station of Detroit, Michigan, and stated that he had shot a man the month before in Sacramento, California; that he did not know whether the man had died or not, but that he wanted to go back and pay the penalty, whatever it might be. The Sacramento authorities were informed of

the incident and Bohac was sent for and brought to California, arriving in Sacramento on May 7.

On the day of his arrival a very lengthy statement or confession was made in the office of the district attorney. In this confession Bohac told how he had left the east about the middle of February of this year in company with another boy; how various holdups were committed in several states until he reached Salt Lake, where he parted from his companion; how he had been drinking very heavily for about a month, and how his protracted spree culminated in the Sacramento crimes. He then told how he had gone east, had visited his mother and brothers, and had decided to ease his conscience by giving himself up.

Bohac then went out with the Sacramento officers and showed them where he had hidden his pistol and some of his stolen loot, all being found where he indicated. This, and other circumstances surrounding the case, definitely fixed the guilt upon him rather than upon Willis. Both Winstead and Jones agreed that they had been mistaken in their former identification of Willis, and that Bohac, who was of the same general appearance as Willis, was really the man who had committed the crimes.

On May 21, 1927, Vincent Bohac pleaded guilty to a charge of assault with intent to commit murder and was sentenced by Hon. J. F. Pullen, judge of the superior court of Sacramento County, to the State Prison at San Quentin for an indeterminate term of from one to fourteen years. Two days later, on May 23, 1927, in another department of the superior court of Sacramento County, before Hon. J. R. Hughes, Bohac entered a plea of guilty to a charge of robbery, determined to be first degree, and was sentenced to the State Prison at San Quentin for an indeterminate term of from five years to life.

Accordingly Bohac is now serving sentence for the same offenses to which Willis had previously pleaded guilty, and for which he is now serving similar sentences. In the continuation of his letter from which I have already partially quoted, District Attorney McAllister discusses the matter as follows:

"Willis is a drug addict, one of the worst I have ever seen. This, coupled with the fact that he had been convicted of crime twice before, and the further fact that there was a charge of burglary pending against him at Stockton, no doubt prompted him to enter a plea of guilty and get it over with. He, no doubt, figured that if he was not convicted of the charges here that he probably would be on the charge at Stockton. Regardless of what the reasons were, which prompted him to plead guilty, the fact remains that he was innocent of the crimes for which he was sentenced.

After he was sentenced, one Vincent Bohac voluntarily surrendered himself to the police at Detroit, Michigan, and confessed that he had committed the crimes. Upon his return here a thorough investigation was made by the police department and my office to determine which one was guilty.

Our investigation showed beyond any question of a doubt that Bohac was the man who had committed the crimes. This I submit is conclusively shown by the transcripts submitted with the formal application, and will not be repeated here. Bohac, being a stranger in Sacramento prior to the time of the commission of the offenses, took us to the place where he had hidden the gun and also different articles which had been taken from Winstead. In addition to this, he repeated certain parts of the conversations he had had with Winstead and Jones, which had not been previously testified to by anyone, and which would have been impossible for anyone else to know. The boy, Robert Richardson, immediately and positively identified him as the man who had taken his car.

It would be impossible to give you in detail the different steps taken by us in this case to determine the true facts, but I submit that the record filed with the formal application conclusively shows that Vincent Bohac is the man who is guilty. His confession has been proved in every particular, and there is absolutely no chance for a mistake.

"I submit that a thorough study of the record filed in support of the formal application can not fail to convince you that Willis is innocent of the crimes for which he was sentenced, regardless of the motives which may have prompted him to plead guilty.

As a law enforcement officer, I consider it as much my duty to see that justice is done to a man who is wrongfully imprisoned, as it is to prosecute those guilty of committing crimes."

Inasmuch as Willis had been convicted of previous crimes, before any pardon could issue it was necessary that such pardon should be recommended by the State Supreme Court. I am in receipt of the following recommendation from a majority of the members of the court:

"An application for executive clemency has been presented to this court by Neil R. McAllister, Esq., district attorney of the county of Sacramento, on behalf of James S. Willis, sentenced to the State Prison at San Quentin, and now confined as a prisoner therein, after a plea of 'guilty' to the charge



of robbery and assault with intent to commit murder, and assault with a deadly weapon with intent to commit murder, committed in the county of Sacramento on the 19th day of March, 1927.

It now appears from the averments of the application, that, subsequent to the above events, it has been determined that it was not the prisoner, James S. Willis, but one Vincent Bohac who committed the crimes for which Willis is now serving sentence.

We have examined the petition of the district attorney in behalf of said Willis, and the reporter's transcript of the proceedings had, and other matters submitted to this court for its consideration, and are satisfied from such record that the action of the district attorney in asking executive clemency at your hands in behalf of said Willis is fully justified.

Inasmuch as it appears that James S. Willis has standing against him the record of two prior convictions on felony charges in the state of Washington, and it is necessary that you have the recommendation of a majority of the justices of the Supreme Court of the State of California before you may act in this case, the undersigned justices of the Supreme Court, being all those present in the State, hereby join in recommending that due consideration be given by you to the application in behalf of said James S. Willis, and that you extend to him such executive clemency as in your judgment the case warrants.

WILLIAM H. WASTE, Chief Justice.

EMMET SEAWELL,

JOHN W. SHENK,

JESSE W. CURTIS,

JOHN W. PRESTON,

W. H. LANGDON,

Associate Justices.

In the light of the foregoing, having carefully read Bohac's confession and the transcript of the proceedings in his case, as well as that of Willis, I am convinced that the former is guilty and the latter innocent of the two crimes for which both are now serving sentence. The finding of the police officers, in the exact spots he had previously described in his confession, together with his recollection of various fragments of conversation and incidents which occurred during his ride about the city with Richardson and the holdups of Winstead and Jones, corroborated by these three, is conclusive. Moreover, the identification by these same three witnesses of Willis as the man who committed these crimes was unsatisfactory, particularly so with reference to Richardson, who was never certain, and Jones, then in the hospital. Their subsequent identification of Bohac was positive and complete.

Willis, realizing that, in general, he answered the description of the man who committed the offenses charged against him, confronted with his previous criminal record, faced with a burglary charge pending against him in Stockton, and being unable to satisfactorily account for his whereabouts, evidently pleaded guilty in the hope of obtaining some consideration, although maintaining his innocence at all times to his father, his attorney, and the prosecuting and investigating officers.

It is to be hoped that as a result of this case, both of these young men may be rehabilitated and restored to useful citizenship. I am told that Willis, through the restraints of prison life, is in much better physical condition than when he had ready access to narcotics, and I also understand that his father, who is a well-known and respected physician, proposes to place him in some institution where a permanent cure from his unfortunate habits may finally be effected. As to Bohac, despite his early experience in crime, there seems to be sufficient good in him to warrant the belief that when the Prison Board ultimately grants him a possible parole he will have expiated his misdeeds just as he had planned, and will thereafter live such a life as shows that he has profited by this severe but necessary lesson. Just at present, however, Bohac is in prison as the one but unquestionably responsible for these particular crimes, while Willis, also in prison, unquestionably did not commit them.

Now, therefore, I, C. C. Young, Governor of the State of California, do hereby pardon James S. Willis of the crimes of robbery, first degree, and assault with intent to commit murder.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this eighteenth day of August, 1927.

[SEAL]

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. CORY, Deputy.

C. C. YOUNG, Governor.

#### COMMUTATION.

I have before me the case of Joseph Sandoval, who, on August 13, 1926, was found guilty of murder in the first degree by a jury in the superior court of Ventura County, and who, on August 16 following, was sentenced to death by Judge Merle J. Rogers of that court. A motion for new trial was subsequently denied, and the case was appealed to the Supreme Court, which, on March 29, 1927, affirmed the

judgment of the trial court. He was received at San Quentin on August 25, 1926, and given number 42586.

Within the present month I have received a petition for executive clemency in this case, and have been giving to it very careful consideration. I have studied the transcripts, both of the preliminary examination and of the trial in the superior court. I have read the charge to the jury, the transcript on appeal, the decision of the Supreme Court, and all the other documents bearing upon the case. I have also given careful consideration to such letters, telegrams, and the like as are pertinent, discarding such as come from those who are apparently merely actuated by natural sympathy for a condemned man, but who obviously know nothing regarding this particular case.

As a result of these investigations I am constrained to commute the sentence of Joseph Sandoval from the death penalty to life imprisonment. In doing this I am acceding to the earnest solicitation of most of those who had to do with the original conviction. By this I refer to the judge who tried the case, to eleven of the twelve jurors (the twelfth having moved away), to the sheriff of the county and his deputies, to the chief of police of the city, to the committing magistrate, to the clerk of the court, to various county officials, members of the bar, and other officials. Every one of these has entered the most urgent plea that consideration of the sentence be granted.

I feel that only under the most extraordinary circumstances is a governor justified in modifying the verdicts of our courts by executive clemency. Practically every case brought to him will be one which afflicts its holder severely, as far as the individual prisoner is concerned, for almost no man being so unacquainted that he has not some traits which appeal to sympathy and fellow feeling. However, a governor has the welfare of the whole state to consider. A handful of law-abiding citizens who must be protected by insisting into the hearts of potential malefactors a wholesome respect for law, and can not permit sympathy for the moment to outweigh regard for the state's welfare.

Accordingly, it has been my task to determine what there is about the case of Sandoval which has caused practically everyone connected with his conviction to unite in a plea for clemency, and render his case different from the large majority of cases in which the original verdict must be allowed to stand.

Joseph Sandoval is about 47 years of age, of Mexican parentage, but born in Ventura County, where he has resided all his life. He is a man of no unusual advantages, having gone to work at eight or nine years of age after finishing the second grade of school, but he has taught himself hardy to read and write both in English and Spanish. He has always been a common day laborer, but appears to be regarded in the county as hard working, trustworthy, honest and dependable. A prominent attorney of Ventura writes concerning him as follows:

"The defendant has resided virtually all his life in this county. He is well known to many of the old timers, and has enjoyed the reputation of being a steady, thoroughly dependable man, much more capable than the average laborer, polite, courteous, and considerate."

For some years prior to his arrest, Sandoval had been living with a Mexican woman, Julia Lopez, who was his "common-law wife." I am told that this relationship is quite frequent among Mexicans in that part of the State, and is entered into in many instances with the promissory of a legal wedding, as though joined by the law or the church. He was bringing up two children, one, his own by a former marriage, three older children of his common-law wife and one—a baby of two—the child of this later union.

It appears that this woman had become enamoured of a Filipino, a bootlegger and owner of a still in the neighborhood, and this intimacy led to quarrels between herself and Sandoval. On Sunday, June 27, 1926, Sandoval had been drinking rather heavily with a companion. After supper of that day he was alone in the house with Julia Lopez. Her brother, Jose Lopez, who was working in the back yard, heard a sound of quarreling, and coming in found the two engaged in a struggle. During this struggle the woman was shot three times and died next morning in the county hospital. Sandoval persists that his mind was a blank from supper time until he found himself in jail, although he admits that he probably did the shooting, and in fact admitted it to the officers on being arrested.

The trial was a very prompt and brief one. Sandoval, was utterly without funds, and the judge appointed as his attorney a young lawyer with no experience in criminal practice, and who ten a dozen years after his graduation had followed the occupation of farming rather than that of law. The result was a verdict of guilty of murder in the first degree without fixing the penalty, which gave the judge no other alternative than to pronounce a sentence of death. A motion for a new trial was denied, the case was appealed to the Supreme Court, and the verdict was sustained as a matter of course on the basis of the evidence adduced in the trial court. In fact, the attorney for the defense has agreed that "under the rules which bind the Supreme Court of this State, that body could hardly have reversed this case."

After the trial, certain facts were brought out of which the jury had no knowledge in arriving at their verdict. It was shown, for instance, that Sandoval had intended

from the first to plead guilty and to throw himself on the mercy of the court without the holding of any trial. He had gone to the court room with that intention, when the judge, without consulting Sandoval's desires, appointed counsel for the defense, and this counsel, in turn, apparently against the wishes of the defendant, entered a plea of not guilty, and put the case to trial. Concerning this, Honorable Edward Henderson, now superior judge of Ventura County, and district attorney at the time of the trial, writes to me as follows under date of September 13th:

"It has always been the custom in the superior court of this county to impose a life sentence upon a defendant pleading guilty to murder in the first degree. It is said that the defendant, Sandoval, so desired to plead, but neither he, nor his attorneys, communicated this fact either to the court or to any officer. Undoubtedly, if this had been done, he would have been treated in a manner similar to those who have heretofore entered pleas of guilty to like information."

Also Honorable Merle J. Rogers, who was the judge at the time of the trial, writes to me on September 16th:

"Supplementing my letter of the fourteenth instant, I will say that if Sandoval had pleaded guilty I am quite sure that as judge of the superior court I would have imposed a judgment of life imprisonment. Personally I believe that the ends of justice will be now subserved if executive clemency is extended and life imprisonment imposed under all the circumstances of this case."

That the defendant had no other thought than to plead guilty is now shown by county and court officials to whom he freely talked before the trial, although it was not brought out at the trial itself. For instance, I have just received the following telegram from Mr. L. C. Hallowell, county clerk of Ventura County:

"At the time Sandoval was in court for arraignment on a charge of murder, it was his desire that he be permitted to plead guilty. After his conviction many of the jurors told me personally that had they known this, their verdict would have been with the recommendation for life imprisonment. I have known Sandoval for a great many years and know he is not a criminal at heart; on the contrary he has a most lovable disposition. Commute this man's sentence is my earnest plea."

F. A. Shipley, foreman of the jury which brought in the verdict, has recently wired me as follows:

"I was a member of the jury in the case of Joe Sandoval, and was the foreman of the jury. I believe the verdict of the jury should be set aside and the sentence commuted to life imprisonment. I have learned that there was other evidence which was not adduced at the trial. An investigation of this evidence makes me sincerely believe he should not be hung. I also know he wanted to plead guilty to the charge and that it was not his intention to stand trial. I believe you should consider these matters, and I earnestly request that you commute his sentence to life imprisonment and stop the execution which is set for next Friday."

Ten other jurors have wired similar pleas, some of them at greater length and even more forcibly. The messages are all different, however, and show that they were independently prepared. I am told that the twelfth juror has moved out of the county and that his whereabouts are unknown.

Yesterday I received a telegram from David J. Reese, for many years a citizen of Ventura and editor of the Ventura Free Press, and for the past ten years head of the Civil Service Commission of California. This telegram from Mr. Reese reads as follows:

"Feeling is general here that Joe Sandoval should not hang. This is not mere sentiment for a condemned man, but a genuine disapproval of a verdict that could bring nothing else but a death sentence. \* \* \* I am unalterably opposed to intervention in such cases, but in this particular case I appeal to you for clemency. I fully believe that justice would be had and the law satisfied if Sandoval gets life imprisonment."

Jose Lopez, brother of the murdered woman and chief witness for the prosecution, has sent me the following letter:

"I am Jose Lopez. I am the brother of Julia Lopez. Julia Lopez was the woman slain by Jose Sandoval, and for which slaying Sandoval is now under sentence of death.

Preceding the quarrel which resulted in the shooting, Sandoval had treated my sister as his wife, and had treated her very well. Before the shooting my sister informed Sandoval that she wanted him to leave the house as she was through with him. Sandoval replied that it was his house and that she would be the one to leave, not him. She insisted that he should leave as she was tired of him, and that was the cause of the quarrel which resulted in the shooting. I have given this matter much thought. I am willing to have Sandoval receive life imprisonment rather than the death penalty. I ask you to grant his application for commutation of sentence."



A second letter from Judge Rogers, who presided at the trial as well as letters from the chief of police of Ventura, from the deputy sheriff who made the arrest, from the auditor and recorder of the county, and from scores of business and professional men of Ventura, all speak in the highest terms of Sandoval's character and unblemished reputation before this trouble and all urge that the circumstances of the case warrant executive clemency. But the most enlightening letter I have received comes from Sheriff R. E. Clark, and from it I shall quote at length. Sheriff Clark shows that Sandoval had sought his help in straightening out the trouble with the woman he regarded as his wife, and further shows that had he, the sheriff, been able to keep an engagement he had made with Sandoval, the killing would undoubtedly not have taken place. This letter reads, in part, as follows:

"As sometimes happens, there are certain facts in the case which did not appear at the time of the trial. Had they appeared I doubt very much if the jury would have brought in a verdict without a recommendation, and possibly would not have convicted him of anything greater than manslaughter.

I earnestly believe that you should exercise your executive power in this case and commute the sentence to life imprisonment. The following are some of the facts which were not brought out at the trial which I believe you should consider:

What is not generally known is that some time prior to the crime Sandoval came to my office and advised me that a man was breaking up his home and requested the assistance of the office. Our office was not, of course, in a position to render any assistance upon that matter, but an investigation of the character of the man of whom he had made complaint showed that he was running a still and engaging in the manufacture of bootleg liquor. Our investigation having led to securing sufficient evidence to warrant a conviction, we arrested him, catching him in the act with a still and mash and he was sentenced to the county jail.

It thereafter turned out that the woman who was living with Sandoval as his wife had secured a pass from my office and was visiting this man in jail. When this matter was brought to my attention I immediately revoked the pass.

Thereupon Sandoval came to me and advised me that his wife had come to the conclusion he had been instrumental in having the pass revoked and in furnishing information which led to the arrest of this man. I found from an investigation that she was exceedingly bitter in her charges against him and that she and her brother were making of the matter an occasion for almost continual quarreling.

After talking with Sandoval I thought that I could perhaps straighten out the situation and made an arrangement with him by which he would be present at his home on a certain night when his wife would be there and I would come down and try and straighten things out. The night appointed was the night when the murder was committed. Sandoval was there waiting for me. His wife and her brother were also there. I was intending to make a trip to the house when I received an emergency call from the east end of the county and had to drop everything and go out there. When I returned I found that the Sandoval murder had been committed in the meantime.

Joe Sandoval has lived all of his life in this community. He bears an excellent reputation and has many friends. He has never been a drinking man, but under the strain of his domestic difficulties he had indulged in some drinking on the night of the shooting. From what I know of the case, however, I have every reason to believe that his wife was the aggressor, and the continued aggressor in whatever argument or quarrel preceded the shooting. I also believe that had I been present as Sandoval expected the matter would have been fixed up and there never would have been any killing.

All in all, it is one of those cases where a man's passions were inflamed by continued quarreling, domestic troubles and bad whiskey. Sandoval is not of the criminal type, has been a steady, law-abiding character, and I believe that it would be a miscarriage of justice to allow the death sentence to be carried out.

My office talked with Sandoval immediately following the crime and Sandoval intended to and had arrangements completed to plead guilty and place himself upon the mercy of the court, in which event I had no doubt that he would have received a life imprisonment. However, he was confused by the procedure in the court room and mistakenly understood that the court would require an attorney to present his plea, and the court appointed Pearce & Gould. Tom Gould did the active representation at the time of presenting the plea, and instructed the defendant to enter a plea of not guilty 'for the present.'

I feel that it is imperative that you should know the facts of this case which did not appear in evidence and the true situation concerning Joe Sandoval. I have no hesitancy whatever, as the sheriff of this county, in asking you to commute the sentence to life imprisonment, and I feel that infinitely more harm than good would be done from allowing the sentence of death to be carried out."

This letter from Sheriff Clark throws such a new light upon the case that I can not help feeling the hanging of Joseph Sandoval would be a blot upon the good name of California. I am fully aware of the fact that it would be much easier, and possibly would be regarded with much more favor, if I could let the law take its course and should refuse to intervene. In most cases this would be my attitude, for it is my strongest desire to help build up a wholesome respect for law. In this case, however, the poverty and helplessness of the man, and his bewilderment at the trial, have an irresistible appeal.

Nevertheless, the crime which Sandoval committed must not be condoned and must be punished. Those connected with the trial, however, now seem to question whether the verdict should have been first degree murder, especially when carrying the death penalty. It takes a unanimous jury vote to fix the penalty of death, but although this unanimous vote was cast at the trial, these same jurors now, by another practically unanimous vote, urge upon me that their former action was a mistaken one, and ask that the penalty be modified.

It has even been suggested that this particular killing was typically a second degree murder and, in fact, that it does not go far beyond the limits of "voluntary manslaughter," which the code defines as "the unlawful killing of a human being, without malice, upon a sudden quarrel or heat of passion," for neither of which latter crimes can a court or jury impose the death penalty.

With these suggestions, I can not fully agree. It was no light thing for Joseph Sandoval to have snuffed out a human life, especially the life of the one to whom he considered himself married, and who was the mother of his child. First degree murder, in law, has a very wide latitude, and does not require the act to be necessarily the result of any long and deliberate premeditation. While the jury, at the time of the trial, apparently believed that there was sufficient evidence of premeditation to justify a verdict of first degree murder, they seem to be now of a contrary opinion and the transcript discloses but little, if any, evidence tending to show the premeditation ordinarily found in a case of first degree murder. I am satisfied, therefore, with the facts as they are now known, I have no other alternative than to reduce the penalty to life imprisonment.

Now, therefore, I, C. C. Young, Governor of the State of California, do hereby commute the sentence of death imposed upon Joseph Sandoval in the superior court of the State of California in and for the county of Ventura, to confinement in the State prison for life.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-second day of September, 1927.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. CORY, Deputy.

REPRIEVE.

In order that an investigation may be made of representations submitted to me in behalf of the condemned man, I hereby reprieve George Watters, under sentence to be hanged in the State Prison at San Quentin on the twentieth day of January, 1928, until and to Friday, February 3, 1928.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this nineteenth day of January, 1928.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. CORY, Deputy.

REPRIEVE.

Since the reprieve of George Watters on January 19, 1928, for the purpose of investigating representations submitted to me in behalf of the condemned man, the investigation has led into six different counties of the State and is not yet concluded.

While ordinarily extensive investigations of this nature will not be undertaken, since they have begun, I feel that they should be carried on to a conclusion in this instance.

Therefore, in order that a further investigation be made of representations submitted in his behalf, I do hereby reprieve George Watters under sentence to be hanged in the State Prison at San Quentin on the third day of February, 1928, until and to Friday, February 24, 1928.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this first day of February, 1928.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

REPRIEVE.

I am today granting one week additional reprieve to George Watters, the date of whose present reprieve expires this coming Friday, February 24th. It is with considerable reluctance that I am again delaying my decision in this case, for I realize fully the value of prompt and decisive action in a matter of this kind.

However, the investigations which were set in motion as a result of the first reprieve have developed such a mass of apparently conflicting results that the only safe course would be to subject them to a very careful analysis. Circumstances beyond my control have delayed my receipt of some of the reports which will be necessary in reaching an ultimate conclusion.

I now find that certain persons whom I wish to see will be unavailable before Thursday, the 23d, and my final balancing of facts which have been disclosed would have to wait until after that time, and possibly might not be concluded until almost the very hour fixed for the execution of the prescribed penalty. Thus, I am sure, would be indefensible, and must be avoided at all hazards.

Accordingly, I feel impelled to grant a reprieve in this case for one more week, or until Friday, March second.

In witness whereof, I have hereunto set my hand and seal of the Great Seal of the State of California to be affixed this twenty first day of February, 1928.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

#### COMMUTATION.

During the past six weeks I have been carefully considering an appeal for executive clemency in behalf of George Watters. This man, a negro, was convicted of murder of the first degree by a jury in the superior court of Sacramento County, and, on September 21, 1926, was sentenced to be hanged. Watters appealed from the judgment of conviction and from the order denying a new trial. In a decision which was concurred in by all the justices, the Supreme Court, on September 22, 1927, affirmed the judgment and order. Watters was resentenced and taken to San Quentin and given number 12672. His execution was set for January 20, 1928.

Three times I have granted a reprieve, in order that new evidence submitted to me might be thoroughly investigated. The first reprieve on January 19, 1928, was for two weeks, the second on February 2, 1928, for three weeks, and the third on February 21, 1928, for one week, thus postponing the day of execution until March 2, 1928.

The case is wholly without precedent in American jurisprudence owing to the fact no trace of the body of the alleged deceased has ever been found, and, except for the testimony of a nine year old girl, no evidence whatever of a homicide was adduced.

Never before in the history of California has the death penalty been imposed for the murder of a human being without production of the body of the victim. Only twice before in this State has a verdict of guilty been rendered and in both instances the defendants were sentenced to life imprisonment. Less than a dozen such cases are reported in all the states of the Union, and in none of these so far as the reported cases disclosed, did a child testify.

While I am fully aware that the law permits a conviction without production of the body of the victim, and while I am entirely mindful of the distinction between the "body of the deceased" and "body or substance of the crime," corpus delicti, I am also fully sensible that many eminent jurists and distinguished lawyers of long and varied experience, while believers in capital punishment, are strongly of the opinion that the extreme penalty should not be imposed in such cases. Texas, and possibly other states, by statute provide that no conviction may be had without production of the body.

I also take cognizance that some of them, and many other members of the bench and bar, feel as strongly against the death penalty where the verdict is based entirely upon the jury's belief in the testimony of a child. Such opinions are by no means confined to the legal profession and, though not a lawyer myself, I am rather inclined to the belief that the law might well be amended in either or both respects to accord with these views.

However, as long as the law remains as it is, and does not require either the production of the body of the deceased, or the corroboration of a child's testimony to the fact of homicide, it is my duty to sustain the jury's verdict in such cases and to see that the sentence of the court is executed, unless, first, new evidence is discovered that raises an honest doubt as to whether a murder has been committed or that the condemned man committed it; or, second, the credibility of the child is doubtful; or, third, due to some other factor, a miscarriage of justice is likely to result.

Two or three days before the date set for the execution the attorney for the defense came to me asking commutation, at the same time admitting that no new evidence of any kind had been found, and that nothing was before me then which was not before the jury at the trial. On this showing I refused to interfere, since I have always held that a jury and a judge at the actual trial are in a far better position to weigh evidence than is a governor months or years after from a mere reading of the transcript.

The next day there appeared Mr. J. J. Henderson, who at the time of the trial was district attorney of Sacramento County, and who as such prosecuted the case. He suggested that he thought I might easily be justified in commuting the sentence of Watters, owing to the fact that at his trial he was very inadequately defended, and that the verdict carrying a death penalty astonished everyone, including the prosecution itself. Mr. Henderson assured me, however, that he still believed the



defendant guilty; and I again refused to interfere, for the reason that weakness of defense counsel at a trial could not properly be taken into account unless by reason thereof the defendant had been deprived of a fair and impartial trial—and in this case the Supreme Court has decided that the trial was fair.

The mere fact that the Supreme Court sustains a verdict, however, does not necessarily imply that there may not be grounds for clemency on the part of a governor. In this, as in many other cases, the members of the Supreme Court had no other alternative. Under the law they must not perform the jury's function of weighing the evidence and passing upon the credibility of the witnesses. A governor, on the other hand, does not occupy the same position in relation to the trial as that of the Supreme Court. In his capacity as chief executive he must, to some extent, exercise the prerogatives of both court and jury in the administration of law and justice under the constitution. In a word, the functions of a governor and the Supreme Court in considering a case are essentially different.

Up to the very day before the date set for Watters' execution not a scintilla of new evidence had been presented to me, and, to quote from the decision of the Supreme Court, "the story which the child told of the homicide and of the actions and conduct of the defendant in disposing of his wife's dead body seemed consistent in its every detail." I purposely delayed a decision until the last moment in the expectation that, if any new evidence were uncovered, however slight, it would probably be sufficient, in view of the unprecedented circumstances, to warrant a stay of execution pending investigation. Finally, no new evidence having appeared, I gave to the afternoon papers on January 19th a statement declining to intervene. Later that same afternoon a hitherto unheard-of witness, Nathan Goldfaden, proprietor of the Liberal Junk and Bottle Yard in Oak Park, appeared with a story, which, if true, tended to corroborate Watters' story of his wife's disappearance.

The new witness, Nathan Goldfaden, proved to be a junk dealer, who asserted that at least twice before the disappearance of Mrs. Watters she had told him that the family was intending to move to San Diego, and that on a third visit to the house the nine-year-old daughter, Genevieve, had told him that her mother had gone there. Goldfaden insisted that he had not realized the importance of this testimony at the time of the trial, and was reminded of it only when he read in the papers that Watters was to be hanged the next day. This statement of Goldfaden, had it been submitted to the jury and believed by them, would have negated the theory of the prosecution that Watters had shown consciousness of guilt through a precipitate flight from Sacramento. It also corroborated the story which Watters had told as to his wife's disappearance—namely, that he had given her \$50 and a railroad ticket to go to his mother in San Diego. For these reasons, the production of this new witness warranted an investigation, which I accordingly began immediately after granting my first reprieve.

Before I follow the course of this investigation and arrive at the conclusions reached as a result, it is pertinent at this point to set forth briefly the undisputed facts. On January 27, 1926, and for some time prior thereto, George Watters lived with his three children, Genevieve, aged 9; George, aged 7, and Nadine, aged 3, and their mother, Myrtle, nee Allaman, in a one-story, four-room frame bungalow at 3030 First avenue, in the city of Sacramento. The whole family slept in the back room adjoining the kitchen. The murder of Myrtle Watters occurred on the morning of January 28th, around 7 o'clock, according to the story told by Genevieve for the first time on May 20th in San Diego, nearly four months later. Watters and the three children left Sacramento at 4.30 p.m., February 1, 1926, arriving in San Diego about noon the following day. January 28, 29, 30, 31 and February 1 Watters spent in Sacramento disposing of his furniture and household effects and making arrangements to move. The nights of the first three days were spent at 3030 First avenue, the fourth night at a neighbor's home, and the fifth on the train.

Genevieve testified that her father shot her mother while she and her mother were dressing and the other two children slept. Watters was undressed and in bed when he fired the shot. Words had passed between father and mother, but no violent quarreling immediately preceded the killing. Shortly afterward, according to Genevieve, he carried the body into one of the front rooms, locking the door between himself and the children. She heard sounds of chopping, sawing and cutting emanating from the front room during the day, and her father passed in and out. Finally he brought out a basin containing bloody water, and some knives, including a meat cleaver, which were cleaned and put away. About 6 o'clock that evening she saw him carry two heavy sacks out doors past the kitchen window. She and the other two children were kept in the kitchen and bedroom all day and were never permitted to go outside or to enter the front, or "spare" room. There are other details testified to by Genevieve which I do not mention here for the reason that they are contradicted by other statements made by her on various other occasions.

Except for the finding of knives and a cleaver in Watters' trunk in San Diego, and a gun such as Genevieve states was used to fire the fatal shot, there is no corroboration whatever of Genevieve's testimony. At the trial not a witness was called in the defendant's behalf, though it later appeared that numerous character witnesses would have been glad to testify. Watters was not put on the stand in his own defense, his counsel apparently expecting a favorable verdict on the theory that a murder could not be proved where the body of the victim had not been

found. The defense rested solely upon the statement Watters made to officers in San Diego at the time of his arrest, which statement was read in evidence by the prosecution. While some of the details of this statement are contradictory, improbable, and obviously false, none amount to admissions of guilt, and he asserted his innocence throughout.

The case against Watters, aside from Genevieve's testimony, consists of three factors—the disappearance of his wife, his hurried departure for San Diego, and his obviously false statements. No suggestion is made by any one as to why he should have sought the life of Myrtle Watters. Any adequate motive for such a brutal murder as Genevieve describes is as much shrouded in mystery as is the whereabouts of Myrtle or of her mortal remains.

Watters told the arresting officers that his wife had left Sacramento on the afternoon of January 28th for San Diego. His mother, Mrs. Morgan, and Dorothy, a daughter by a former wife, had moved to San Diego some six months prior to that date. Dorothy, a girl of 19 years, had become involved in a love affair with some negro in San Diego, and had left Mr. Morgan alone after robbing her of a sum of money. Mrs. Morgan had written of this state of affairs, Watters said, and he had sent Myrtle to San Diego ahead of him and the children in order that she might keep his aged mother company while he disposed of their belongings in Sacramento. It appears that Dorothy had returned to Mrs. Morgan's house in San Diego a few hours prior to Watters' arrival from Sacramento with the three children. According to Watters, and according also to Mrs. Morgan and Dorothy, who were not placed on the witness stand, Watters' first words upon entering the house in San Diego were, "Where is Myrtle?"

Both Genevieve and her father substantiated the milk dealer's statement to a sufficient extent to render it probable that he did visit the Watters home just before the family removed to San Diego. The publicity attendant upon the Goldfisher statement opened up certain other sources of information both favorable and unfavorable to Watters. For instance, a sister of Myrtle wrote to me from Valhalla, saying that she had received letters from her sister shortly before her disappearance, in which no mention of an intended removal to San Diego was made. The Los Angeles police located a red-cap porter, Lee Baker, who could not be found at the time of the trial, and obtained from him a statement that he had seen the Watters family take the train for San Diego, but that he knew nothing of an earlier departure of the wife.

Many new sources of possible information were then disclosed and a more intensive investigation had to be pursued. A former husband of Myrtle Watters, a convict named Jones, was found in Folsom prison. A brother, Charles Allmon, by name, was located in San Quentin. Another brother, Lehard Allmon, was shown to have been killed in an attempted prison break from Folsom, where he had been sent for murdering his own father. Watters' first wife, Nellie Johnson Petersen, who had also disappeared and was not heard of for many years, was found in Oakland in very miserable circumstances. Thus it developed that almost all the family had borne a very unsavory reputation. From these relatives, however, and from Watters' sister Ethel and others, it was learned that the wife, Myrtle, had for years been in ill health and was of an unhappy disposition, saying frequently that she "wished she were dead," "wished she could get away from it all," and other things of the same nature. At least three separate persons, one of them Dorothy, who is hostile to her father, agree on hearing her say, "I would like to walk out of this house some day and never come back again," and on another occasion that she was "so disgusted with the children she wished she could leave and get away off where she would never see them again."

I am aware that investigations of this kind can not under ordinary circumstances be undertaken by the Governor's office. However, inasmuch as in certain respects this case is without parallel in the legal annals of this county, I felt that after they had once begun they should be made as thorough as possible. To this end I have exhausted every possible source from which additional light might be obtained. These investigations were chiefly carried on by my executive secretary, Mr. Keith Carlin, and by Dr. Anita M. Mühl, M.D., head of the Division of Special Education of the State Department of Education, who has had wide experience with children, and who, it seemed to me, could get closer to the truth in questioning Genevieve Watters and her younger brother George, who was also present in the room where the murder was supposed to have occurred, than could a district attorney or any other man. As a result of these examinations the following facts have come to light.

Records of Genevieve's story have been kept as she told it on six different occasions. The first time the story was told it was under circumstances calculated to produce marked emotional excitement. She has at all times adhered to her original insistence upon the murder, although in certain important details the story has been entirely changed from time to time. On the whole Dr. Mühl is of the opinion that Genevieve believes her own story, although records are common where children of that age persistently adhere to assertions which could only be a figment of the imagination.

The case of her brother George is even a more puzzling one. I examined this boy myself and found him a very bright little fellow. Dr. Mühl reports him of

more than average intelligence. At the time of the mother's disappearance George was about 7½ years old. Genevieve testified at the trial that he was in the room asleep at 7 o'clock in the morning when the shooting took place. On some occasions she has declared that he did not wake up until noon; while on other occasions she states that a few minutes after the killing her father sent the children into the kitchen, while he took the body into the spare room and dismembered it.

The boy George assured me, just as he has assured all others, that he knew nothing whatever as to these occurrences, and that he has no idea as to what has become of his mother. It is perhaps possible for a 7½-year-old boy to have slept throughout this excitement, but it seems more than strange that his sister, less than two years older, should not have waked him up when her father had removed her mother's body and locked the door; or that the children should not have discussed the subject during all that day when they were locked in together; or that a boy, 7½ years old and of more than normal intelligence, should have forgotten all about a mother's murder so soon after its occurrence.

Shortly after the first reprieve was granted to Watters, a prisoner at San Quentin named W. O. McElroy reported to the warden that he had seen and talked with Myrtle Watters in June, 1926 (her disappearance was on January 28th of that year), and that he had told his wife of this occurrence. Although statements of this kind under such circumstances are usually to be given little credence, I sent Mr. Carlin to question McElroy, who told a very plausible story.

Speaking of Myrtle Watters, McElroy said:  
 "The time I saw her in Los Angeles was June, 1926."

Whereupon the following colloquy took place:

Question by Mr. Carlin: "And you state that you saw her on the Jefferson street car, going west on Jefferson street?"

Answer by McElroy: "Yes."

Q. "Was she on the car with you?"

A. "Yes sir."

Q. "Did you talk to her on the car?"

A. "Yes, I had a short conversation with her, just a few words. At the time I was crippled and taking treatment at the Pantages Hospital."

Q. "What conversation did you have with her?"

A. "Well, no more than looking at her and recognizing her. I didn't call her name at the time. She saw I was on crutches, and asked me if I wanted a seat; and I said, 'No, I hadn't far to go.' She asked if my name was McElroy, and I said, 'Yes.' And she said, 'How is Mrs. Guyton?'—that is my mother-in-law—so I says, 'This is Mrs. Watters?' and she said, 'Yes, but not Mrs. Watters any more,' and I said, 'Where is Mr. Watters?' and she said, 'He is not here.'

I at once warned the warden to censor all mail sent out by McElroy, and asked the Los Angeles police to interview the wife. To two detectives who went around to her house she was noncommunicative; but to Dr. Mühl, who also saw her on the way back from interviewing Genevieve at San Diego, she told a very positive story. Mrs. McElroy fixed the time from the fact that they had just moved into a new house, and corroborated McElroy's statement that he was undergoing hospital treatment at the time by showing hospital bills and receipts. She told Dr. Mühl that she was sick at the time, having slipped from a curb and fallen down. She continues:

"The doctor thought I had injured myself. I could hardly get up. I was in bed when Mac (McElroy) came home. He came over to ask about me. I told him I had fallen down. He said, 'Oh Little Bit, (what he called me) guess who I saw today?' I said, 'Who?' He said, 'You remember the little woman with the children who lived in Ruth's home in Monterey?' I said, 'You mean Mrs. Watters?' and he said, 'Yes.' It made me a little peeved because he talked about some other woman and her children, and I was a little irritable anyway, but I said: 'Instead of worrying about someone else's children, you should be asking me how I feel.' He just asked me how I was and then went right on to saying who he saw."

Dr. Mühl, in reporting upon the results of her investigations, writes me as follows:

"I recommend that George Watters, now in San Quentin, shall not pay the death penalty for the crime for which he was convicted—namely, the alleged murder of Myrtle Watters.

My reasons for so recommending are the following:

1. After ten days spent in thoroughly investigating this case I am not convinced that Myrtle Watters is dead.

2. During that ten-day period of investigation, I have cross-examined twenty people who are directly or indirectly connected with the case, and these cross-examinations have led me to believe that Myrtle Watters may have voluntarily disappeared because.

3. Two witnesses opposed to and one in favor of the prisoner have agreed that the first thing George Watters said when he reached San Diego was, 'Where is Myrtle?' and



4. Two witnesses for and one opposed to the prisoner are agreed that they heard her say that—

a. 'I would like to walk out of this house some day and never come back again.'

b. She was so disgusted with the children she wished she could leave and get away off where she could never see them again.

c. She wished she could die.

5. Some records show that Myrtle did neglect her children and often went off and left them unprotected even when they were very small.

6. The fact that the coat and hat of Myrtle Watters were never mentioned and never seen nor heard of by any one in the family following the disappearance is of significance. Dorothy is sure they were not in the trunk when it was unpacked in San Diego and Genevieve didn't mention them being sold or burned or disposed of in any way. \* \* \*

7. The child on whose uncorroborated testimony the man was convicted, although of average mentality, is not a reliable witness. \* \* \*

8. This child's six different statements are so full of discrepancies, contradictions and fabrications that no reliance should be placed on any statement she has made.

9. The fact that a certain murder at National City was heavily headlined in Sacramento papers the day following the disappearance of her mother, and that the trial was held in San Diego after they moved to San Diego and all the sordid details were aired in the San Diego papers, is of importance considering Genevieve's suggestibility, her tendency to fabricate and to dramatize.

As long as the body of Myrtle Watters has not been found and no corroborative evidence has been found to support the testimony of Genevieve Watters, whose statements can not be considered reliable I reiterate my opinion expressed in a previous report that I feel a very grave injustice will be committed if George Watters is hanged."

Judge John F. Pullen, who presided at the trial, and who has kindly assisted in the recent investigation, has sent me the following letter:

"George Watters was tried and convicted by a jury in the department of the superior court over which I preside. I heard the testimony and was convinced of his guilt.

Within the past few weeks I have discussed this case with your secretary, Mr. Carlin, have read a number of statements given by persons connected with the case, and have heard the statements given by Genevieve Watters, analyzed by Dr. Mühl.

It was largely upon the testimony of Genevieve, the nine year-old daughter of Watters, that the jury, as well as myself, were convinced of his guilt. Dr. Mühl has made a systematic analysis of the six statements made by the little girl, some before and some after the trial, and while I do not agree with all of the deductions made by Dr. Mühl, I do recognize that there are a number of serious discrepancies in the statements given by the girl when compared with her testimony at the trial.

I could refer to a number of instances, such as the position of the gun, the locking of the three children in the kitchen, the blood, water in the room, the bloody socks, the cleaning of the knives, and the position of the mother's body after being shot, etc. These might be explained by a lapse of memory and yielding of her will to that of the cross examiner, or to various other causes, but some are so startling in their differences that, where the life of a human being is at stake, considerable doubt is raised in one's mind, which causes a hesitation as to the imposition of the death penalty.

The responsibility rests upon the Chief Executive to weigh the evidence most carefully, particularly such evidence and statements as were not considered by the trial jury, and there are now before you five statements of Genevieve that were not before the trial jury, besides the statements of a younger brother, and an older half-sister.

I am still of the opinion that Watters is guilty, but in view of the conflicting statements of the little girl, I join in the petition that the death penalty be commuted to life imprisonment without parole."

I must confess that it is with extreme reluctance that I am intervening in this case. The large number of atrocious murders during the past few months, together with the apparently indefensible attitude on the part of certain juries in prescribing something less than the extreme penalty for such crimes, manifestly make it unwise for an executive to perform just now any acts of clemency which might be construed as helping to weaken the operation of the law.

Nevertheless, I find that Dr. Mühl, Mr. Carlin, officials at the prison, and others who have looked into this case are more than half convinced that George Watters is innocent of the crime of which he is charged. As for myself, I still think in all probability that he is guilty. However, all I have learned during the past six weeks convinces me that there is a very real possibility that I am mistaken, and that Myrtle Watters may be alive. I am convinced that the staunchest defender of capital punishment would agree that nothing could have a worse public effect than

the hanging of a supposed murderer and the subsequent reappearance of his alleged victim. Hence my conclusion that a commutation should be granted.

In reaching this conclusion I have not been moved by any arguments of defense counsel, for I have not seen him since my first refusal to commute the sentence. I have not been swayed by any public clamor, for outside of Sacramento, where the case was tried, there is a very marked public apathy regarding it. I have received few appeals except from sources such as former employers of Watters, who believed him incapable of the crime, and others who obviously knew little as to the facts of the case. George Watters is penniless and is without friends. Possibly there has never been a convicted murderer whose execution would cause less public notice.

However, after studying the conflicting and contradictory statements of a year-old Genevieve in the light of what other imaginative children of that age frequently do and say; after reflecting on the complete lack of knowledge of 7-year-old George, who was also in the room when the shooting is supposed to have occurred; after reading the statement of Mrs. McElroy confirming her husband's assertion of having seen Mrs. Watters months after her disappearance; after considering the possibilities of her having left home and disappeared from sight just as numberless other men and women have done in the past, I can not bring myself to let George Watters hang as long as there is a chance that his wife is yet alive.

This doubt, however, is by no means sufficient ever to grant Watters his freedom provided he committed a dastardly murder of this kind. While the evidence of guilt is sufficiently convincing to warrant life imprisonment, I do not feel that it is strong enough to justify a penalty of death. Accordingly, I am doing as I have done in one similar case, and am commuting his death sentence to life imprisonment without possibility of parole. If he is guilty, even this punishment is not adequate as a penalty for his crime. Hanging would be more fitting, but hanging is unthinkable when any reasonable possibility exists that Myrtle Watters might be found alive, and thus prove him innocent. If this ever occurs, under the commutation I am giving, a full pardon would then not come too late.

Now, therefore, I, C. C. Young, Governor of the State of California, do hereby commute the sentence of death imposed upon George Watters in the superior court of the State of California, in and for the county of Sacramento, upon condition that he be imprisoned during the term of his natural life in the State Prison at San Quentin, without parole.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-eighth day of February, 1928.

C. C. YOUNG, Governor.

[SEAL]

Attest: FRANK C. JORDAN, Secretary of State.  
By FRANK H. CORY, Deputy.

#### PARDON.

Lucien Ducuing was convicted of the crime of obtaining money under false pretenses, a felony, and was sentenced on the 23d day of July, 1924, by the superior court in and for the county of Sonoma, Honorable Ross Campbell, judge, presiding, to be imprisoned in the State Prison at San Quentin for the term prescribed by law. He was received at San Quentin on the 2d day of August, 1924, and given number 39750. Thereafter, by order of the State Board of Prison Directors, his term of imprisonment was duly fixed and determined at fifteen months, seven days; and, pursuant to said order, with the proper deduction for good time credits, he was duly discharged on the 23d day of August, 1925.

From the information at hand I am strongly impressed by a feeling that this man may not have been guilty of the crime of which he was convicted. The written statements of the Honorable Ross Campbell, presiding judge at the trial, and of Clarendon W. Anderson, former deputy district attorney of Sonoma County, who conducted the prosecution, appear to be of particular significance. Their statements involve a detailed review of the facts established at the trial and subsequently discovered, all of which I have carefully examined. Had these facts, some of which appear to have been known to Ducuing's counsel, been presented to the court and jury at the time of the trial in an intelligent and orderly manner, the result would in all likelihood have been a verdict of acquittal. Moreover, the misconduct of Ducuing's attorney is not alone predicated on what would appear to be a suppression of evidence, but also upon the additional facts that after the rendition of the verdict of guilty, the said attorney neither followed up motions for probation or a new trial, nor sought to take or perfect an appeal.

Deputy District Attorney Anderson writes in part as follows:

"Ducuing was tried and convicted upon a charge of obtaining money under false pretenses from one Thomsen. The pretense charged was that Ducuing sold to Thomsen fifteen acres of land situate in Sonoma County for the price of \$6,000.00, Ducuing stating that there was only a \$2,500.00 mortgage against this property in favor of the Bank of Italy; whereas, in fact, there was in addition to said mortgage of \$2,500, a second mortgage of \$2,000.00 against this land in favor of one Rosenberg.

It seems to me that the principal question in the case was whether or not Ducuing realized that the Rosenberg mortgage of \$2,000.00 stood against the

fifteen-acre parcel of land sold to Thomson. On this point I hold a serious doubt, and for this reason: Duening owned fourteen acres of land adjoining the fifteen-acre tract sold to Thomson. This fourteen-acre tract had been purchased from one Rosenberg at a price of \$2,000.00, for which Duening gave Rosenberg a \$2,000.00 mortgage on the fourteen-acre tract of land. In addition, Rosenberg presented to Duening another paper, which, in fact, turned out to be a mortgage for \$2,000.00 on the fifteen-acre tract of land which was later sold to Thomson. Both of these mortgages were to secure the same \$2,000.00.

According to Duening, this latter paper was represented to him by Rosenberg as being merely a copy of the mortgage on the fourteen-acre tract of land, which copy was for him (Rosenberg). This explanation by Duening, which I heard for the first time during the actual trial of the case, seemed to me very reasonable. The fact is that Duening was not properly represented at the trial, and had he been properly represented and the facts of his side of the case been presented to the jury, I have no doubt that the jury would have returned a verdict of acquittal, and very properly."

The following from Judge Campbell's letter quite fully supplements the statement from the district attorney's office:

"Duening's contention that, instead of selling to Thomson but the 15 acres, he sold Thomson the 20 acres subject to the two encumbrances of \$2,500.00 and \$2,000.00 is substantiated by the testimony of the complaining witness, Thomson, which appears in the transcript of the testimony. From the testimony of Thomson, it is apparent that, prior to the consummation of this deal, Thomson and Duening met in San Francisco and, visiting the office of a Notary Public in that city, had prepared a written contract of sale and purchase for the 20 acres for the total selling price of \$8,000.00, subject to the two mortgages of \$2,500 and \$2,000.00. Thomson on the stand testified that this contract was not correct, and so informed Duening, and thereupon Thomson destroyed this instrument.

It is apparent, in view of the main issue involved in this proceeding, that the question whether the sale was for the 15 acres or 20 acres was the very gist of the matter. Counsel for Duening failed to dispute anything whatsoever as to the reason why this written contract was destroyed by Thomson, other than the reason given therefor by Thomson, a slight exaggeration; and, when Duening was on the stand in his own defense, his counsel failed to mention the important question of this written contract, or to go into any phase of this question whatsoever.

The defense of Duening was not handled in a very efficient manner, and had he been more ably defended I feel the result would have been different. I have gone into all phases of this matter since the conviction of Duening, and have investigated the different statements appearing in the affidavits of the various parties attached to the application, and am convinced that had the evidence available been presented to the jury, that the result would have been an acquittal, and I feel properly so."

Thus it will be noted that both prosecuting attorney and judge state that with any adequate defense the verdict should very properly have been an acquittal. In addition, Peter C. Thomson, the complaining witness, wrote as follows while Duening was still in prison:

"I was the complaining witness in the case against Duening in which he was convicted. I have never been fully satisfied as to whether Duening's statements to me about the title to his ranch were made through ignorance or were wilfully false. Since going to San Quentin, I have been on the whole matter right with me, and has refunded all the money I lost on the transaction. I would be glad to have him receive a pardon."

Roe M. Barrett, the attorney for the complaining witness, Thomson, has, since the trial, written the following:

"Duening's contention was that he did not know that he had executed a second mortgage on the property sold to Thomson, and understood that his promissory note was secured merely by the one mortgage on the other hand. In view of the fact that he does not understand or speak English to any great extent, there is considerable color to this contention. Finally, I have never been satisfied in my own mind that Duening was guilty of the crime charged. I knew that in the criminal case his defense was very poorly handled."

In addition to those already quoted as connected with the trial, several persons have shown by statements under oath that they had personal knowledge of material facts which counsel for Duening either knew or at least could have discovered by the use of ordinary diligence. Not only during the trial, but even after, the defense attorney seems very lax in any endeavors in behalf of his client. For instance, Judge Campbell writes in a second letter:

"No facts were presented when the defendant was arraigned for judgment. A motion for a new trial was made assigning errors of law, but was not



argued. I assumed it was made merely as a basis for filing an appeal. A formal motion for probation was made but was not followed by any request to present any facts, so the motion was denied."

Thus it appears very probable that this man, ignorant of the English language to a great extent, and of business procedure, was convicted of a crime which he had never the slightest intention of committing. However, there is another ground on which I believe Ducuing should be pardoned and restored to citizenship, aside from the circumstances so far adduced. My action in this case is influenced in no small degree by the good reputation and character which Ducuing bore in the community in which he lived and worked, and by what is of even more vital importance—his marked disposition to rehabilitate himself to the extent of his ability since his release from prison.

Several men of prominence and standing in the community where he now resides and works have informed me of his extreme sincerity and good character. They have assured me that at all times since his release he has endeavored to earn an honest livelihood for himself and family, and, moreover, that he is also highly appreciative in all respects of the value and significance of the possession of citizenship and civil rights.

It is my view, where a man has fully paid his debt to the State and has subsequently shown a tendency to become a useful member of society, that such voluntary conduct on his part is worthy of the greatest admiration and consideration, and that such a person, in a proper case, should not be required to remain and continually labor under the handicap of loss of citizenship and civil rights. Once a man voluntarily and through his own efforts has fully and conclusively demonstrated and established that he intends to live a peaceful, law abiding, and useful life, he is then entitled to consideration and help, rather than hindrance, from the State. This can be accomplished only by restoring to such person his citizenship and civil rights.

Although nearly three years have elapsed since the completion of Ducuing's prison sentence, and although his conduct is reported to have been most exemplary during this period, neither the freedom which has been his nor his good conduct has served fully to reinstate him to his former place in the social and business world. For instance, Mr. John S. Toulze, manager of the Cooks' Association of the Pacific Coast, of which union Ducuing was formerly a member, has written as follows:

"Mr. Ducuing is not entitled to a reinstatement to membership in our organization because of the stigma attached by his conviction, and on account of being a non-member he is most sincerely hampered in obtaining employment at the going wages in positions which this Association is able to secure for him."

I have received numerous other letters convincing me that, if granted a pardon, Lucien Ducuing will in every way prove a good citizen and worthy of the trust reposed in him. Finally, I have just received a detailed report from the Advisory Pardon Board, to which I had referred this case for investigation and recommendation. From this report I quote the following:

"After a thorough and exhaustive consideration of all the facts and recommendations in the case, the Board respectfully advises that the petitioner, Lucien Ducuing, be pardoned, and that his citizenship be restored.

The petitioner throughout the course of the trial, his period of commitment, in his appearance before the Parole Board and at all times subsequent, has maintained his ignorance of the transaction causing his conviction, and a total lack of intent to defraud. All the evidence and our investigation seems to substantiate the correctness of his position.

The petitioner is by occupation a chef, and during his many years residence in California has been employed by the finest hotels in the State. The loss of his civil rights resulting from his conviction and confinement has caused him considerable hardship in securing a position whereby he is enabled to maintain a livelihood for himself and family.

The serious question as to any presence on his part of an intent to defraud the complaining witness in the transaction, out of which came his conviction, together with his illiteracy and the inadequacy of his defense at the time of his trial, leads the Advisory Pardon Board inescapably to the conviction that substantial justice would be best served by the extension of executive clemency in behalf of the petitioner."

Now, therefore, I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by the constitution and statutes of said State, in consideration of the facts which have been presented to me which tend to show that the said Ducuing was innocent of the crime for which he was convicted, and of the good reputation and character which he has borne and now bears in the community in which he resides and works, and particularly of the fact that since his release from prison he has voluntarily and through his own efforts conclusively shown

that he intends to live a peaceful, law abiding, and industrious life, and is therefore, now entitled to a restoration of his citizenship and civil rights, and in view of the recommendations of the Advisory Pardon Board and others hereunto referred to, do hereby pardon the said Lucien Durning of the said crime of obtaining money under false pretenses.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-sixth day of April, A. D. 1928.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. CORY, Deputy.

#### REPRIZE.

Upon a showing of facts presented to me by Warden John R. Holohan of San Quentin prison and by Dr. L. L. Stanley, resident physician of the prison, I am hereby issuing a reprieve of ninety days to Lucien Johnson, whose execution was heretofore set for Friday, May 11, 1928.

On July 8, 1927, Johnson was duly convicted for the murder of his wife. The Supreme Court has affirmed the judgment, and no new facts have been adduced which would justify any executive clemency in his behalf. I have carefully read the transcript of testimony in his case, and have seen no reason to question the justness of the jury's verdict or the court's sentence.

However, the prisoner has been attacked by a malady which renders him bed-ridden, and which threatens to end his life within a very few weeks. His case for some time has been under the close observation of the prison physicians, and I have received reports regarding it each day during the past week. Warden Holohan informs me that if he is executed Friday it will be necessary actually to carry him up the stairs to the gallows.

I believe that the spectacle of a man, not feigning sickness at all, but dangerously ill, who must be carried to his execution, and his subsequent removal to the gallows, is rather more gruesome than anyone would care to contemplate. I am satisfied that even the most zealous advocate of capital punishment would agree that an execution under such conditions must inevitably create a reaction of feeling which would be very unfortunate, to say the least.

Particularly is this so, owing to the fact that this Friday, the 11th, has been set for a double execution, though for crimes in no way related to each other. Even under ordinary circumstances a double execution would be unusual, but when one of the condemned men must be carried from a sickbed to the gallows, the situation becomes almost too spectacular.

I wish two things to be made plain as to the granting of this reprieve. In the first place, it has not been asked either by the prisoner or his counsel, or by anyone appealing in his behalf. It is granted solely upon the recommendation of the warden and prison physician, who are amply able to insure that no one, either now or in the future, can secure such a reprieve through malaguering or feigning an illness which is not a very real and critical one.

In the second place, Johnson's case is not one which calls for sentimental sympathy of any kind. His crime can not be condoned, and is not one which would justify commutation. I have fixed the reprieve at ninety days, owing to the fact that his present condition is apparently such that practically this length of time must elapse before he is able to leave his bed, if indeed he is ever able to do so. If at the expiration of this period the present critical stage of his malady has passed, the penalty of the law and the judgment of the court must be carried out.

Following are the letters regarding Johnson, just received from Warden Holohan and Dr. Stanley:

"May 9, 1928.

Hon. C. C. Young,  
Governor of California,  
Sacramento, California.

MY DEAR GOVERNOR: I herewith enclose you a report made today by Dr. L. L. Stanley, our resident physician, in the case of Lucien Johnson, No. 43859, who is sentenced to be executed here on Friday, May 11th. I have visited this man at his cot in the hospital on several occasions, and I am thoroughly satisfied that he is physically very weak and his health is rapidly failing. There is no doubt in my mind that, if he must be executed on next Friday, he will have to be carried from the hospital up the stairs to the execution chamber, which is on the top floor of a large four-story building here, and, further, he would have to be lifted up the thirteen steps from the floor of the execution chamber to the scaffold.

In view of the above observations in the case, and in consideration of Dr. Stanley's report, I earnestly recommend that you grant a reprieve to this prisoner of ninety days, there being every indication at this time that the prisoner will succumb from natural causes before the ninety days expire.

I sincerely trust that you can see your way clear to grant this reprieve. Under the circumstances I believe it to be the wise and humanitarian thing to do.

Yours very respectfully,

JAS. B. HOLOHAN, Warden."

"May 9, 1928.

*Hon. Jas. B. Holohan, Warden.*

DEAR SIR: Replying to your request regarding prisoner No. 43859, Lonnie Johnson, have to say that when this man was admitted to the hospital on April 1st, his weight was 141 pounds. His weight today, thirty-one days later, is 126 pounds. His temperature during the first week in the hospital was between normal and 100 degrees, but in the past week it has been over 100 degrees both morning and night. His blood count on April 24th showed 3,200,000 red cells, the normal is about 4,500,000. On May 7th his blood count had reduced to 2,730,000, showing great impoverishment of the blood. The hemoglobin, or color of the blood, is 50 per cent of normal.

Johnson has developed a slight tingling of the right fingers and has shown symptoms of nervous degeneration of his left foot.

These findings are suggestive of pernicious anemia.

Johnson's heart rate has increased from 84 in the first of April up to 120 at the present time. This is due to the blood impoverishment.

He is able to walk across the room but is gradually getting much weaker. He would be unable to go up any flight of steps because of his weakness.

If this case progresses as it has during the past month, it is my opinion, shared by my two assistants, that he will not survive more than 60 days. Of course no one can ever predict the outcome of a disease like this, but all indications now point to a fairly early termination of it.

Yours very truly,

L. L. STANLEY, Resident Physician."

Accordingly, I do hereby reprieve Lonnie Johnson under sentence to be hanged in the State Prison at San Quentin on the eleventh day of May, 1928, until and to Friday, August 19, 1928.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of May A. D. 1928.

[SEAL]

C. C. YOUNG, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. CORY, Deputy.

NOTE.—Johnson died in the hospital at San Quentin, July 5, 1928.

#### PARDON.

Peter Derichs was convicted of the crime of burglary, second degree, and was sentenced on the 4th day of February, 1913, by the superior court in and for the county of Contra Costa, Honorable R. H. Latimer, judge, presiding, to be imprisoned at the State Prison at San Quentin for the term of five years. He was duly received at the State Prison at San Quentin and given number 26286. Thereafter, on the 2d day of December, 1915, by order of the State Board of Prison Directors, he was placed on parole and so remained until the expiration of his sentence on the 4th day of February, 1918.

It thus appears that over twelve years have now elapsed since Derichs was placed on parole, and over ten years since his final discharge. During those periods of time, I am informed by men who have been in close contact and association with him, and whose judgment and opinions are entitled to the greatest consideration and weight, that he has not only led a peaceful and law-abiding life, but has also endeavored to secure, and in fact in no small degree has succeeded, in gaining for himself a creditable standing and position in the communities in which he has resided and worked since his release on parole and his final discharge.

State Parole Officer Ed. H. Whyte, under whose surveillance he was during the period of his parole, and who has watched his course of conduct and efforts since, has written me as follows:

"Peter Derichs was formerly under our charge for approximately 16 months. His conduct while on parole was at all times excellent, and his record while confined in the State institution was all that could be desired. His parole expired on February 4th, 1918.

I have been in touch with him constantly and know personally that he has been living a clean, honest and law-abiding life to the extent of attending college, graduated with honors, is now a licensed pharmacist in the state of Arkansas, and is employed in a college as an instructor, and has letters to this effect verifying same.

From the period I have known him, I have no hesitance in recommending him for any position of trust or confidence he may apply for."



The letter of the State parole officer is fully substantiated by the statements contained in letters from numerous other persons with whom Derichs has been associated in his line of work since the expiration of his parole, during which time his good conduct and advancement has, of course, been wholly voluntary on his part.

For nearly three years after the expiration of his parole he was employed as infirmarian at the Infirmary of St. Francis Grammar School, which is a boarding school for boys located at Watsonville, California. The director of this school, and several physicians under whose immediate supervision and direction Derichs worked during this time, have joined in their praise of his work and of his exemplary conduct and good character. The director of the school, F. Burelbach, has written in part as follows:

"I can conscientiously testify that the work of Mr. Derichs was not only satisfactory but merited unstinted praise on the part of experts in that line of work who had occasion to come in contact with it. \* \* \* No sacrifice was too great for him and no hour too inconvenient when the call of duty was heard."

One of the physicians connected with this institution, Dr. S. C. Rodgers, has written in part as follows:

"I am intimately acquainted with Mr. Derichs and his fine work.

He is a very fine young man and popular with all with whom he becomes associated.

He is intelligent, alert, industrious and polite. \* \* \*

Since the removal of Derichs from this State to Arkansas, some seven years ago, it appears that he has not only continued in that state to lead the same peaceful, quiet, and law-abiding life, but has continued his professional and social advancement as well, having become a registered pharmacist of that state and having been employed for the past five years as infirmarian and nurse of Subiaco College, located at Subiaco, Arkansas.

The president of this college, the Right Reverend Edward Bergert, has written as follows:

"He has proved himself as trustworthy in every way, upright and honest, faithful and diligent in his work, of a good moral character, and thoroughly American in thought and sentiment. He is to be recommended both as a sterling Christian and a loyal and peaceful citizen."

Other men of prominence and standing in the community where he now lives and works, but not in any way connected with his employment, have written letters of a similar nature.

Honorable Ray Blair, judge of the county and probate court of Logan County, Arkansas, has written in part as follows:

"Personally I know that Mr. Derichs is an honest, upright citizen, has been a loyal citizen to the cause of the progress of our community, as well as to the school with which he has been connected."

A letter written by Honorable S. H. Kincannon, sheriff of Logan County, Arkansas, reads in part as follows:

"I, Sam H. Kincannon, Sheriff of Logan County, City of Paris, State of Arkansas, hereby wish to state that I have personally known Peter H. Derichs for approximately seven years, and that I know the said Peter H. Derichs to be a man of the highest integrity and of a reliable disposition, and a man of firm and steadfast character. I, furthermore, state that said person is known in our community as a good and respectable citizen."

Honorable Conrad Elsken, mayor of Subiaco, Arkansas, has also written a letter to the same effect.

These letters, as well as others which have come to my attention would seem clearly to establish that Derichs' life during the past ten years has been all one could ask or desire, and one which might well serve as an example to all ex-convicts. In such a case where a man has served his time on parole and been finally discharged, and has thereafter, with the restrictions and conditions of parole no longer obligatory upon him, shown a voluntary disposition to lead a good and useful life over a sufficient period of time to warrant the belief that such traits, characteristics, and conduct will be permanent in their nature, and that he will be worthy of any trust or confidence which may be placed in him, it is my view that such a man is entitled to recognition and help from society, and should be permitted to participate in the privilege ordinarily extended by the State and society to its citizens or members. The modern and more enlightened theory of punishment for crime is not, it is now generally conceded, to be revenge by the State against the individual, but for the purpose, if possible, of making such person conform to the accepted standards of the State and society, so that he may subsequently become a useful and productive member of that society, as well as to serve as an example which may deter others from committing crimes.

If, therefore, after his sentence has been served and his debt to the State fully paid such a man conclusively demonstrates over a sufficient period of time that he is willing, able and endeavoring to lead a good, sincere and honest life, not only for the purpose of escaping new entanglements with the criminal law, but with the view of conforming to all of the accepted social rules of conduct, it would seem clearly to accord with the modern theory of reformation of criminals that the State and society should recognize the worth of the man as evidenced by such conduct, and should remove, in such a case, the disabilities incident to the conviction of a felony. Under our present system this can be effectuated only by an exercise of executive clemency, restoring the privileges of citizenship and civil rights which such person may have lost.

I am also impressed in this case by the fact that the applicant for this pardon has stated many times that he desired the same to aid him in becoming a naturalized citizen of the United States, he being of Bavarian nativity and at present unnaturalized. This desire to become a citizen and subject of the United States leads me further to believe that he will be worthy of any trust or confidence which will be reposed in him by this pardon.

Lastly, I have just received a detailed report from the Advisory Pardon Board to whom I had referred this case for investigation and recommendation. From this report I quote the following:

"After a thorough and exhaustive consideration of all the facts and recommendations in the case the board respectfully advises that the petitioner, Peter Derichs, be pardoned and that his citizenship be restored. \* \* \*

The evidence considered indicates that petitioner bears a good reputation and character in the communities in which he has resided and worked. In view of the fact that since his release from prison he has voluntarily and through his own efforts educated himself, and conclusively shown that he has lived and intends to live a peaceful, law-abiding, useful life, this board unqualifiedly recommends petitioner as worthy of executive clemency."

Now, therefore, I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by the constitution and statutes of the said State, in view of the fact that, since the expiration of his sentence, said Derichs has voluntarily and through his own efforts conclusively shown that he intends to live a peaceful, law-abiding, and industrious life, and is, therefore, now entitled to such recognition and help from the State as may be given him by the granting of this pardon, and in view of the recommendations of the Advisory Pardon Board and the others hereinbefore referred to, do hereby pardon the said Peter Derichs of the said crime of burglary, second degree.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of May, A. D. 1928.

C. C. YOUNG, Governor.

[SEAL]

Attest: FRANK C. JORDAN, Secretary of State.

By FRANK H. COREY, Deputy.

#### PARDON.

JOHN CARONI was convicted of the crime of manslaughter, a felony, and was sentenced on the 10th day of August, 1912, but the superior court in and for the city and county of San Francisco, Honorable J. J. Trabucco, judge, presiding, to be imprisoned in the State Prison at Folsom for a term of eight years. He was received at the State Prison at Folsom on the 13th day of August, 1912, and given number 8433. Thereafter, on the 10th day of February, 1915, he was released on parole and, on the 10th day of December, 1917, he was given his final discharge.

I have received numerous letters and requests which tend clearly to show that there were at least extenuating and mitigating circumstances surrounding the commission of the crime for which Caroni was convicted and that he has never been and is not now an habitual criminal or of a criminal or vicious nature or tendency, and which unquestionably both establish his good and law-abiding character and industry and show his endeavor to the greatest extent of his ability to rehabilitate himself as a useful and worthy member of society since his release on parole and particularly since his final discharge, during which latter period of time his conduct and advancement has, of course, been wholly voluntary.

The written statements of the Honorable J. J. Trabucco, presiding judge at the trial, and of Maxwell McNutt, former assistant district attorney of the city and county of San Francisco, who investigated the circumstances of the case for the district attorney's office, appear to be of particular significance in that they clearly recognize that there were extenuating circumstances under which the crime was committed, thus substantiating the numerous letters and documents which have come to my attention and set out in detail the facts of the killing, which facts may be summarized as follows:

Caroni was assaulted by an Italian gang in the Italian quarter of San Francisco, apparently without reason or provocation, and a severe beating was administered to him. He then went to his room and, arming himself, was returning to a local drug store for treatment of his injuries when he was again set upon by several members

of the gang, at which time, fearing further great bodily injury, he fired the fatal shot resulting in the death of one of the gangsters, a man who bore a bad reputation for disorder and had a long criminal record.

In a letter addressed to me Hon. J. J. Trainor, presiding judge at the trial, states as follows:

"I shall be very happy if you can see your way clear to extend executive clemency to him, and restore him to the privilege of becoming a citizen. As I understand the case, there were extenuating and mitigating circumstances, and I recommend that executive clemency be extended him."

An excerpt from a letter of former Assistant District Attorney McNutt reads as follows:

"When the case of Caroni was called for trial I examined the record from the Police Court, investigated the circumstances of the homicide, discussed the same with the police officers, and concluded that Caroni should not have been held for murder, and gravely doubted that should he go to trial that a plea of self-defense might not be successfully interposed. His attorney, however, desired to interpose a plea of guilty to manslaughter. The same was accepted upon my recommendation, and I requested that the Judge extend clemency."

From my recollection of the facts, the shooting resulted from a quarrel precipitated by persons who attacked Caroni. I did not then believe, and I do not now, but for the attack made upon Caroni there would have been any shooting, and I heartily recommend that the pending pardon be granted."

Besides these mitigating circumstances which thus appear to have surrounded the commission of the crime, I am also greatly influenced by the fact that Caroni, before and since his conviction, bore and now bears a good reputation in the community in which he lives and works, and has always been considered by those associated with him as a good, clean, law-abiding person. I have been particularly struck by the fact that since his final discharge, during which time his behavior and conduct has been uninfluenced by any legal restraint such as one in prison while serving time on parole, he has endeavored at all times to be a useful and productive member of society; has taken unto himself a wife and assumed and fully discharged the obligations and duties of a husband and parent; and, lastly, has evidenced a desire to become a citizen of the United States, he being at present an unaturalized Italian.

As regards Caroni's reputation and conduct before his conviction, we have the statements of both the judge who presided at the trial and the former assistant district attorney who handled the prosecution, that Caroni had neither a previous criminal record nor was there any evidence whatsoever of a criminal or vicious nature or tendency.

In a letter bearing date May 24, 1914, Judge Trainor states as follows:

"My recollection of the evidence is that Caroni bore a good reputation for peace and quietness and that the deceased was the aggressor."

A similar statement was made by Mr. McNutt in a letter dated October 4, 1912, as follows:

"Caroni's record previous to the commission of this crime was excellent."

He has always been a hard working man."

As regards Caroni's behavior and conduct since his conviction, it is worthy of note that, reviewing in historical sequence the several events which have transpired, his prison record was clean and all one could desire or ask, that there is not an iota of unfavorable evidence as regards his behavior and movements while serving time on parole; and, what is of even greater significance, that his life, considered as a whole since his final discharge, has been one which might well serve as an example even for those who are not ex-convicts.

His several employers during the last eight years, including representatives of the following well known construction companies in San Francisco, namely: Dinwiddie Construction Company, G. Weissbaum & Co., J. N. J. Froberg Company, and Montgomery Sutter Building Co., all speak very highly of his trustworthiness and industry and fail to record a single instance which might cast doubt on his character or his reputation as a law-abiding person. The following quotations from letters of two such employers are typical of a number of others which I have examined.

Mr. E. M. Walters, general superintendent of the Dinwiddie Construction Company, has written as follows:

"This is to certify that Mr. John Caroni has been in my employ at different times for the past eight years."

During this time I have always found him to be a good clean-cut man and a conscientious worker."

Mr. George Weissbaum, of G. Weissbaum & Co., has written as follows:

"This is to certify that Mr. John Caroni was in my employ for approximately four years. During this time he was entrusted with the handling of payrolls amounting to several thousand dollars and I have always found him to be faithful and trustworthy."



Rabbi Rudolph I. Coffee of Temple Sinai, First Hebrew Congregation of Oakland, has written numerous letters stressing the extreme sincerity, good character and law-abiding qualities of this man. The following excerpt from one of his letters is typical of a number of others which I have received from him, and from other persons as well, all being of the same general import:

"From my examination of the prison record, his conduct was at all times exemplary. It was his first and last offense. Since his release, his life has been beyond criticism. He has been a good, respectable, honest, law-abiding resident."

The unbroken continuity of the good behavior and conduct of this man, except for the commission of the one crime under great provocation, and especially his earnest endeavors since his final discharge to rehabilitate himself and adopt and follow all the recognized and approved rules of social conduct, lead me to believe that a proper showing has been made, and that this man is now worthy of consideration and aid from society and the people of this State with whom he has made his home for a number of years and with whom he desires to continue to reside and work. Where, as here, a first offender has fully paid his debt to the State and conclusively demonstrates over a sufficient period of time that he is able and anxious to lead a good, clean, and honest life, not only for the purpose of escaping new entanglements with the criminal law but with a view of conforming to all the accepted social rules of conduct, it would seem clearly to accord with the modern theory of reformation of criminals for the State and society to recognize the worth of the man as evidenced by such conduct and to remove, in such cases, the disabilities incident to conviction of a felony.

I am informed that one of the incidents attendant upon conviction of a felony is even now about to be felt by Caroni and that he is shortly to be deported to Italy under the immigration laws and regulations of the United States. It appears that this deportation is about to take place because of the fact that after his final discharge Caroni returned to Italy, where he married and then reentered the United States. Recently, when applying for final citizenship papers, it was discovered that he had thus technically violated the law and became subject to deportation.

It is my belief that Caroni, in view of the above facts and circumstances, and his exceptionally good showing since his final discharge, is entitled to recognition from society and the people of this State and a removal of the disabilities incident to a conviction of a felony.

Under our present system this can only be effected by a pardon which will remove such disabilities, restore civil rights, make possible the acquisition of United States citizenship, which he has evidenced a desire to secure, and obviate the necessity of deportation, involving a separation and severance of family ties. The proven upright character of this man has, in my opinion, properly won for him a just right to continue to reside in this country and in this State, and to partake of all the advantages of a free man in society. I feel that there are the most reasonable grounds in this case upon which to base an expectation that the confidence to be reposed in him by the granting of this pardon will not be violated by him at any time in the future.

Lastly, I have just received a report from the members of the Advisory Pardon Board, to whom I had referred this case for investigation and recommendation. From these reports I quote the following excerpts. Warden Jas. B. Holohan of San Quentin State Prison has written as follows:

"In view of the mitigating circumstances set forth in the evidence, and the fact that his life prior to his conviction was beyond reproach, and since his release from prison has shown by his industry and conduct that it is his intention to become a useful citizen, and the further fact that his deportation would penalize not only himself, but his wife and children as well, I respectfully recommend that John Caroni be granted a pardon."

Warden Court Smith of Folsom State Prison has written as follows:

"I have carefully considered this case as shown by the records and am of the opinion that John Caroni should be recommended to our Governor for a pardon."

Attorney General U. S. Webb has written as follows:

"I think the ends of justice would be best subserved by his pardon and restoration to citizenship, and therefore favor recommendation to the Governor that such be the action."

Finally, Lieutenant Governor Byron Fitts, chairman of the board, sums up its action as follows:

"It is, therefore, respectfully recommended that, by reason of the facts and circumstances in the case of the applicant, executive clemency be extended John Caroni, and that a pardon be granted."

Now, therefore, I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by the constitution and statutes of the said State, in view of the extenuating and mitigating circumstances surrounding the commission of the crime, and of the good repute and character which he has borne and now

bears in the community in which he resides and works, and particularly of the fact that since his final discharge he has voluntarily and through his own efforts conclusively shown that he intends to live a peaceful, law-abiding and industrious life, and is, therefore, now entitled to a removal of the disabilities and incidents which follow conviction of a felony, including the restoration of civil rights, the making possible of the acquisition of United States citizenship, and the obviating of the necessity for deportation, and in view of the recommendations of the members of the Advisory Pardon Board and the other recommendations above referred to, do hereby pardon the said John Caroni of the said crime of manslaughter.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty ninth day of June, A. D. 1928

[SEAL]

C. C. YOUNG, Governor

Attest: FRANK C. JORDAN, Secretary of State

By FRANK H. CORY, Deputy

#### COMMUNICATION

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO, January 9, 1929.

To the Legislature of the State of California.

I herewith transmit the Biennial Report of the Surveyor General for the term ending August 1, 1928, containing on page 8 report made pursuant to the provisions of chapter 800, Statutes of California, 1917, in relation to land titles.

Yours respectfully,

W. S. KINGSBURY

Surveyor General and ex officio Register of the State Land Office

#### BIENNIAL REPORT OF THE SURVEYOR GENERAL

STATE OF CALIFORNIA

OFFICE OF THE SURVEYOR GENERAL

SACRAMENTO, SEPTEMBER 7, 1928.

To His Excellency, C. C. Young,

Governor of the State of California.

SIR: I have the honor to herewith submit a report covering the work of this office for the term ending August 1, 1928.

#### DURING THE PAST BIENNIAL

Fees and royalties amounting to \$12,989 were collected by the Surveyor General and Register of the State Land Office, as provided by sections 294 and 274 of the Political Code and chapter 303, Statutes of California, 1921, and were sent to the State treasury and placed to the credit of the general fund.

15,713 acres of State school lands were leased for a rental of \$9,267 under the provisions of chapter 493, Statutes of California, 1917.

34,712 acres of non school lands were sold through the sale of surplus patented under the provisions of section 3408 of the Political Code for the sum of \$22,628, an average of \$6.50 per acre.

Public auction sales of school lands were held under the provisions of chapter 207, Statutes of California, 1919, in the counties of Lake, Los Angeles, Mendocino, Napa, Riverside and San Bernardino, 12,549 acres being sold for \$934,696, an average of \$74.64 per acre.

421 applications to purchase 48,182 acres of State lands were filed.

1152 reports of county treasurers, made under the provisions of section 3422 of the Political Code, showing the receipt of \$129,764.75 paid for State lands, were received and entered on the records of this office, as provided in section 3423 of the Political Code.

7968 acres of lake lands were leased for a rental of \$27,684 under the provisions of chapter 612, Statutes of California, 1911.

12 lists and patents conveying 25,020 acres of land from the United States to the State were recorded in this office, as provided in section 3406 of the Political Code.

44 certificates of purchase for 49,995 acres of State lands were issued under the provisions of section 3514 of the Political Code.

468 patents for 69,700 acres of State lands were issued under the provisions of section 3519 of the Political Code.

162 land surveyors' licenses were issued under the provisions of chapter 247, Statutes of California, 1907.

County registrars of land titles in seven counties in the State operating under "An act to amend an act entitled 'An act for the consolidation of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," Statutes of California, 1915, page 1462, reported to this office the number of registrations and of certificates of title issued, which reports were embodied in reports made by this office under the provisions of chapter 800, Statutes of California, 1917.

17 duplicate certificates of purchase were issued under the provisions of section 3518 of the Political Code.

51 certificates of status of State lands, 108 certified copies of records and 42 certified copies of records of patents were issued.

276 indemnity State selections were made under the provisions of section 3398 of the Political Code.

119 certified lists of lands sold by the State were issued under the provisions of section 2659 of the Political Code.

Surveys, maps and tablings made under the provisions of chapter 612, Statutes of California, 1911, amounting to 5 in number, were checked.

1 survey with map and tabling made under the provisions of chapter 490, Statutes of California, 1915, was checked.

The field notes of the surveys of the areas covered by 104 applications to prospect for oil and gas upon tidelands, under the provisions of chapter 303, Statutes of California, 1921, were checked and platted.

10,000 letters have been written during the two years.

24 lists of persons licensed as land surveyors were transmitted to each of the 58 county recorders in the State as provided by section 4 of chapter 247, Statutes of California, 1907, a total of 1392 lists being transmitted.

Tabulated statements follow:

#### GENERAL OFFICE BUSINESS.

Amount of fees and royalties collected by Surveyor General and Register of the State Land Office from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the general fund, or to the Secretary of State:

Month	Paid into State treasury	Paid to Secretary of State
1926—August	\$578 62	\$38 00
September	358 19	60 00
October	378 35	23 00
November	359 13	12 00
December	1,165 42	26 00
1927—January	888 27	26 00
February	293 66	34 00
March	560 21	26 00
April	388 09	27 00
May	408 69	14 00
June	615 93	18 00
July	323 26	37 00
August	1,039 24	24 00
September	472 34	22 00
October	350 76	19 00
November	269 34	26 00
December	580 97	33 00
1928—January	1,032 67	23 00
February	353 77	25 00
March	314 29	21 00
April	368 12	16 00
May	329 20	30 00
June	376 20	54 00
July	316 62	
Totals	\$12,321 66	\$667 00

Amount of annual rentals received by the Surveyor General for the lease of State lands pursuant to the provisions of chapter 493, Statutes of California, 1917, from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the school land fund:

	\$106 00
1926—August	45 00
December	320 00
1927—January	147 74
February	314 30
March	125 00
April	34 00
May	138 00
June	232 00
July	131 00
August	156 00
September	72 00
December	343 12
1928—January	175 20
February	440 30
March	179 00
April	46 00
May	98 59
June	124 00
July	
Total	\$3,267 26

#### STATE SCRIP.

Amount of money received by the Surveyor General from the sale of scrip under the provisions of section 3498d of the Political Code, from August 1, 1926, to



August 1, 1928, and paid into the State treasury to the credit of the school land fund

1926—August	-----	\$3,245.46
September	-----	1,017.16
October	-----	17,515.22
November	-----	5,588.88
December	-----	11,182.01
1927 January	-----	10,536.12
February	-----	11,188.18
March	-----	7,717.88
April	-----	10,307.33
May	-----	18,427.12
June	-----	1,190.16
July	-----	21,544.47
August	-----	12,175.88
September	-----	7,479.88
October	-----	4,619.62
November	-----	6,945.47
December	-----	11,188.08
1928 January	-----	7,721.26
February	-----	10,959.51
March	-----	13,311.68
April	-----	9,090.00
May	-----	14,918.48
June	-----	4,747.60
July	-----	-----

Total ----- \$248,071.71

Amount of money received by the Surveyor General under the provisions of chapter 303, Statutes of California, 1921, for application fees, permit fees, and royalties, and paid into the State treasury to the credit of the school land

Application fees for permits	-----	\$31.75
Permit fees	-----	468.11
Royalties	-----	4,544.41
Total	-----	4,984.27

#### UNANIMOUS ALLOCATION

Amount of fees and royalties collected by Surveyor General and Register of the State Land Office

Amount of fees collected by Register of State Land Office for Section 304 of State

Amount of annual rental received by Surveyor General for the lease of State land under chapter 122, Statutes of California, 1917

Amount of money received by Surveyor General from the sale of scrip under section 2108d of the Political Code

Amount of money received by the Surveyor General under the provisions of chapter 303, Statutes of California, 1921, for application fees for permits, permit fees, and royalties

Total ----- \$248,872.07

#### PUBLIC AUCTION SALE OF SCHOOL LANDS

State school lands were sold at public auction under the provisions of chapter 207, Statutes of California, 1919, between August 1, 1926, and August 1, 1928, as follows:

County	Date	Acres	Amount
Lake	August 8, 1927	200	\$400.00
Los Angeles	August 5, 1927	114	3,854.00
Mendocino	August 16, 1927	480	960.00
Napa	August 19, 1927	409	817.00
Riverside	August 23, 1927	5,162	14,212.00
San Bernardino	August 2, 1927	6,184	12,372.00
Totals	-----	12,549	\$33,096.00

#### APPLICATIONS TO PURCHASE STATE LANDS

From August 1, 1926, to August 1, 1928, applications to purchase State lands were received and filed as follows:

School lands and swamp and overflowed lands	Number of applications	Acres
Los Angeles Land District, school lands	279	25,656.99
Sacramento Land District, school lands	121	20,813.87
San Francisco Land District, school lands	10	904.90
Visalia Land District, school lands	6	720.00
Swamp and overflowed lands	5	86.40
Totals	421	48,182.16

## STATE LAND PAYMENTS.

Amounts of principal, interest and penalties received for the State by the county treasurers, on account of sales of school lands, from August 1, 1926, to August 1, 1928.

County	Principal	Interest	Total	Penalties
Alameda		\$429 62	\$1,229 62	
Alpine	\$800 00	5 40	5 40	
Amador		162 70	162 70	
Butte		183 60	303 60	
Calaveras	120 00			
Colusa				
Contra Costa		162 00	162 00	\$3 24
Del Norte		311 41	352 21	46
El Dorado	40 80	992 58	992 58	49 66
Fresno		9 50	9 50	95
Glenn	784 80	49 80	834 60	
Humboldt		6,194 47	9,438 47	571 86
Imperial	3,244 00	823 25	1,066 25	84 96
Inyo	243 00	5,603 26	11,893 58	191 80
Kern	6,290 32	578 33	725 09	8 02
Kings	146 76	282 43	322 43	16 74
Lake	40 00	9,560 54	9,704 54	55 04
Lassen	144 00	2,141 10	3,066 53	69 32
Los Angeles	925 43	363 36	363 36	
Madera				
Marin		203 28	203 28	
Mariposa		1,053 11	3,053 26	16 29
Mendocino	2,000 12	100 80	100 80	
Merced		647 16	1,287 16	5 18
Modoc	640 00	1,337 22	6,495 97	44 76
Mono	5,158 75	1,832 94	5,265 55	89 52
Monterey	3,132 61	72 20	369 08	44
Napa	296 88	58 80	58 80	2 80
Nevada				
Orange		17 86	17 86	3 62
Placer		44 80	364 80	
Plumas	320 00	5,916 32	14,298 67	341 62
Riverside	8,382 35			
Sacramento		790 63	1,388 65	30 48
San Benito	598 02	13,867 92	27,669 51	553 60
San Bernardino	13,801 59	3,960 55	6,185 35	302 40
San Diego	2,224 80			
San Francisco				
San Joaquin		2,636 68	3,276 68	125 51
San Luis Obispo	640 00			
San Mateo				
Santa Barbara		109 14	109 14	86
Santa Clara				
Santa Cruz		782 72	1,062 72	35 19
Shasta	280 00			
Sierra		694 82	1,364 37	6 92
Siskiyou	669 55			
Solano		177 41	177 41	3 42
Sonoma		131 40	131 40	
Stanislaus				
Sutter		650 84	2,378 84	25 92
Tehama	1,728 00	74 02	602 02	5 28
Trinity	528 00	430 44	633 29	1 24
Tulare	202 85	58 40	58 40	2 38
Tuolumne		59 00	59 00	5 48
Ventura		82 96	362 40	24 34
Yolo	278 44	307 18	473 58	1 00
Yuba	166 40			
Totals	\$54,127 47	\$63,955 98	\$118,083 45	\$2,680 30

Amount of annual rentals received for the leasing of State lands pursuant to the provisions of chapter 612, Statutes of California, 1911, from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the school land fund by the lessees was \$27,684.16.

Amount of annual rentals received for the leasing of State lands pursuant to the provisions of chapter 829, Statutes of California, 1921, from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the general fund by the lessees was \$946.

Amount of annual rentals received for the leasing of State lands pursuant to the provisions of chapter 330, Statutes of California, 1923, from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the general fund was \$40.

Amount of annual rentals received for the leasing of State lands pursuant to the provisions of chapter 121, Statutes of California, 1925, from August 1, 1926, to August 1, 1928, and paid into the State treasury to the credit of the school land fund was \$938.75.

## LEASING OF STATE LANDS.

The number of acres of State lands which were leased from the State of California from August 1, 1926, to August 1, 1928, are as follows:

	Acres.
State lands leased pursuant to the provisions of chapter 142, Statutes of California, 1911	7,958.00
State lands leased pursuant to the provisions of chapter 140, Statutes of California, 1917	11,714.00
Total	19,672.00

## LANDS LISTED TO THE STATE.

From August 1, 1926, to August 1, 1928, lands were listed to the State of California by the United States, as follows:

	Acres.
Grant	
Indemnity or lieu lands	2,576.74
Swamp and overflowed lands	450.00
Total	3,026.74

CERTIFICATES OF PURCHASE ISSUED.  
(From August 1, 1926, to August 1, 1928.)

	Number of acres.	Acres.
Grant		
Sixteenth and thirty-sixth sections and indemnity or lieu lands	144	40,000.00
Swamp and overflowed lands	9	1,000.00
Totals	153	41,000.00

PATENTS ISSUED.  
(From August 1, 1926, to August 1, 1928.)

	Number of acres.	Acres.
Sixteenth and thirty-sixth sections and indemnity or lieu lands	102	60,000.00
Swamp and overflowed lands	9	1,000.00
Lake lands	1	133.72
Totals	112	61,133.72

## LAND SURVEYORS LICENSED.

Licenses issued to land surveyors from August 1, 1926, to August 1, 1928, numbered 162.

## LAND TITLE LAW.

September 7, 1928.

Pursuant to the provisions of chapter 800, Statutes of California, 1917, I beg to report that according to reports received certificates of title have been issued pursuant to the registration of land titles under "The Torrens Law" in eighteen of the fifty-eight counties, as follows:

Alameda County—165 certificates issued up to August 1, 1928.  
 Fresno County—23 certificates issued up to August 1, 1928.  
 Humboldt County—223 certificates issued up to August 1, 1928.  
 Imperial County—373 certificates issued up to August 1, 1928.  
 Inyo County—5 certificates issued up to August 1, 1928.  
 Kern County—60 certificates issued up to August 1, 1928.  
 Los Angeles County—51,124 certificates issued up to August 1, 1928.  
 Orange County—5049 certificates issued up to August 1, 1928.  
 Riverside County—193 certificates issued up to August 1, 1928.  
 San Bernardino County—2302 certificates issued up to August 1, 1928.  
 San Diego County—3622 certificates issued up to August 1, 1928.  
 San Francisco County—9 certificates issued up to August 1, 1928.  
 San Luis Obispo County—3 certificates issued up to August 1, 1928.  
 Santa Barbara County—406 certificates issued up to August 1, 1928.  
 Santa Cruz County—10 certificates issued up to August 1, 1928.  
 Sonoma County—296 certificates issued up to August 1, 1928.  
 Tulare County—54 certificates issued up to August 1, 1928.

Ventura County—1 certificate issued up to August 1, 1926. No report was received from the registrar of titles in Ventura County for the year 1927-1928.

The Torrens act provides that upon the original registration of any land, a sum equal to one-tenth of one per cent of the assessed value of the land, including permanent improvements thereon as the same were valued for county taxation the last time said land and permanent improvements or either thereof were assessed for county taxes next preceding the filing of the petition, shall be collected by the register and paid to the State Treasurer to be credited to the "Torrens Title Assurance Fund." The books of the State Treasurer show that on August 1, 1928, the "Torrens Title Assurance Fund" contained State of California Harbor



Improvement 4 per cent bonds having a face value of \$28,000, which were purchased for the benefit of said fund for the sum of \$27,308.23, and that the amount of cash in said fund on August 1, 1928, was \$1,352.52.

Respectfully submitted.

W. S. KINGSBURY,  
Surveyor General.

ADJOURNMENT.

At twelve o'clock m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, January 11, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 10, 1929, the further reading was dispensed with, on motion of Senator Slater.

LEAVES OF ABSENCE.

Senators Lyon and Christian were, on motion of Senator West, granted leaves of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Miss A. Van Alstine, teacher, and the following students of the history class of Marshall School, Sacramento: Dorothy Beard, Ione Clark, Leila Johnston, Elizabeth Lansberg, Florence Leeman, Jean McCoy, Helen Sleeper, Mary Alice Smurr, Alice Thorsen, Zona Ward, Robert Christenson, James Crystal, Jack Dodds, Merlin Gayman, George House, Murdock Mansfield, Arthur Nathan, John Ohlson, Courtleigh Sparks, Verne Tregonis, Sammy Wright, Donald Wyrick, Frank Rhubesky.

RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That the temporary rules of the Senate, as appearing beginning on page 7 of the Daily Journal of the Senate of January 7, 1929, be and the same are hereby adopted as the standing rules of the Senate for the forty-eighth

session of the California Legislature, excepting that there is hereby added Rule No. 8, to read as follows:

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock, thirteen members.
2. Banking, nine members.
3. Building and Loan Associations, five members.
4. Civil Service, five members.
5. Commerce and Navigation, nine members.
6. Conservation, seven members.
7. Constitutional Amendments, nine members.
8. Contingent Expenses, three members.
9. Corporations, seven members.
10. County Government, nine members.
11. Drainage, Swamp and Overflowed Lands, five members.
12. Education, thirteen members.
13. Elections, eleven members.
14. Engrossment, Enrollment and Printing, five members.
15. Federal Relations, five members.
16. Finance, seventeen members.
17. Fish and Game, fifteen members.
18. Governmental Efficiency, eleven members.
19. Hospitals and Asylums, five members.
20. Insurance, eleven members.
21. Irrigation, seven members.
22. Judiciary, fifteen members.
23. Labor and Capital, nine members.
24. Manufactures, five members.
25. Military Affairs, eight members.
26. Mines and Mining, five members.
27. Motor Vehicles, fifteen members.
28. Municipal Corporations, nine members.
29. Oil Industries, seven members.
30. Prisons and Reformatories, seven members.
31. Public Charities and Corrections, five members.
32. Public Health and Quarantine, seven members.
33. Public Morals, five members.
34. Public Utilities, eleven members.
35. Reapportionment, seven members.
36. Revenue and Taxation, thirteen members.
37. Revision of Criminal Law and Procedure, nine members.
38. Roads and Highways, fifteen members.
39. Rules, five members.
40. Universities and Teachers Colleges, nine members.

Resolution read.

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harber, Jones, Herbert C. Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Pedroni, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Breed: Senate Bill No. 221—An act to amend section 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

Bill read first time, and referred to Committee on Education.

By Senator Duval: Senate Bill No. 226—An act remising, releasing and quit-claiming to the Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State normal school' approved March 14, 1881, abolishing the branch of the State normal school at Los Angeles, transferring its properties to the Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senators Handy, Hurley and Swing: Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section



2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor.

Bill read first time, and referred to Committee on County Government.

By Senator Slater: Senate Bill No. 228—An act to add three new sections to the Political Code to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 229—An act adding a new section to the Political Code to be numbered 694, relating to the Department of Finance.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Crowley: Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State Board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Boggs: Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Murphy: Senate Bill No. 233—An act to amend sections 5, 26, 31, 36, 45, 48, 49, 56, 58 and 60, of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas heaters and ventilation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Hurley: Senate Bill No. 235—An act to add a new section to the Political Code to be numbered 2283a relating to the support of half-orphans, or abandoned children in certain cases, and establishing a system of State aid, under the supervision and control of the State Board of Control, and to be known as the State Aid Lien Act.

Bill read first time, and referred to Committee on Public Charities and Corrections.

#### RESOLUTION.

The following resolution was offered:

By Senator Hurley:

WHEREAS, The Legislature will be called upon shortly to give its consideration to the budget which has to do with the financing of the State government; and

WHEREAS, It is necessary, in order that we may give proper consideration to this budget that we have before us more detail data than is contained in the budget; therefore, be it

*Resolved*, That the State Board of Control and the Civil Service Commission be and they are hereby directed to prepare and submit immediately to the Senate and the Assembly a report containing a complete list of the officers and employees of each and every office, department, board, bureau, commission and institution of the government of the State of California, said report being set up so as to show (1) the name of each such office, department, board, bureau, commission or institution and (2) the names of each of its officers and regular employees of every kind and character with title of position and amount of monthly salary or wages. Said report shall be as of January 1, 1929. Said report shall also contain a statement, with reference to each office, department, board, bureau, commission and institution, showing the number of persons engaged for temporary or emergency employment during the fiscal year ending June 30, 1928, and the total amount expended on account of such temporary or emergency employment.

#### SPECIAL ORDER.

Senator Fellom moved, seconded by Senator Inman, that the above resolution by Senator Hurley be made a special order for Tuesday, January 15, 1929, at eleven o'clock a.m.

Motion carried.

#### RESOLUTIONS.

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, same to take effect as of January 12, 1929:

Fernet Marty, Stenographer----- \$5 00 per day

Resolution read, and on motion of Senator Crowley adopted.

Also:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, same to take effect as of January 11, 1929:

Lydia McKinney, Stenographer----- \$5 00 per day

Resolution read, and on motion of Senator Crowley adopted.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Murphy: Senate Bill No. 236—An act to make lawful certain agreements between employees or laborers, to define the cases in which injunctions may and may not issue, to prescribe the procedure in trials for contempt, to secure the right of jury trial in all such cases, to prescribe the time in which proceedings for contempt shall be instituted, to prescribe the penalty for the violation of such injunction and excepting certain organizations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Maloney: Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmiller against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 238—An act making an appropriation to pay the claim of the Overland Freight and Transfer Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 240—An act making an appropriation to pay the claim of Weinstock Nichols Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 241—An act making an appropriation to pay the claim of Weinstock Nichols Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 243—An act making an appropriation to pay the claim of Habenicht and Howlett against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 244—An act making an appropriation to pay the claim of the J. A. Clark Draying Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 245—An act making an appropriation to pay the claim of the Overland Freight and Transfer Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 246—An act making an appropriation to pay the claim of G. W. Freethy against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 247—An act to amend section 1188 of the Political Code, relating to independent nominations.

Bill read first time, and referred to Committee on Elections.

By Senator Merriam: Senate Bill No. 248—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and or unincorporated territory to municipal corporations and for the



incorporation and consolidation of such annexed territory in and as a part thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Swing: Senate Bill No. 249—An act providing money for the control of the floods of the Santa Ana River System, providing for cooperation by the interested counties and districts, directing the Division of Engineering and Irrigation, Department of Public Works, to conduct and carry on such work and relating thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Breed: Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Boggs: Senate Concurrent Resolution No. 5—Relative to reports of the Department Encampment of the Grand Army of the Republic.

Resolution referred to Committee on Engrossment, Enrollment and Printing.

By Senator Carter: Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Evans: Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Conservation.

By Senator Baker: Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Inman: Senate Bill No. 254—An act to amend section 3897 of the Political Code, relating to tax deeded land.

Bill read first time, and referred to Committee on Judiciary.

By Senator Waggy: Senate Bill No. 255—An act to amend section 422 of the Code of Civil Procedure, relating to pleadings in civil action and proceedings of a civil nature; and to repeal sections 430, 431, 434, 443 and 444 thereof; and to add a new section thereto, to be known as section 435, relating to pleadings in civil action and proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senators Rochester and Merriam: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California to enact a new section of the constitution to be known as article II, section 2½a, relating to voting.

Amendment referred to Committee on Constitutional Amendments.

## ADJOURNMENT.

At eleven o'clock and thirty minutes a.m., on motion of Senator Breed, the President declared the Senate adjourned until Monday morning at eleven o'clock.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Monday, January 14, 1929

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the Chair.

Secretary Joseph A. Beck at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, McTrimm, Muehlen, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young  
—36.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 11, 1929, the further reading was dispensed with on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Christian was, on motion of Senator Hurley, granted leave of absence for this day.

Senator Rochester was, on motion of Senator Mueller, granted leave of absence for this day.

Senator Nelson was, on motion of Senator Crowley, granted leave of absence for this day.

Senator Jones, Ray, was, on motion of Senator Fellom, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. and Mrs. Harry T. Kyle of Santa Rosa.

## RESOLUTIONS.

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Julia Hayes, Stenographer.....	\$5 00 per day
Lena A. Redding, Assistant Postmistress.....	4 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Lyon, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—28.

**NOES**—None.

### By Senator Carter:

**WHEREAS**, The State of California, its counties and municipalities have under way improvements requiring large expenditures of money, and in order that not too heavy tax burden be put upon the people to meet these expenditures, it is imperative that the supplies and material entering into such improvements shall be obtained at the lowest cost possible, and

**WHEREAS**, Experience of many years has shown that free competitive bidding upon public as well as private work is the best means of obtaining the lowest cost, and in recognition of this fact, the law of California has provided that all supplies for public improvements shall be purchased only upon competitive bids, and from the lowest bidder, and

**WHEREAS**, That this policy may be carried out, and the law made effective, it is necessary that monopolies, trusts and conspiracies in restraint of trade, affecting the prices of commodities, if any exist, be regulated, and the Attorney General of the State requested to take steps to dissolve the same, and prosecute all guilty parties thereto, to the end that the people may have the benefit of lower prices of material by free competitive bidding, and

**WHEREAS**, In modern construction of highways, dams, bridges and other structures, cement is one of the elements most used, and the most important factor in cost, and

**WHEREAS**, The State of California has announced a program for highway construction for the next biennium of one hundred and six and a half millions; the county of Los Angeles is constructing a flood control dam at a cost of over twenty-five millions, in which 3,200,000 barrels of cement will be used; the city of Los Angeles, with a program of street improvement, which it is estimated will equal in cost the 1928 expenditures, approximating twenty-seven million dollars, and other municipalities in proportion, and

**WHEREAS**, There is a reputed cement trust in this State, composed of manufacturers and dealers in cement forming a combination to control and maintain high and uniform prices, by stifling free competition thereby increasing the costs of all improvements in which cement is used, which is evidenced by reports from the State Purchasing Department, showing bids of all manufacturers bidding to be the same, thereby depriving the department of the benefit of advantageous prices through free competition, and the same conditions are reported in municipal purchases and by private contractors, now therefore, be it

*Resolved by the Senate of the State of California*, That a special committee of five members of the Senate be appointed by the President of the Senate to ascertain the fact whether or not an illegal combination or conspiracy exists among manufacturers and dealers in cement, to control the market price of cement in the State of California by limiting production, suppressing free competition or other means, and upon the conclusion of such investigation to report to the Senate the results thereof, together with such recommendations as the committee shall deem proper.

*Resolved further*, That said committee be, and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and subjects hereinbefore enumerated, or recited, and to that end to employ all necessary clerical, expert and legal assistants, and said committee is hereby authorized and empowered to summon witnesses, require the production of papers of every kind, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and the members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of article VIII of chapter 2, title 1, part III of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; and the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof; that said committee be given leave to sit during the sessions of the Senate and during the recess, at such place or places as the committee may determine; that it report as speedily as possible, the results of its investigation to the Senate, with such recommendations as it may deem proper, relative to abuses or wilful violation of the anti-trust law (Cartwright Act), and the particulars, if any, wherein said law should be strengthened and made more effective to prevent illegal combinations or conspiracies in restraint of trade.

*Resolved*, That the sum of \$2,500 be and the same hereby is made available for the purpose of defraying the expenses of such committee in said investigation, to be paid



from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

#### Resolution referred to Committee on Contingent Expenses

##### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER SIX.

Senator Breed asked unanimous consent for the consideration of Senate Concurrent Resolution No. 6, without reference to committee. Unanimous consent granted.

Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the county of Alameda, State of California. Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Lyson, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 6 ordered transmitted to the Assembly.

##### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER SEVEN.

Senator Breed asked unanimous consent for the consideration of Senate Concurrent Resolution No. 7, without reference to committee.

Unanimous consent granted.

Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the ninth day of April, 1928.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Lyson, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 7 ordered transmitted to the Assembly.

##### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator West: Senate Concurrent Resolution No. 8—Relative to reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans and the

Disabled American Veterans of the World War of the Department of California, respectively.

Resolution referred to Committee on Military Affairs.

By Senator Rochester: Senate Bill No. 256—An act to amend section 1382 of the Penal Code relating to dismissal of an action for want of prosecution.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 257—An act to repeal section 772 of the Penal Code relating to officers of the court.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Crowley: Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Mueller: Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes" approved May 29, 1913, by adding thereto a new section to be numbered 3.

Bill read first time, and referred to Committee on County Government.

By Senator Slater: Senate Bill No. 260—An act to amend section 628 of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Crowley: Senate Bill No. 261—An act to be known as the "Pure Milk Law of California," to define "market milk"; to protect the wholesomeness, purity, and identity of market milk; to classify and grade market milk; to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the supervision of the Department of Public Health of the State of California over general public health work when officially conducted in dairy laboratories; to provide for the payment of a fee to defray the expenses of certain

approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, and all acts or parts of acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Hurley: Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State fish exchange; to license those engaged in marketing fish; to create a State fish exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Merriam: Senate Bill No. 263—An act regulating the practice of professional engineering, providing for the creation and establishment of a State Board of Registration for professional engineers; granting certain powers to and prescribing the duties of said board; providing for the examination and registration of professional engineers, and providing penalties for the violation of this act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 264—An act to add a new section to the Penal Code, to be numbered 588*d*, relating to the display of red lights on or near public highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Wagy: Senate Bill No. 265—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 266—An act to amend the "California Water Storage District Act" approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act.

Bill read first time, and referred to Committee on Irrigation.



By Senator Cassidy: Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Handy: Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 269—An act to add a new section to the Juvenile Court Law approved June 5, 1915, as amended, to be numbered 1951, relating to the salary of probation officer in counties of the fifty-first class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McKinley: Senate Bill No. 271—An act to amend an act entitled "The Workmen's Compensation, Insurance and Safety Act of 1917," as amended, approved May 23, 1917, by amending section 8 thereof, relating to employees and excluded employments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 272—An act to amend section 601 of the Penal Code relating to the malicious use of dynamite.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weller: Senate Bill No. 274—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 275—An act to amend section 274a of the Code of Civil Procedure relating to the duties and compensation of phonographic reporters for the superior court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 276—An act to repeal section 274*b* of the Code of Civil Procedure, relating to compensation of official reporters.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKinley: Senate Bill No. 277—An act to amend section 447 of the Penal Code, relating to the definition of arson.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Duval: Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Cobb: Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 330*b*, relating to gambling devices.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mueller: Senate Bill No. 281—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Cassidy: Senate Bill No. 282—An act to amend section 736*b* of the Political Code, relating to the salaries of judges in the superior courts.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Maloney: Senate Bill No. 283—An act to amend section 19 of the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to evidence.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cobb: Senate Bill No. 284—An act to amend section 1235 of the Civil Code relating to homesteads.

Bill read first time, and referred to Committee on Judiciary.

By Senator Allen: Senate Bill No. 285—An act to amend section 626*a* of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 286—An act to amend section 632 of the Penal Code, relating to the protection of trout and whitefish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Young: Senate Bill No. 287—An act to add a new section to the Penal Code to be numbered 637 $\frac{1}{2}$ a, related to trapping of game. Bill read first time, and referred to Committee on Fish and Game.

By Senators Christian, Cleveland, Inman, McKinley, Mueller, Rochester, Tubbs and Weller: Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIk, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 289—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 292—An act to provide for the maintenance and establishment of a school for the education and training of pupils from the various counties in the State in the science and practice of navigation, seamanship, steam and electrical engineering.

Bill read first time, and referred to Committee on Education.

Also: Senate Concurrent Resolution No. 9—Relative to veterans and widows of veterans engaged in the civil service of the several counties, cities and other political subdivisions of the State of California.

Resolution referred to Committee on Civil Service.

Also: Senate Bill No. 293—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930.

Bill read first time, and referred to Committee on Governmental Efficiency.



By Senator Weller: Senate Bill No. 294—An act providing for the parole of prisoners confined in jails, creating boards of parole commissioners in and for counties and cities, defining the powers and duties of such boards and repealing acts and parts of acts in conflict therewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 295—An act to add two new sections to the Penal Code, to be numbered 643*a* and 643*b*, respectively, making it an offense to induce the breach of nonprofit cooperative association or corporation marketing contracts, and providing penalties therefor.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Inman: Senate Bill No. 296—An act to add a new section to an act entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, to be numbered section 14, relating to trusts and combinations in restraint of trade or commerce.

Bill read first time, and referred to Committee on Judiciary.

By Senator Breed: Senate Bill No. 297—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4*a*, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the Director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 299—An act to transfer and set over certain State lands described as lot 2 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 7.44 acres more or less; lot 3 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 22.44 acres more or less; lot 2 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 22.04 acres more or less; lot 3 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 18.66 acres more or less; lot 1 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 7.13 acres more or less; lot 2 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 1.57 acres more or less; situated in Del Norte County, State of California, from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 300—An act to add a new section to the Political Code, to be numbered 373j, relating to tidelands.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Mueller: Senate Concurrent Resolution No. 10—Providing for the appointment of a joint committee to investigate the congressional redistricting of California.

Resolution referred to Committee on Reapportionment.

By Senator West: Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

Amendment referred to Committee on Constitutional Amendments.

By Senators Crowley and Mueller: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 15, relating to the taxation of hospitals conducted not for profit.

Amendment referred to Committee on Constitutional Amendments.

By Senator Cleveland: Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board or commission.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 302—An act to permit any producer or grower of agricultural products to vend, hawk, peddle, sell or offer for sale such products in any county, town, village, incorporated city or municipality in the State of California without paying a license therefor.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 304—An act to amend section 4272 of the Political Code, relating to counties of the forty-third class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 305—An act to amend section 4387 of the Political Code, relating to claims against cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senators Cleveland and Baker: Senate Bill No. 306—An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

#### WITHDRAWAL OF SENATE BILL

Senator Inman asked for and was granted unanimous consent to withdraw Senate Bill No. 210 from Committee on Irrigation, and place on second reading file.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILL.

By Senator Inman: Senate Bill No. 210—An act to add a new section to be numbered 19c to the "California Irrigation District Act," relating to elections and declaring the urgency thereof.

#### AMENDMENTS FROM THE FLOOR

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator Inman:

#### AMENDMENT NUMBER ONE.

On page one, lines 1 and 2, of the printed bill, strike out the following:

"Section 19c of the "California irrigation district act" is hereby amended", and insert in lieu thereof the following:

"A new section to be numbered 19c is hereby added to the "California irrigation district act"."

Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, lines 12 and 13, of the printed bill, strike out the words "fifteen days after this act becomes effective", and insert in lieu thereof the following: "ten days after receipt of such petition".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Irrigation.

#### SPECIAL ORDER RESET.

Senator Hurley asked for and was granted unanimous consent to have his resolution set for a special order for Tuesday, January 15, 1929, at 11 o'clock a.m., reset as a special order for Wednesday, January 16, 1929, at eleven o'clock a.m.



## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Canepa: Senate Bill No. 307—An act to add a new section to an act entitled "An act creating a State Commission on Voting Machines, defining their powers and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, to be numbered 1a, relating to the use of paper ballots at elections in which voting machines are used.

Bill read first time, and referred to Committee on Elections.

By Senator Baker: Senate Bill No. 308—An act to amend section 1192a of the Penal Code, relating to the duty of courts to ascertain and make statements of facts relative to persons convicted of offenses.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Mueller: Senate Bill No. 309—An act to amend sections 1044, 1083a, 1083b, 1094, 1095a, 1096, 1096a, 1097, 1103, 1105, 1106, 1113, 1115, 1120, 1121, 1125, 1142, 1151, 1174, 1192, 1195b, 1204, 1205, 1210, 1229, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections.

Bill read first time, and referred to Committee on Elections.

## RECESS.

At twelve o'clock and ten minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore Arthur H. Breed, in the chair.

Secretary Joseph A. Beck at the desk.

## SENATOR CROWLEY IN THE CHAIR.

At two o'clock and five minutes p.m., Senator Crowley of the Twenty-second District was called to the chair.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senators McKinley, Christian, Cleveland, Inman, Rochester, Mueller, Tubbs and Weller: Senate Bill No. 310—An act to amend section 366 of the Political Code, relating to the Department of Institutions.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Handy: Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary school pupils.

Bill read first time, and referred to Committee on Education.

By Senator Cleveland: Senate Bill No. 313—An act to amend section 4077 of the Political Code, relating to claims against counties.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 314—An act to add two new sections to be numbered 4*b* and 4*c*, respectively, to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property, for compensation, over any public highway, by automobiles, jitney buses, auto trucks, stages, and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railway Commission; providing for the enforcement of the provisions of this act, and for the punishment of violators thereof, and repealing all acts inconsistent with the provisions of this act," approved May 13, 1919, as amended, relating to motor vehicles used to transport people for compensation.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Edwards: Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tidelands heretofore made to the city of Newport Beach.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Allen: Senate Bill No. 316—An act to add a new section of the Penal Code to be numbered 637*g*, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 180—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth (usual) years.

Also: Assembly Bill No. 168—An act making an appropriation to pay the expense of printing and furnishing pamphlets containing declarations of candidates and lists of sponsors of candidates.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. Booth, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY BILL NUMBER ONE HUNDRED EIGHTY.

Senator Inman asked for and was granted unanimous consent to take up for consideration Assembly Bill No. 180, without reference to committee.

#### CASE OF URGENCY.

#### RECOMMENDATION OF THE GOVERNOR.

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 180:

## EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

January 11, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 180 makes appropriation to meet the deficiency in the appropriation for legislative printing.

In my opinion the appropriation necessary for such expenditure during the remainder of the eightieth fiscal year constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted.

C. C. YOUNG, Governor.

## RESOLUTION.

The following resolution was offered:

By Senator Inman:

*Resolved*, That Assembly Bill No. 180, presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Inman moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—31.

The Secretary announced the absentees.

Time, two o'clock and seventeen minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Inman.

The Secretary was directed to call the roll on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 180.



## SECOND READING OF ASSEMBLY BILL NUMBER ONE HUNDRED EIGHTY.

Assembly Bill No. 180. An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

Sec. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 180 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 180 ordered transmitted to the Assembly.

## CONSIDERATION OF ASSEMBLY BILL NUMBER ONE HUNDRED SIXTY-EIGHT.

Senator Inman asked for, and was granted, unanimous consent to take up for consideration Assembly Bill No. 168.

## CASE OF URGENCY.

## RECOMMENDATION OF THE GOVERNOR.

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 168:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

January 11, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 168 makes appropriation to meet the cost of printing and distributing sponsor pamphlets for the seventy-ninth and eightieth fiscal years as required by section 5 of the Direct Primary Law.

In my opinion the appropriation necessary for such expenditure constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted,

C. C. YOUNG, Governor.

## RESOLUTION.

The following resolution was offered:

By Senator Inman:

*Resolved*, That Assembly Bill No. 168 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby

dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—28.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 168.

SECOND READING OF ASSEMBLY BILL NUMBER ONE HUNDRED SIXTY-EIGHT.

Assembly Bill No. 168—An act making an appropriation to pay the expense of printing and furnishing pamphlets containing declarations of candidate and lists of sponsors of candidates.

Bill read second time, considered engrossed, and ordered on file for third reading.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 168 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILL.

Senate Bill No. 3—An act making an appropriation to meet the deficiency in the appropriation for the mileage of State Senators for the seventy-ninth and eightieth fiscal years.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES** Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

**AYES** Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—28.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 19. An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America.

Bill read second time, ordered engrossed, and on file for third reading.

#### RESOLUTION.

The following resolution was offered:

By Senator Merriam:

*Resolved by the Senate,* That a committee of three members be appointed by the President of the Senate to arrange for a meeting prior to adjournment for the constitutional recess of the Senate and Assembly in joint convention for the purpose of inviting Prof. R. C. Haig, tax expert and consultant of the California Tax Commission, to address the members of the Legislature in explanation of the report of the Tax Commission and any legislation suggested.

Resolution read, and on motion of Senator Merriam adopted.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Swing: Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626*u*, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Mueller: Senate Bill No. 318—An act providing for a State park on Mission Bay in San Diego County and for the administration thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Handy: Senate Bill No. 319—An act to amend section 634 of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

#### WITHDRAWAL OF SENATE BILL.

Senator Murphy asked for and was granted unanimous consent to withdraw Senate Bill No. 10 from the Committee on Public Charities and Corrections, and place it on second reading file.



CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILL.

Senate Bill No. 10—An act providing for the protection and assistance of aged persons under certain conditions in the State of California and prescribing penalties for violation of the provisions hereof and making an appropriation for the carrying out of its purposes.

AMENDMENT FROM THE FLOOR.

During the second reading of the bill, the following amendment was offered and its adoption moved by Senator Murphy:

AMENDMENT NUMBER ONE.

On page 5, line 42, strike out words "surgical care." and insert words "surgical or other remedial care."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Public Charities and Corrections.

ADJOURNMENT.

At two o'clock and forty-five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, January 15, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the Chair.

Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

Quorum present.

PRAYER.

By invitation of the President, prayer was then offered by Rev. A. Watson Brown of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 14, 1929, the further reading was dispensed with, on motion of Senator Slater.

LEAVES OF ABSENCE.

Senators Murphy and Canepa were, on motion of Senator Crowley, granted leave of absence for this day.

Senator Hurley was, on motion of Senator West, granted leave of absence for this day.

Senator Rochester was, on motion of Senator Pedrotti, granted leave of absence for this day.

Senator Jones, Ray, was, on motion of Senator Fellom, granted leave of absence for this day.

Senator Christian was, on motion of Senator West, granted leave of absence for this day.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mrs. Pearl Newman of San Francisco, president of State Board of Cosmetology.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for the day was unanimously extended to J. C. Bradbury of Ceres, California.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Supervisor John C. Mitchell of Orange County, California, and Mr. George Krueger of Brawley, California.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for the day was unanimously extended to ex-Speaker of Assembly, Hon. H. W. Wright, now supervisor of Los Angeles County, and Mrs. Wright.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the students of the Galt Technical Junior College for Aeronautics, as follows: Julian Vogt, Richard Fawcett, Charles Smith, Kenneth Engel, William F. Griffith, Lester D. McComb, Robert Wade, Howard Payas, J. E. Norris, Irving Adams, Walter Flanze, Kermit Parker, Pearl Engel, Ted W. Kelso, R. M. Blaney, V. A. Holz, George B. Stephens, Eyvind Holtermann, Sylvester Wise, Sydney D. Zucker, Ed. E. Wilson, J. Harbert Van Artsdalen, James Elwell, Philip Vogel, Robert S. Strang, Jack Price, Jr., A. Clayton Tschantz, Harry B. Oliphant, James Green, Sidney H. Gallop, Philip Bermen, Ed. Ambrogio, Arthur Pellini, Richard Tracy, J. G. Lombardi, W. Paterson, F. Kirkham, R. J. Tracy, Jack Pitcher, K. W. Johnson, J. C. Selser, Jr., R. W. Purvis and Don Wood.

#### RESOLUTION.

The following resolution was offered:

By Senator Carter:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in the sum of \$200 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Baker, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Maloney, McKinley, Merriam, Mueller, Padrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—23.

**NOES**—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator McCormack: Senate Bill No. 320—An act to amend section 628a of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 321—An act directing the Director of Public Works to procure data, make surveys and examinations and estimate the cost of the bridge to be constructed by Golden Gate Bridge and Highway District spanning the San Francisco Bay and report thereon, and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Merriam: Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation.

Bill read first time, and referred to Committee on Public Morals.

By Senator McKinley: Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 324—An act to add a new section to the Civil Code, to be numbered 322b, relating to the liability of stockholders in banks, insurance companies and building and loan associations adopting the word "Limited" or "Ltd." as part of their corporation name.

Bill read first time, and referred to Committee on Corporations.

By Senator Breed: Senate Bill No. 325—An act amending section 526 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Lyon: Senate Bill No. 326—An act to amend section 526 of the Code of Civil Procedure, relating to the use of injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as non-operative of property shown upon the return of operative property.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 328—An act to amend section 3819 of the Political Code relating to refund of taxes paid under protest.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 329—An act to amend section 3804 of the Political Code relating to refund of erroneously collected taxes, prohibiting the use of injunction to restrain the collection of taxes and providing that recourse under said section, section 3819 of the Political Code and the sections of said code relating to cancellation of taxes shall be exclusive.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 330—An act to amend section 3423 of the Civil Code, relating to the use of injunctions.

Bill read first time, and referred to Committee on Judiciary.



By Senator Swing: Senate Bill No. 331—An act to amend section 626*c* of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Baker: Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors.

Bill read first time, and referred to Committee on Education.

By Senator Lyon: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office.

Amendment referred to Committee on Constitutional Amendments.

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF SENATE BILL

Senate Bill No. 19—An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America.

Bill read third time.

#### CASE OF URGENCY

#### RECOMMENDATION OF THE GOVERNOR

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 19:

#### EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

January 14, 1929

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Senate Bill No. 19 makes appropriation to pay the expenses of electors of President and Vice President of the United States of America.

In my opinion the appropriation necessary for such expenditure constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted,

C. C. YOUNG, Governor.

#### URGENCY CLAUSE

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the State, shall, under the provisions of section 4, of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Handy, Inman, Jones, Herbert C. Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Sharkey, Slater, Sweng, Tables, Wagy, Weller, West, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 19 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Inman, Jones, Herbert C. Lyon, Maloney, McCormack,

McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 5—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Also: Assembly Bill No. 324—An act making an appropriation to meet the deficiency in the appropriation for the mileage of members of the Assembly for the eightieth and eighty-first fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By C. W. BOOTH, Assistant Clerk.

On motion of Senator Inman, Assembly Bills Nos. 5 and 324 were ordered on second reading file, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the county of Alameda, State of California;

Also: Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the 9th day of April, 1928.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolutions Nos. 6 and 7 ordered to enrollment.

#### APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

I beg to inform you that I have appointed the following standing committees, under the rules of the Senate:

*Agriculture and Live Stock*—Boggs (Chairman), Cassidy, Cobb, Duval, Edwards, Garrison, Handy, Jones, Ray; McCormack, Merriam, Sharkey, Slater, Wagy.

*Banking*—Weller (Chairman), Baker, Canepa, Duval, Edwards, Jones, H. C., McKinley, Murphy, Nelson.

*Building and Loan Associations*—Duval (Chairman), Edwards, Jones, H. C., Slater, Young.

*Civil Service*—Maloney (Chairman), Cobb, Crowley, Evans, Mueller, Christian, Edwards, Hurley, Inman, McCormack.

*Conservation*—Evans (Chairman), Allen, Cobb, Garrison, McCormack, Merriam, Wagy.

*Constitutional Amendments*—Swing (Chairman), Canepa, Christian, Fellom, Jones, H. C., Mueller, Murphy, Weller, Young.

*Contingent Expenses*—Carter (Chairman), Cassidy, Maloney.

*Corporations*—McKinley (Chairman), Baker, Christian, Jones, Ray; Rochester, Swing, Tubbs.

*County Government*—Christian (Chairman), Cleveland, Edwards, Fellom, Gray, Slater, Swing, Wagy, Young.

*Drainage, Swamp and Overflowed Lands*—McCormack (Chairman), Boggs, Inman, Jones, Ray; Merriam.

*Education*—Slater (Chairman), Baker, Cassidy, Evans, Handy, Jones, H. C., Jones, Ray; McCormack, Pedrotti, Rochester, Sharkey, Tubbs, Young.

*Elections*—Merriam (Chairman), Boggs, Breed, Crowley, Fellom, Handy, Jones, Ray; Maloney, Sharkey, Swing, Young.

*Enfranchisement, Enrollment and Printing*—Jones, Ray (Chairman), Cleveland, Edwards, McCormack, West.

*Federal Relations*—Edwards (Chairman), Baker, Evans, Merriam, West, Finance—Inman (Chairman), Baker, Boggs, Breed, Canepa, Fellom, Garrison, Handy, Hurley, Jones, H. C., Murphy, Nelson, Sharkey, Slater, Tubbs, West, Young.

*Fish and Game*—Young (Chairman), Allen, Breed, Carter, Cassidy, Cleveland, Garrison, Handy, Hurley, Lyon, Mueller, Sharkey, Slater, Swing, Wagy.

*Governmental Efficiency*—Mueller (Chairman), Baker, Breed, Cobb, Garrison, Jones, H. C., Maloney, Murphy, Nelson, Tubbs, Weller.

*Hospitals and Asylums*—Gray (Chairman), Cleveland, Crowley, Pedrotti, Slater.

*Insurance*—Tubbs (Chairman), Allen, Boggs, Gray, Hurley, Inman, Maloney, Nelson, Rochester, Sharkey, Slater.

*Irrigation*—Garrison (Chairman), Allen, Cleveland, Cobb, Evans, Jones, H. C., Jones, Ray.

*Judiciary*—Jones, H. C. (Chairman), Allen, Baker, Carter, Christian, Cleveland, Inman, Lyon, McKinley, Mueller, Nelson, Rochester, Swing, Weller, West.

*Labor and Capital*—Murphy (Chairman), Allen, Carter, Christian, Cleveland, Crowley, Inman, Maloney, Weller.

*Manufactures*—Rochester (Chairman), Carter, Gray, Maloney, Pedrotti.

*Military Affairs*—Cleveland (Chairman), Christian, Inman, McKinley, Mueller, Rochester, Tubbs, Weller.

*Mines and Mining*—Cassidy (Chairman), Allen, Garrison, Hurley, Jones, Ray.

*Motor Vehicles*—Sharkey (Chairman), Breed, Canepa, Cassidy, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, Mueller, Nelson, Pedrotti, Weller.

*Municipal Corporations*—Lyon (Chairman), Baker, Christian, Crowley, Fellom, Gray, McKinley, Rochester, Young.

*Oil Industries*—Canepa (Chairman), Crowley, Duval, Evans, Pedrotti, Sharkey, Wagy.

*Prisons and Reformatories*—Pedrotti (Chairman), Cassidy, Cobb, Crowley, Duval, Lyon, Wagy.

*Public Charities and Corrections*—Hurley (Chairman), Canepa, Carter, Merriam, Rochester.

*Public Health and Quarantine*—Crowley (Chairman), Canepa, Evans, Gray, Murphy, Pedrotti, Young.

*Public Morals*—Cobb (Chairman), Boggs, Gray, Garrison, Merriam.

*Public Utilities*—Wagy (Chairman), Allen, Canepa, Cobb, Duval, Garrison, Inman, Murphy, Nelson, Tubbs, Weller.

*Reapportionment*—Allen (Chairman), Cobb, Edwards, Evans, Lyon, McCormack, Merriam.

*Revenue and Taxation*—Nelson (Chairman), Boggs, Breed, Canepa, Duval, Handy, Jones, H. C., McCormack, Merriam, Mueller, Swing, Tubbs, West.

*Revision of Criminal Law and Procedure*—Baker (Chairman), Carter, Christian, Fellom, Lyon, Murphy, Rochester, Weller, West.

*Roads and Highways*—Handy (Chairman), Boggs, Breed, Cassidy, Duval, Edwards, Hurley, Inman, McCormack, McKinley, Mueller, Sharkey, Swing, Tubbs, Wagy.

*Rules*—Breed (Chairman), Crowley, McKinley, Nelson, Slater.

*Universities and Teachers Colleges*—West (Chairman), Breed, Duval, Handy, Jones, Ray, Lyon, McKinley, Murphy, Pedrotti.

#### SCHEDULE OF SENATE COMMITTEE MEETINGS

The following schedule of Senate committee meetings was submitted by the President, and on motion of Senator Breed ordered printed in the Journal:

*Monday afternoon*—Building and Loan Associations, Conservator, Corporations, Motor Vehicles.

*Monday evening*—Agriculture and Live Stock, Judiciary, Public Health.

*Tuesday morning*—Finance, Manufactures, Reapportionment.

*Tuesday afternoon*—Ranking, Drainage, Swamp and Overflowed Lands: Fish and Game.

*Tuesday evening*—Revision of Criminal Law and Procedure, Irrigation, Roads and Highways.

*Wednesday morning*—Commerce and Navigation, Governmental Efficiency, Hospitals and Asylums.

*Wednesday afternoon*—Mines and Mining, Municipal Corporations, Revenue and Taxation.

*Wednesday evening*—Judiciary, Oil Industries, Public Morals.

*Thursday morning*—Constitutional Amendments, Federal Relations, Insurance, Prisons and Reformatories.

*Thursday afternoon*—Elections, Military Affairs, Public Utilities.

*Thursday evening*—Education, Labor and Capital.

*Friday morning*—County Government, Public Charities and Corrections, Universities and Teachers Colleges, Civil Service.

*Special* (to be held upon call of Chairman)—Contingent Expenses; Engrossment, Enrollment and Printing; Rules.



## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Baker: Senate Bill No. 333—An act relating to pupils in the public schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 335—An act relating to pupils in public high schools.

Bill read first time, and referred to Committee on Education.

By Senator Fellom: Senate Bill No. 336—An act to add a new section to an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purposes and intent of this act," approved June 3, 1913, as amended, relating to the fees of employment agencies.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Crowley: Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Mueller: Senate Bill No. 338—An act to amend section 628b of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Inman: Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 340—An act providing for the conditional retirement and service of justices of the supreme and appellate courts and judges of the superior and municipal courts, and prescribing their compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 342—An act to amend sections 1350a, 1365, 1379 and 1426 of the Code of Civil Procedure, relating to nominations to administer estates of decedents.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 343—An act to amend sections 2021 and 2032 of the Code of Civil Procedure, relating to depositions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 344—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 345—An act to amend section 166 of the Code of Civil Procedure, relating to uncontested probate matters.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32, and 34 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure relating to publication of notice to creditors in probate proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 348—An act to amend sections 632, 633, 634, 644, and 1717 of the Code of Civil Procedure, relating to findings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 349—An act to add a new section to the Code of Civil Procedure, to be known as section 690b, relating to exemptions from execution and attachment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 350—An act making an appropriation to clear the channel of the Mokelumne river from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson Channel.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator McCormack: Senate Bill No. 351—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'reclamation district number one thousand five hundred'; providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said reclamation district No. 1500; providing for the liquidation and winding up said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said

reclamation district No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

#### RECESS.

On motion of Senator Breed, at eleven o'clock and twenty minutes a.m., the President of the Senate declared recess until eleven o'clock and thirty minutes a.m.

#### RECONVENED.

At eleven o'clock and thirty minutes a.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### APPOINTMENT OF COMMITTEE.

Pursuant to the provisions of Senator Merriam's resolution of January 14, relative to appointing a committee of three to invite Professor R. C. Haig, tax expert, to address members of the Legislature in explanation of the report of the Tax Commission, the President announced the appointment of Senators Nelson, Breed and Merriam.

#### WITHDRAWAL OF SENATE CONCURRENT RESOLUTION.

Senator Lyon asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 3 from Committee on Municipal Corporations for purpose of adoption.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER THREE.

Senator Lyon asked unanimous consent for the consideration of Senate Concurrent Resolution No. 3, without reference to committee. Unanimous consent granted.

Senate Concurrent Resolution No. 3—Approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the sixth day of November, 1928.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Slater, Swing, Wag, Weller, and West—25.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Lyon: Senate Bill No. 352—An act to amend section 1 of an act entitled "An act to secure the safety of the public at bathing



places upon the seacoast and lakes," approved March 10, 1909, relating to life lines.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McKinley: Senate Bill No. 353—An act relating to the passage of ordinances by cities, and authorizing cities to adopt ordinances relating to the regulation of traffic upon public highways by reference to printed codes or copies on such subjects; provided not less than three printed copies of such code or codes, or any amendments thereto in book or pamphlet form, have been filed with the city clerk.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator McCormack: Senate Bill No. 354—An act to repeal section 37 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a Reclamation Board and defining its powers," approved December 24, 1911, as amended.

Bill read first time, and on motion of Senator McCormack, ordered on file without reference to committee.

By Senator Slater: Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education.

Bill read first time, and referred to Committee on Education.

By Senator Inman: Senate Joint Resolution No. 2—Relative to the California State Fair and Western States Exposition.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER TWO

Senator Inman asked unanimous consent for the consideration of Senate Joint Resolution No. 2, without reference to committee.

Unanimous consent granted.

#### SENATE JOINT RESOLUTION No. 2.

Relative to the California State Fair and Western States Exposition.

WHEREAS, During the period from August 31 to September 9, 1929, this State will celebrate the seventy-fifth anniversary of the founding of the California State Fair, which has every year exhibited to California and to the world the varied agricultural, mining and industrial products of California and the west; and

WHEREAS, It is the desire of the people of the State of California to issue a special invitation to the states of the west to participate in this celebration; now, therefore, be it

*Resolved by the Senate and Assembly, jointly,* That the Legislature of the State of California invites Arizona, Montana, New Mexico, Wyoming, Utah, Texas, Washington, Oregon, Nevada, Colorado and Idaho to unite with the people of this State in the celebration of this seventy-fifth anniversary of the State Fair; and be it further

*Resolved,* That copies of this resolution be forwarded by the Secretary of the Senate to the governors of each of the said western states.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Inman, Jones, Herbert C., Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Jones, Herbert C.: Senate Bill No. 356—An act to amend section 755 of the Political Code relating to the compensation of the Clerk of the Supreme Court and ex officio Secretary of the Judicial Council.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 357—An act amending section 2333 of the Political Code relating to the Department of Social Welfare and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Senator Slater: Senate Constitutional Amendment No. 8—Relative to the framing and ratifying of municipal charters and amendments thereto.

Amendment referred to Committee on Constitutional Amendments.

#### CASE OF URGENCY.

The following resolution was offered:

By Senator Mueller:

*Resolved*, That Assembly Bill No. 5 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 5.

#### SECOND READING OF ASSEMBLY BILL NUMBER FIVE.

Assembly Bill No. 5—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

#### URGENCY CLAUSE.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article IV of the constitution of the State of California, and shall take

effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid out-standing indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but were required to wait until ninety days after adjournment of this Legislature.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Hume, Jones, Herbert C. Lyon, Mahoney, McCormack, McKinley, Merriam, Mueller, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Hume, Jones, Herbert C. Lyon, Mahoney, McCormack, McKinley, Merriam, Mueller, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 5 ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Lyon: Senate Bill No. 358—An act to amend sections 2, 3, and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article 1 of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance



and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to said act to be numbered section 76½, relating to the foreclosure of bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

#### RECESS.

At twelve o'clock and five minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock p.m.

#### RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

The following resolution was offered:

By Senator Breed: Senate Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER ELEVEN.

Senator Breed asked unanimous consent for the consideration of Senate Concurrent Resolution No. 11, without reference to committee.

Unanimous consent granted.

#### SENATE CONCURRENT RESOLUTION No. 11.

Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

WHEREAS, Section 2 of article IV of the constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

*Resolved by the Senate, the Assembly concurring.* That the forty-eighth session of the Legislature of the State of California shall adjourn for said recess at three o'clock in the afternoon on Friday, January 18, 1929, and shall reassemble at the hour of eleven o'clock in the forenoon on Monday, February 18, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 11 ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Merriam: Senate Bill No. 360—An act to amend sections 1, 5, 6, 12, 22, 23 and 24b and to add a new section numbered 24a to an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties

to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to elections.

Bill read first time, and referred to Committee on Elections.

By Senator Breed: Senate Bill No. 361—An act to add a new section to the Political Code, to be numbered 4089, relating to the destruction of unsold county bonds.

Bill read first time, and referred to Committee on County Government.

By Senator Cassidy: Senate Bill No. 362—An act to amend section 626 of the Penal Code, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Weller: Senate Bill No. 363—An act to amend section 1197 of the Political Code, relating to the form of the ballot.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 364—An act to amend sections 5, 10, 12 and 24 of the Direct Primary Law, being "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 17, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 365—An act to amend section 1094 of the Political Code, relating to registration of electors and conduct of elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 366—An act to amend section 1205 of the Political Code, relating to the manner of voting.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 367—An act to amend section 1211 of the Political Code, relating to ballots, and when void.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 368—An act to amend section 25 of the voting machine act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and

county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 369—An act to amend section 4 of an act to permit the consolidation of elections and to provide a procedure therefor. Approved June 11, 1913.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 370—An act to amend sections 1083a, 1094, 1095a, 1097, 1103, 1105, 1106, 1120, 1142, of the Political Code, relating to registration of electors and conduct of elections.

Bill read first time, and referred to Committee on Elections.

By Senator Swing: Senate Bill No. 371—An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining advocates, and advocating, requiring the filing of statements of money received and expended by such persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violations hereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Inman: Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restrictions on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Weller: Senate Bill No. 373—An act to add a new section to the Civil Code to be numbered 3150a relating to the liability of banks on negotiable instruments forwarded for collection and the liability of the drawer of such instruments.

Bill read first time, and referred to Committee on Banking.

By Senator Cleveland: Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false or garbled matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 375—An act providing that any publisher, proprietor, or editor of any newspaper shall print the answer of any candidate for public office, made to a statement appearing in said newspaper.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.



By Senator Garrison: Senate Bill No. 376—An act to amend section 2 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved May 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, amended, relating to fish and game districts 1 and 4½ and to add a new section to said act to be numbered 54½ relating to fish and game district No. 27.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 377—An act to amend section 626 of the Penal Code, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Fellom: Senate Bill No. 378—An act to amend section 3700a of the Political Code, relating to the salary of the Secretary of the State Board of Equalization.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Crowley: Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughter houses and meats by municipalities and the sale of municipally inspected meats.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Mueller: Senate Bill No. 380—An act relating to the extension of State Highway Route 2.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 381—An act relating to the extension of State Highway Route 19.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Weller: Senate Bill No. 382—An act providing a debt burden limit for lands within counties, cities and counties, and cities, and providing the method of ascertaining the amount thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Fellom: Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3—Approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the sixth day of November, 1928.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 3 ordered to enrollment.

## ADJOURNMENT.

At two o'clock and forty-five minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, January 16, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 15, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Handy was, on motion of Senator Slater, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Edna Laurel Calhan of San Francisco.

On request of Senator Cleveland, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Judge John H. Leonard of Santa Cruz, and ex-Assemblyman James Slavin of San Benito County.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Miss Lena B.

Everett, teacher of high eighth civics class from Newton Booth School of Sacramento, and the following pupils: Kenneth Brown, Harry Smith, Norine Ross, Janice Sharpe, Alan Taylor, Louie Bordisso, Joe Cleary, Eugene Mendonca, Harold Dickson, Lilhan Smith, Marian Damon, Clare Wagner, Bob Vance, Ernest Winkelman, Alfred Trainer, Muriel Schoepper, Elva Reese, John Snuggs, Warren Dayton, Madelon Sellinger, Ruth Cruise, Wilma Paull, Marjorie McDonald, Margaret Conger, Betty Anderson, Lawrence Bayer, Albert Patrick, Harry Blamcy, Valois Van Gilder, Avis Drennon, Keith Fassett, Dorita Anthony, Helen Boggs, Myrtle Matranga, Muriell Nelson, Gertrude E. Stocker.

#### PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Merriam:

#### RESOLUTION ADOPTED BY THE COUNCIL OF THE CITY OF LONG BEACH.

WHEREAS, Within the past six months there have been anchored in the Pacific Ocean, off the coast of California, and outside of the jurisdiction of the State of California, but within a short distance of the city of Long Beach, two ships upon which gambling was conducted, and

WHEREAS, One of such ships is now anchored off the city of Long Beach, and

WHEREAS, Such ships operate by having anchored within their immediate vicinity certain so-called pleasure barges, which barges are likewise outside of the jurisdiction of the State of California, and to which barge great numbers of residents and inhabitants of the city of Long Beach, as well as many other persons are transported from the city of Long Beach by speed boats, water taxis and other water craft, from which barges such persons are transported free of charge to such gambling ships where they engage in gambling, now, therefore, be it

*Resolved*, By the city council of the city of Long Beach, that the representatives of the city of Long Beach in the Congress of the United States and in the Legislature of the State of California be, and the same are hereby earnestly requested to foster and lend their best efforts towards securing, at the earliest possible date such legislation as such representatives deem sufficient and necessary to suppress and in the future prevent such operations.

The city clerk is hereby instructed to forward a copy of this resolution to said representatives.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, JANUARY 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 4—Approving amendment to the charter of the county of Los Angeles, State of California;

Also: Senate Concurrent Resolution No. 1—Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-eighth day of August, 1928;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of January 1929, at two o'clock and forty five minutes p.m.

WEST, Acting Chairman.

#### CASE OF URGENCY.

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Senate Bill No. 354 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

**NOES**—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Senate Bill No. 354.

SECOND READING OF SENATE BILL NUMBER THREE HUNDRED FIFTY-FOUR.

Senate Bill No. 354—An act to repeal section 37 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended.

#### URGENCY CLAUSE.

**SEC. 2.** The Legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect, by reason of the following facts: That unless the section hereby repealed is immediately repealed certain funds can not be made available for the maintenance of flood control works necessary to the preservation of large areas of land in the State of California. And it is hereby declared that this act constitutes an emergency measure which under the provision of section 1 of article IV of the constitution of the State of California, shall go into immediate effect.

This act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

**NOES**—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 354 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Allen: Senate Bill No. 384—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities

where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

CONSIDERATION OF SENATE BILL NUMBER THREE HUNDRED EIGHTY FOUR.

Senator Allen asked unanimous consent for the consideration of Senate Bill No. 384, without reference to committee.

Unanimous consent granted.

CASE OF URGENCY.

The following resolution was offered:

By Senator Allen:

*Resolved*, That Senate Bill No. 384 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Harbes Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Peiratti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Senate Bill No. 384.

SECOND READING OF SENATE BILL NUMBER THREE HUNDRED EIGHTY FOUR.

Senate Bill No. 384—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

URGENCY CLAUSE.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article IV of the constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, safety and welfare of the citizens of various cities in this State are dependent upon the immediate acquisition, construction and completion of adequate and safe bridges as a part of the public street systems of such cities, and upon obtaining an adequate supply of water for municipal and domestic use therein. Such cities, or some of them have heretofore taken proceedings to incur bonded indebtedness for the purpose of acquiring, constructing and completing bridges as a part of the public street system of such cities and for securing an adequate supply of water for municipal and domestic use therein; but by reason of minor irregularities in such proceedings, not jurisdictional, such bonds can not now be sold, and for that reason said cities are unable to secure funds with which to acquire, construct and complete such bridges and to secure such water supply. If, however, such irregularities are cured or obviated by this act, such bonds can be sold.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Baker: Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act.

Bill read first time, and referred to Committee on Education.

By Senator McKinley: Senate Bill No. 386—An act to amend the Acquisition and Improvement Act of 1925, as amended, by adding thereto seven new sections section 2a, 2b, 2c, 2d, 2e, 2f and 2g, relating to limiting the power of legislative body to proceed where certain debt limits are exceeded.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wagy: Senate Bill No. 387—An act to amend sections 1, 2, and 5, of the State Aid Highway Act, approved June 5, 1913, and to add three new sections thereto to be numbered 9, 10 and 11, all relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 388—An act to amend sections 6, 7, and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Tubbs: Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco harbor improvement fund.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 390—An act to amend section 2552 of the Political Code.

Bill read first time, and referred to Committee on Finance.



By Senator Canepa: Senate Bill No. 391—An act to amend sections 2283 and 2290 of the Political Code, providing for State aid for orphans, half orphans, abandoned children, for the child or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Cleveland: Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals, and to provide compensation therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 394—An act to amend section 626 of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Judiciary.

By Senator Fellom: Senate Bill No. 395—An act providing for first aid treatment by hospitals of persons injured in accidents occurring upon the public highways.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 396—An act to amend Section 1401 of the Civil Code relating to community property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the division of exhibits within the Department of Finance.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to levy of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 399—An act to amend section 602 of the Penal Code relating to malicious injury to real property.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 400—An act to amend section 627 of the Penal Code relating to trespass.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Breed: Senate Bill No. 401—An act declaring that certain lands situate in the city of Oakland, county of Alameda, State of

California, are not tide lands and releasing any claim that the State of California may have in and to said lands.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Inman: Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Slater: Senate Bill No. 404—An act to add a new section to the Political Code, to be numbered section 4290*a*, relating to sheriffs and their deputies.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 405—An act to amend sections 2168, 2169, 2174, 2179, 2189, 2190 of the Political Code relating to the Department of Institutions.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lyon: Senate Bill No. 406—An act to amend sections 2, 3, 4, 7, 8, 11, 12, 21 and 46 of an act entitled, "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 407—An act to amend section 634*a* of the Political Code, relating to insurance, and containing definitions of the words "company" and "capital stock," and exempting county mutual fire insurance companies from its provisions.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 408—An act to add a new section to the Political Code to be known as section 634*aa*, providing that no organization of persons may transact insurance upon the Lloyds plan in this State

without procuring a certificate of authority to transact business, creating a trust fund for the benefit of policy-holders, and being subject to the provisions of article XVI, chapter 3, title I, part III, of the Political Code which may be made applicable thereto.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 409—An act to add a new section to be numbered section 1576a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange.

Bill read first time, and referred to Committee on Judiciary.

By Senator Crowley: Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Young: Senate Bill No. 411—An act to amend section 7 of an act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act.

Bill read first time, and referred to Committee on Fish and Game.

#### WITHDRAWAL OF SENATE BILL.

Senator Cassidy asked for and was granted unanimous consent to withdraw Senate Bill No. 211 from the Committee on Mines and Mining for purpose of amending.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 211—An act to amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaged in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver, gold-dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b, relating to the enforcement thereof and the escheat of ores seized thereunder.

#### AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator Cassidy:

##### AMENDMENT NUMBER ONE

On page 1, line 18, of the printed bill, strike out the comma after the word refines, and in line 19 strike out "purchases or receives for sale."

**Amendment adopted.**



## AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, after the word "more," insert the following: "or who purchases or receives for sale such ores, gold or silver concentrates or amalgams of a value greater than two hundred dollars from any one person,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Mines and Mining.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Young: Senate Bill No. 412—An act to amend 626f of the Penal Code, relating to the protection of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Garrison: Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act: to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9, and 10, and adding three new sections to be numbered 11, 12, and 13, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Mueller: Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Weller: Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor.

Bill read first time, and referred to Committee on Conservation.

By Senator Pedrotti: Senate Bill No. 416—An act concerning the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Evans: Senate Bill No. 417—An act providing for an investigation into methods of sewage and wastes disposal and treatment, and providing an appropriation therefor.

Bill read first time, and referred to Committee on Conservation.

By Senators Mueller and McKinley: Senate Bill No. 418—An act to amend the title of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes,

alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to be numbered section 3½, relating to maintenance.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Evans: Senate Bill No. 419—An act to amend sections 753 and 853 of an act entitled "An act to provide for the organization, incorporation and the government of municipal corporations," approved March 13, 1883, as amended, relating to the bonds of officers of municipal corporations of the fifth and sixth classes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Jones, Herbert C.: Senate Bill No. 420—An act to amend sections 1044, 1083*b*, 1096, 1096*a*, 1125, 1151, 1195*b*, 1204, 1205, 1210, 1261, 1262, 1264, 1265 of the Political Code, relating to registration of electors and conduct of elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets, to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30*b*, relating to the packing of cauliflower.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 423—An act to amend sections 4, 7, 10, 11, and 12 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and

sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Lyon: Senate Bill No. 426—An act providing for the membership of public schools in organizations for the promotion and advancement of education.

Bill read first time, and referred to Committee on Education.

By Senator Merriam: Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Allen: Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools.

Bill read first time, and referred to Committee on Education.

By Senator Jones, Ray: Senate Bill No. 429—An act to limit the liability of directors and trustees of levee, protection and reclamation districts in respect to negligence of appointees and employees of such districts in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKinley: Senate Bill No. 430—An act to amend section 6 of the 'Improvement Act of 1911' as amended, relating to denying protests.

Bill read first time, and referred to Committee on Municipal Corporations.



Also: Senate Bill No. 431—An act to amend sections 1, 2 and 5 of the Municipal Improvement District Act of 1927, relating to the purposes, petition and ordinance of intention.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator McCormack: Senate Bill No. 432—An act to amend section 2322, §19 of the Political Code, relating to the horticultural commissioner in counties of the nineteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Merriam: Senate Bill No. 433—An act to amend the Acquisition and Improvement Act of 1925 as amended, by adding thereto a new section number 10½ and by amending sections 4, 5, 6, 7, 8, 9, 10, 11, 41, 44 and 50 thereof, relating to limiting number of zones, relative rates of taxes in zones, contributions of county or municipality, basis of protest, hearings as to details and on protest how and when held, notices, mailing and posting of notices, objection by whom, how and when filed, affidavit on objection, effect of objections and how overruled.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senators Murphy and Young: Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers, to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Murphy: Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or making inspection of electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Pedrotti: Senate Bill No. 436—An act to amend section 2171 of the Political Code, relating to the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 437—An act to add a new section to the Political Code to be numbered 366f, relating to transfer of persons from place of commitment to state institutions.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Nelson: Senate Bill No. 438—An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Murphy: Senate Concurrent Resolution No. 12—Relating to safety devices and appliances to prevent deaths and maimings from accidents on electrical transmission and distribution lines.

Resolution referred to Committee on Labor and Capital.

By Senator Nelson: Senate Bill No. 439—An act to amend sections 724, 725, and 726 of the Civil Code, relating to the accumulation of income from property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

Bill read first time, and referred to Committee on County Government.

By Senators Maloney, Inman and Boggs: Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Maloney: Senate Bill No. 442—An act to amend section 2465 of the Political Code, relating to certain pilotage to be agreed on.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 443—An act to amend section 2457 of the Political Code, relating to licensed pilots.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 444—An act to amend section 2460 of the Political Code, relating to monthly account of pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 445—An act to amend section 2467 of the Political Code, relating to exemption from pilotage of certain vessels.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Crowley: Senate Bill No. 446—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weller: Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Harry E. Huntington library and art gallery.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 447—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sale of property of decedents.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 448—An act to amend section 1186 of the Code of Civil Procedure, relating to the lien of judgments rendered in a work on any building or structure subject to mechanics' liens and the effect of mechanics' liens thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 449—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rochester: Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended.

Bill read first time, and referred to Committee on Motor Vehicles.

#### SPECIAL ORDER RESET.

Senator Hurley asked for and was granted unanimous consent to have his resolution, set for a special order for Wednesday, January 16, 1929, at eleven o'clock a.m., reset as a special order for Thursday, January 17, 1929, at eleven o'clock a.m.

#### RECESS.

On motion of Senator Breed, at eleven o'clock and twenty minutes a.m., the President of the Senate declared recess until eleven o'clock and fifty minutes a.m.

#### RECONVENED.

At eleven o'clock and fifty minutes a.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Cassidy: Senate Bill No. 451—An act declaring that certain county road in Placer County, extending from Lincoln, east-erly, across Auburn ravine to Newcastle, to be a State highway.

Bill read first time, and referred to Committee on Roads and High-ways.

By Senator McKinley: Senate Bill No. 452—An act to add a new section to the Political Code to be numbered 4052c, relating to the appropriation by boards of supervisors of moneys from the general fund for national guard purposes.

Bill read first time, and referred to Committee on County Govern-ment.

By Senator Lyon: Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of prevent-ing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penal-ties for any violation of any of the provisions of this act," approved May 25, 1919, as amended.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Merriam: Senate Bill No. 454—An act to provide for the protection of certain employees of counties, cities and counties, incorporated or unincorporated towns or cities against personal liability incurred while acting within the scope of their employment, by direct-ing such counties, cities and counties, incorporated or unincorporated towns or cities to obtain insurance protecting such employees.

Bill read first time, and referred to Committee on Municipal Corpo-rations.

By Senator Carter: Senate Bill No. 455—An act to amend "The Improvement Act of 1911," approved April 7, 1911, as amended, by amending sections 63, 67, 68, 69 and 76, and by repealing sections 70, 71, 72, 73, 74 and 75, relating to foreclosure.

Bill read first time, and referred to Committee on Municipal Corpo-rations.

Also: Senate Bill No. 456—An act to amend the Street Opening Bond Act of 1911 as amended, by amending sections 4, 10, 11, 12, 13, 14 and 15 thereof, and by repealing sections 16, 17, 18 and 19 thereof, relating to default, delinquency and foreclosure of bonds.

Bill read first time, and referred to Committee on Municipal Corpo-rations.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILL.

Assembly Bill No. 324—An act making an appropriation to meet the deficiency in the appropriation for the mileage of members of the Assembly for the eightieth and eighty-first fiscal years.

Bill read second time, and ordered on file for third reading.

## RECESS.

At twelve o'clock and five minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 146—An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America:

Also: Senate Bill No. 354—An act to repeal section 37 of an act entitled "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a Reclamation Board and defining its powers," approved December 24, 1911, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 19 and 354 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on January 15 passed Assembly Bill No. 151. An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands to provide for examination, classification, and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the returns and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations, and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the succession, withholding or denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other minerals in, upon or from tide, overflowed or submerged lands of the State.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

On motion of Senator Duval, Assembly Bill No. 151 was ordered on second reading file, without reference to committee.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Allen: Senate Bill No. 457—An act declaring the present highway from Malin on the Oregon state line and leading therefrom via Lookout and Bieber to Susanville, California, to be a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 458—An act to amend section 369b of the Penal Code, relating to shipping cattle without unloading or feeding them.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Rochester: Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 460—An act to amend section 251 of the Penal Code, relating to libel.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jones, Ray: Senate Bill No. 461—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 462—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 463—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator McCormack: Senate Bill No. 464—An act to amend section 9a19 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to county librarian of counties of the nineteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Rochester: Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Inman: Senate Bill No. 466—An act to amend an act entitled "An act to create a flood control district to be called 'American River Flood Control District'; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said



district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000 by said district in advance of the authorization of bonds by said district, providing for the redemption of warrants evidencing said indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption, and appropriating the sum of \$25,000 for said purpose," approved May 28, 1927, by adding a new section thereto, to be numbered 18a, making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 467—An act to amend section 17 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purposes, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to elections of fire commissioners.

Bill read first time, and referred to Committee on County Government.

By Senator Rochester: Senate Bill No. 468—An act to amend an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927, by amending sections 2 and 10 thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Merriam: Senate Bill No. 469—An act to amend section 3 of an act entitled "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, as amended.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Slater: Senate Bill No. 470—An act to amend section 642 of the Political Code, relating to the duties of the Fish and Game Commissioners.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jones, Herbert C.: Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such association.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 472—An act to amend section 637 of the Civil Code, relating to the making of loans by building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 473: An act to amend section 639 of the Civil Code, relating to arrears in payments due to building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to the making of loans by building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 475—An act to amend section 648*a* of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 476—An act to amend section 15*b* of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 16, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 3—Approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the sixth day of November, 1928—and reports that the same has been correctly enrolled and presented to the Governor on the sixteenth day of January, 1929, at two o'clock and forty-five minutes p.m.

JONES, RAY, Chairman.

#### ADJOURNMENT.

At two o'clock and forty-five minutes p.m., on motion of Senator West, the President declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, January 17, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellow, Garrison, Gray, Handy, Hurley,

Inman, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—40.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 16, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Hugh R. Pomeroy of Los Angeles, executive secretary of the Citizens Committee on Parks, Play Grounds and Beaches.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Edward Morris, president, and Clyde Edmundsen, executive of the Redwood Empire Association.

On request of Senator West, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the Baroness Irene Pongracz of Budapest, former Miss Virginia Frontress.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the high eighth and low ninth grade classes of the David Lubin Junior High School of Sacramento as follows: Mrs. J. R. Phillips and Ethel L. Evans, teachers, and students: June Le Blanc, Ruth Brundigan, Edith Reynolds, Rosalyn Treffry, Juanita Grant, Teresa Pane, Ada Pollacchi, Katie Matisevich, Victor Osear Heck, Willard Clausnitzer, Duncan Vernon, Charles Bell, Eric Anderson, Robert Titus, Donald Drummond, E. Young, Barbara Flumer, Lyman DeBerry, Bud Antle, Eddie Belknap, Walter Sanderson, Gladys Grady, Yvonne Setzer, Nancy Cress, Lillian Hitchcock, Camille Powers, Lillian Stangbye, Janet Finnell, Lois Sekestedi, Thelma Johnson, Rhae Bolts, Sallie White, Jessie Meadows, Elizabeth M. Lean, Vendura Jones, Marie Grady.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mrs. Eva H. Francis, teacher, and pupils of Stanford Junior High School as follows: Kenneth Haystead, Leo Ricketts, Virgil Steen, Alfred Steving, Robert Sullivan, Donald Hummel, Howard Davis, Joseph Parsons, Junior Bell, Milton Terwilliger, Wilkie Ogg, Jr., Jean Francis, Dorothea Kubel, Alice Turple, Edith L. Wright, Doris J. Eizinger, Dorothy Jarvis, Rosina Horton, Robert Carrington, Leonard Gill, Elsie Schoefer, June Young, George Winster, Alda Clifford, Gwendolyn Sant, Henri Warren.

On request of Senators Merriam and Breed, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. Mark L. Requa of Santa Barbara, campaign manager for the Hon. Herbert Hoover.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 16, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 354—An act to repeal section 37 of an act entitled "An act



approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Debris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended—and reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1929, at 4 o'clock p.m.

JONES, RAY, Chairman.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Handy: Senate Bill No. 477—An act relating to the expenditures of the live stock preservation fund, created in the California Dog Law, as adopted by the Legislature at the forty-eighth session thereof.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 478—An act to prevent the introduction of rabies into portions of the State not infected; to control the spread of such disease after introduction; and authorizing the State Department of Agriculture to make rules and regulations therefor.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 479—An act to amend section 737*q* of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 480—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Boggs: Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle therein; to provide for the slaughter of cattle which positively react to said test; to provide the method of payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for violation of the provisions hereof; to repeal an act entitled "An act known

as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Duval: Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Merriam: Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards.

Bill read first time, and referred to Committee on Education.

By Senator Young: Senate Bill No. 484—An act to amend section 1359 of the Political Code, relating to absent voters.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 485—An act to amend section 646 of the Civil Code relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Cassidy: Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Jones, Herbert C.: Senate Bill No. 487—An act to provide for the establishment and maintenance of convalescent tuberculosis departments or colonies and preventoria, defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Merriam: Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges.

Bill read first time, and referred to Committee on Education.

By Senator Murphy: Senate Bill No. 489—An act to amend section 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, as amended, and to add two new sections thereto to be numbered 24 and 24½, relating to minimum crews on industry engines.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Cassidy: Senate Bill No. 490—An act to provide for the inspection by the State Department of Agriculture of deciduous fruits

and grapes shipped out of the State and providing for the issuance of certificates of inspection to shippers thereof, making an appropriation therefor and prescribing penalties for the violation of this act.

Bill read first time and referred to Committee on Agriculture and Live Stock.

By Senator Jones: Ray. Senate Bill No. 491. An act relating to courses of study for special day and evening classes in high schools.

Bill read first time and referred to Committee on Education.

Also, Senate Bill No. 492. An act providing for the building of a causeway across the Folsom Bypass in Sutter County, State of California, and making an appropriation therefor.

Bill read first time and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also, Senate Bill No. 493. An act to amend section 3614 of the Political Code and to add a new section to said code to be numbered 3614, relating to the Department of Agriculture and the Division of Land Settlement thereof.

Bill read first time and referred to Committee on Governmental Efficiency.

By Senator Wacey: Senate Bill No. 494. An act declaring and establishing a State highway between Bakersfield and Mojave in Kern County.

Bill read first time and referred to Committee on Roads and Highways.

#### CONSIDERATION OF BAYLOR BILL SECOND READING OF ASSEMBLY BILL

Assembly Bill No. 131. An act to amend Sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification, and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the returns and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations, and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the costs of administering this act," approved May 25, 1921, as amended, relating to the temporary suspension of certain provisions thereof.

#### AMENDMENTS FROM THE FLOOR

During the second reading of the bill the following amendments were offered and their adoption moved by Senator Daval:

#### AMENDMENT NUMBER ONE

On page 2 of the original bill, beginning in line 11, strike out the following amended section that shall be inserted in this act and pass to the first day of November, 1929, but no amendment shall be made or necessary for doing, nor any fee paid or received or payment by holder of money paid or received in connection with any application for permit:

Amendment adopted.

#### AMENDMENT NUMBER TWO

On page 1 of the printed bill, in line 1, strike out the word "three" and insert the word "two."

Amendment adopted.



## AMENDMENT NUMBER THREE.

In line 8, page 4, of the printed bill, following the word "act", strike out the period and bracket and insert in lieu thereof the following:

"nor as recognizing, ratifying or validating any rights so claimed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading

CONSIDERATION OF ASSEMBLY BILL NUMBER ONE HUNDRED FIFTY ONE.

Senator Duval asked unanimous consent for the consideration at this time of Assembly Bill No. 151.

Unanimous consent granted.

## CASE OF URGENCY.

The following resolution was offered:

By Senator Duval:

*Resolved*, That Assembly Bill No. 151 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canapa, Carter, Cassidy, Christman, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Hanly, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKimley, Merriam, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 151.

SECOND READING OF ASSEMBLY BILL NUMBER ONE HUNDRED FIFTY ONE.

Assembly Bill No. 151—An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification, and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the returns and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations, and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the suspension, withholding or denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other minerals in, upon or from tide, overflowed or submerged lands of the State.

## URGENCY CLAUSE.

SEC. 3. This act is hereby declared to be an urgency measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article IV of the constitution of California, and as such it shall take effect immediately.

The following is a statement of the facts constituting such urgency and necessity:

The Surveyor General, since some time in 1927, has refused to file any applications for, or to grant any permits on the tide or submerged lands of the State, and it is believed that but for such refusal a much greater area of tide and submerged lands would have been applied for. There was, during 1927, commenced in the Supreme Court of the State, one or more actions which involved the validity of the act hereby amended, in so far as the same related to tide and submerged lands, and the decision of the

Supreme Court in these cases was rendered on the thirty-first day of December, 1928, and in such decision the Supreme Court held such act to be valid in the particulars in which its validity had been challenged. Since such decision was rendered, the Surveyor General has received numerous inquiries in regard to the procedure to be followed in order to obtain permits for tide and submerged lands under the provisions of said act and it is believed that a large number of applications for such lands will soon be made. It is believed that the tide and submerged lands of the State should not be open for exploitation and prospecting or for the production of oil and gas, as provided by the act hereby amended.

The Legislature desires opportunity to consider to what extent, if at all, the provisions tendered by the act hereby amended should be limited or withdrawn, and it is deemed in the interests of public policy that no rights under the act hereby amended should be initiated during the time given by the Legislature to the consideration of the subject, nor until such legislation as may be adopted in furtherance of the legislative purpose shall go into effect. If such provisions be not suspended during the period indicated the tide and submerged lands may be so far covered by applications and leases that such legislation as may be adopted would fail to secure that protection of tide and submerged lands which was by the Legislature intended.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray: Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray: Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Jones, Ray: Senate Bill No. 495—An act to appropriate the sum of \$30,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes, and to provide for the manner of expending such appropriation.

Bill read first time, and referred to Committee on Finance.

By Senator Tubbs: Senate Bill No. 496—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Carter: Senate Bill No. 497—An act to amend sections 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 498—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454, and 455 of said code, all relating to the crime of arson.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 500—An act to establish and adopt a trademark or label for articles manufactured and commodities produced or grown in the State of California, providing for the use thereof and fixing a penalty for the wrongful use thereof.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Cleveland: Senate Bill No. 501—An act relating to boulevard, lighting, mosquito abatement, irrigation, road improvement and other improvement districts and providing that before bonds may be issued and before an assessment or charge upon property within the district may be levied the proposal to do so shall be submitted to the property owners of the district at an election therefor, and prescribing the procedure governing such election.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 502—An act to provide for the payment of pensions to veterans of the war with the Philippines and providing an appropriation therefor.

Bill read first time, and referred to Committee on Military Affairs

By Senator West: Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15, and 19 of act 5216, General Laws of California entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 505—An act to amend section 8 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within the State,



and to repeal all acts or parts of acts in conflict with this act." approved May 24, 1927.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 506—An act to appropriate the sum of one million dollars for the erection, construction, furnishing, equipment and completion of a public building in the State of California, in the city of Oakland, to be used as a State armory, State office and exposition building.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Edwards: Senate Bill No. 507—An act to amend the California Vehicle Act, approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending section 89 thereof, relating to the tire equipment of vehicles operated upon the public highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Christian: Senate Bill No. 508—An act to amend "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, Stats. 1903, p. 376.

Bill read first time, and referred to Committee on Municipal Corporations.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senator Hurley's resolution, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

#### MOTION TO WITHDRAW.

Senator Hurley asked for and was granted unanimous consent to withdraw his resolution heretofore set as a special order for this time.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Senate resolution printed on page 2 of the Senate Journal of January 14, relative to appointment of a committee to investigate the so-called cement trust and to make an appropriation therefor, has had the same under consideration, and respectfully reports the same back without recommendation.

CARTER, Chairman.

#### CONSIDERATION OF RESOLUTION OFFERED BY SENATOR CARTER.

Senator Carter moved that the following resolution offered by him be considered by the Senate at this time:

WHEREAS, The State of California, its counties and municipalities have under way improvements requiring large expenditures of money, and in order that not too heavy tax burden be put upon the people to meet these expenditures, it is imperative that the supplies and material entering into such improvements shall be obtained at the lowest cost possible; and

WHEREAS, Experience of many years has shown that free competitive bidding upon public as well as private work is the best means of obtaining the lowest cost, and in recognition of this fact, the law of California has provided that all supplies for public improvements shall be purchased only upon competitive bids, and from the lowest bidder; and

WHEREAS, That this policy may be carried out, and the law made effective, it is necessary that monopolies, trusts and conspiracies in restraint of trade, affecting the prices of commodities, if any exist, be regulated, and the Attorney General of the State requested to take steps to dissolve the same, and prosecute all guilty parties thereto, to the end that the people may have the benefit of lower prices of material by free competitive bidding; and

WHEREAS, In modern construction of highways, dams, bridges and other structures, cement is one of the elements most used, and the most important factor in cost; and

WHEREAS, The State of California has announced a program for highway construction for the next biennium of \$106,500,000; the county of Los Angeles is constructing a flood control dam at a cost of over \$25,000,000, in which 3,200,000 barrels of cement will be used; the city of Los Angeles, with a program of street improvement, which it is estimated will equal in cost the 1928 expenditures, approximating \$27,000,000, and other municipalities in proportion; and

WHEREAS, There is a reputed cement trust in this State, composed of manufacturers and dealers in cement forming a combination to control and maintain high and uniform prices, by stifling free competition thereby increasing the costs of all improvements in which cement is used, which is evidenced by reports from the State Purchasing Department, showing bids of all manufacturers bidding to be the same, thereby depriving the department of the benefit of advantageous prices through free competition, and the same conditions are reported in municipal purchases and by private contractors; now therefore, be it

*Resolved by the Senate of the State of California*, That a special committee of five members of the Senate be appointed by the President of the Senate to ascertain the fact whether or not an illegal combination or conspiracy exists among manufacturers and dealers in cement, to control the market price of cement in the State of California by limiting production, suppressing free competition or other means, and upon the conclusion of such investigation to report to the Senate the results thereof, together with such recommendations as the committee shall deem proper.

*Resolved further*, That said committee be, and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and subjects hereinbefore enumerated, or recited, and to that end to employ all necessary clerical, expert and legal assistants, and said committee is hereby authorized and empowered to summon witnesses, require the production of persons, books, accounts, agreements, minutes of meetings, documents, records and papers of every kind, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and the members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of article VIII of chapter 2, title I, part III of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; and the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof; that said committee be given leave to sit during the sessions of the Senate and during the recess, at such place or places as the committee may determine; that it report as speedily as possible, the results of its investigation to the Senate, with such recommendations as it may deem proper, relative to abuses or wilful violation of the anti-trust law (Cartwright Act), and the particulars, if any, wherein said law should be strengthened and made more effective to prevent illegal combinations or conspiracies in restraint of trade.

*Resolved*, That the sum of \$2,500 be and the same hereby is made available for the purpose of defraying the expenses of such committee in said investigation, to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Motion carried.

#### AMENDMENT FROM THE FLOOR.

Senator Carter moved that the resolution be amended so as to read, the sum of \$3,000 be made available for the purpose of defraying the expenses of the committee of investigation, instead of \$2,500 as called for in the present resolution.

Motion carried.

## REQUEST FOR RECORDING OF VOTE.

Senator Swing and Senator Tubbs requested that they be recorded in the Journal as voting no on Senator Carter's amendment.

Request granted.

## MOTION TO RE-REFER.

Senator Canepa moved, seconded by Senator Murphy, to re-refer Senator Carter's resolution to Committee on Contingent Expenses.

## POINT OF ORDER.

Senator Fellom raised the point of order that Senator Canepa's motion to re-refer the resolution to committee is not debatable.

## DECISION ON POINT OF ORDER.

The President announced his decision and declared the point of order not well taken.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Canepa, Breed, Murphy and Maloney.

The question being on Senator Canepa's motion to re-refer Senator Carter's resolution to committee.

The roll was called, and Senator Canepa's motion lost by the following vote:

AYES—Senators Boggs, Canepa, Cassidy, Crowley, Edwards, Fellom, Garrison, Gray, Inman, Jones, Herbert C. Jones, Ray; Maloney, Mueller, Murphy, Sharkey, Swing, Tubbs, Wagy—18.

NOES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Handy, Hurley, Lyon, McCormack, McKinley, Merriam, Nelson, Pedrotti, Rochester, Slater, Weller, West, and Young—21.

## DEMAND FOR PREVIOUS QUESTION.

Senator Swing demanded the previous question.

The question being put: Shall the main question be now put?

Demand sustained.

Senator Carter moved the adoption of the resolution.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Allen, Inman and Tubbs.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—34.

NOES—Senators Canepa, Cassidy, Jones, Ray; Swing, and Tubbs—5.

## RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.



## WITHDRAWAL OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Rochester asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 3 from Committee on Constitutional Amendments, for purpose of amending.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding a new section thereto to be numbered section 26 of article VI, relating to the nomination and election of judges.

## AMENDMENT FROM THE FLOOR.

During the reading of the resolution, the following amendment was offered and its adoption moved by Senator Rochester.

## AMENDMENT NUMBER ONE.

In line 2, page 1, of the printed bill, omit the word "seventh", and put in lieu thereof "eighth." In line 3, page 1, of the printed bill, omit the number "7", and place in lieu thereof number "9."

## Amendment adopted.

Senate Constitutional Amendment No. 3 ordered to print, engrossment, and re-referred to Committee on Constitutional Amendments.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—RESUMED.

By Senator Nelson: Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 510—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, relating to the taxation of securities and solvent credits.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act" relating to renewal of registration of vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Rochester: Senate Bill No. 512—An act to regulate the sale of cement providing for a tax upon the sale of cement used in the construction of public roads and highways, and for the collection and disposition of same, and providing penalties for the violation of said act.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 513—An act to add a new section to the Civil Code, to be known as section 3066, relating to liens of physicians, nurses and hospitals.

Bill read first time, and referred to Committee on Judiciary.

By Senators Rochester and Pedrotti: Senate Bill No. 514—An act to add a new section to an act entitled "An act to enforce the provisions of article XVIII of the amendments to the constitution of the United

States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures," approved May 7, 1921, to be numbered 4a, relating to searches.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 515—An act to add a new section to the Penal Code, to be numbered 654d, relating to illegal searches and seizures.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Rochester: Senate Bill No. 516—An act to amend sections 1, 3, 4, 5, 10, 12, 13, 22, 23, 24 and 36 of the Direct Primary Law approved June 16, 1913, as amended, relating to the time at which primary elections and party conventions shall be held, and the manner of selecting members of county central committees, and limiting the right of candidates to affiliate with more than one political party.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 517—An act prohibiting the manufacture, sale, transportation and possession of intoxicating beverages; imposing duties on certain officers with respect thereto and providing penalties for violation of the act.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 518—An act to amend section 1197 of the Political Code, relating to ballots.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 519—An act to repeal section 1188 of the Political Code relating to elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728 thereof to relate to the Judicial Council assigning justice of the peace.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 521—An act to amend sections 2319a, 2319b and 2319c of the Political Code, relating to the duties of the State Commissioner of Horticulture.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator West: Senate Bill No. 522—An act to provide for daylight saving; providing that the hours for the transaction of business by courts, public officers and legal and official proceedings shall be governed hereby and making the same an urgency measure.

Bill read first time, and referred to Committee on Judiciary.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

By Senator Crowley: Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senators Murphy, Crowley, Canepa, Gray, Tubbs, Maloney and Fellom (by request): Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin Canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation: granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Handy: Senate Bill No. 525—An act to amend section 41 of "The California Vehicle Act," relating to certificates of registration and display of certificate of registration, approved May 30, 1923, as amended.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Slater: Senate Bill No. 526—An act to add a new section to the Political Code, to be numbered 2087, relating to exhibitions by the adjutant general of equipment, animals and property of the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Boggs: Senate Bill No. 527—An act to amend section 2322a of the Political Code, relating to County Horticultural Commissioners.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Merriam: Senate Bill No. 528—An act to amend section 857 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Slater: Senate Bill No. 529—An act to add a new section to the Political Code, to be numbered 1929, relating to the composition, organization, duties, training, control and government of the National Guard of California.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Garrison: Senate Bill No. 530—An act to amend section 628b of the Penal Code, relating to the protection of fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 531—An act to amend section 632 of the Penal Code, relating to the protection of trout.

Bill read first time, and referred to Committee on Fish and Game.



By Senator Baker: Senate Bill No. 532—An act to add a new section to the Penal Code, to be numbered 969*b*, relating to the statements contained in indictments and informations in cases where deadly weapons are used.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 533—An act providing for the establishment of special day and evening classes and programs of guidance, placement and follow-up by high school boards.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 534—An act providing for instruction in speaking, reading and writing the English language of persons over eighteen and under twenty-one years of age who cannot speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and resting the enforcement of said act in the departments of finance, public works and industrial relations.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 536—An act to add a new section to the Public Utilities Act, approved April 23, 1915, as amended, to be numbered 43*a*, relating to regulations on overhead clearances of railroads.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Breed: Senate Bill No. 537—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26, of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senators Breed, Christian, Hurley, West, Canepa, Crowley, Fellom, Gray, Maloney, Murphy and Tubbs: Senate Bill No. 538—An act authorizing the Department of Public Works of the State of California to lay out, acquire and construct a highway from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Breed: Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as 'Bay Farm Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 540—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925." Approved May 26, 1927.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

Bill read first time, and referred to Committee on Revenue and Taxation.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER THIRTEEN

Senator Crowley asked unanimous consent for the consideration of Senate Concurrent Resolution No. 13, without reference to committee. Unanimous consent granted.

Senate Concurrent Resolution No. 13—Approving nine certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the sixth day of November, 1928.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam,

Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.  
NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 13 ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Murphy: Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the Direct Primary Law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919; and amended and approved May 31, 1927.

Bill read first time, and referred to Committee on Elections.

By Senator Inman: Senate Bill No. 543—An act providing for the organization, operation, maintenance, government and dissolution of Delta Water Storage District and the inclusion of lands therein and the exclusion of lands therefrom, and the levy of assessments and the issuance of bonds by said district, and for the acquisition, appropriation, diversion, storage, conservation and distribution of water by said district for irrigation of lands therein and for the prevention of the inflow of salt water from Suisun Bay into natural and other water channels within the district and for any drainage and reclamation connected therewith, and for the generation, disposition and sale of hydro-electric energy developed incidental to such storage, use and distribution, and for the acquisition of lands and rights therein, and the acquisition, construction, operation and maintenance of works to carry into effect the provisions of this act, and conferring upon the State Engineer certain additional duties and powers in connection with carrying out the purposes of this act.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 544—An act to add a new section to the Code of Civil Procedure to be numbered 260, relating to salaries of Court Commissioners.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 545—An act to amend sections 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read first time, and referred to Committee on Public Health and Quarantine.



Also: Senate Bill No. 546—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 547—An act to amend section 3480a of the Political Code, relating to and providing for a method of refunding the installments of the principal of any reclamation district bonds now or hereafter issued as and when the said installments, or any thereof, or any part thereof, shall mature.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses, authorizing the State Department of Finance to acquire for the State property useful in connection therewith, defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 549—An act to add a new section to be numbered 402b, to part I, article X of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

Bill read first time, and referred to Committee on Education.

By Senator Weller: Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 554—An act to amend sections 2968 and 2969 of the Civil Code, relating to execution and attachment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 555—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section, to be numbered 2168a, providing for the arrest without a warrant, upon probable cause, of alleged insane persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator West: Senate Bill No. 557—An act concerning taxes on the transfer of personal property of nonresidents and to make uniform the laws of the states with reference thereto.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Lyon: Senate Bill No. 558—An act to amend section 737s of the Political Code, relating to the salary of the judges of the superior court in and for the county of Los Angeles.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 559—An act providing for the incorporation, government and management of metropolitan park districts, including therein city and county territory, for the purpose of acquiring, improving and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 560—An act to amend sections 1, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add three new sections, to be numbered 8a, 16a and 17a, to an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the

collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; and abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Swing: Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Lyon: Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of article XIII of the constitution.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 563—An act to amend section 3881 of the Political Code, relating to correction of errors in the assessment book, placing new assessments therein and providing for equalization thereof upon notice to the person to be charged therewith.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 564—An act to provide for the formation, organization, maintenance and government of gas storage and pressuring districts, to provide for the acquisition or construction thereby of works for storage of gas and repressuring of oil lands in such districts, and to provide for conservation of gas.

Bill read first time, and referred to Committee on Oil Industries.

Also: Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by the Regents of the University of California for the construction and equipment of a building on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the Regents shall deliver to the chairman of the Department of Finance an obligation binding said the Regents (a) to set aside for sale certain real property in Los Angeles owned by said the Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; *provided*, that said the Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the Regents with the approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing, that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into



the State treasury by said the Regents, the chairman of the Department of Finance shall deliver to said the Regents a written acknowledgment that all requirements of said the Regents' obligations have been performed and further providing that said the Regents shall thereupon be discharged of every duty and requirement in the premises.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

Also: Senate Bill No. 566—An act to amend sections 9 (b) (2) (10) of an act entitled "Workmen's Compensation, Insurance and Safety Act of 1917," chapter 586, Laws of 1917, relating to disability.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Mueller: Senate Bill No. 568—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article II<sup>m</sup>, embracing sections 376 to 376f, inclusive, relating to a Department of Penology.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fellom: Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

Bill read first time, and referred to Committee on Elections.

By Senator Mueller: Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 571—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 573—An act to amend section 453 of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division 1, part IV, title II of the Civil Code.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended.

Bill read first time, and referred to Committee on Corporations.

By Senators Rochester, Pedrotti and Gray: Senate Bill No. 576—An act making an appropriation for the acquisition of land and water rights and the making of all necessary preparations for the construction of buildings for a State penitentiary to be situated in the county of Los Angeles, State of California.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Murphy: Senate Bill No. 577—An act to amend section 159 of an act entitled "California Vehicle Act," approved May 30, 1923, relating to the distribution and expenditures of funds provided by said act.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 578—An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile

Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Senator Slater: Senate Bill No. 579—An act amending section 3 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 580—An act creating a Division of School House Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings.

Bill read first time, and referred to Committee on Education.

By Senator Handy: Senate Bill No. 581—An act to amend section 363*b* of the Political Code and to add thereto a new section, to be numbered 363*i*, relating to the Department of Public Works.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hurley: Senate Bill No. 582 -An act to amend section 10½ of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Swing: Senate Bill No. 583—An act to amend an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, by amending the title and sections 1, 2, 4, 5, 6, 6*b*, 6*c*, and 7½ thereof, relating to the definition of transportation companies and the granting of certificates of public convenience and necessity to transportation



companies engaged in the business of transporting property for compensation by motor propelled vehicles on any public highway, and by adding three new sections thereto, to be numbered 5 $\frac{1}{2}$ , 5 $\frac{3}{4}$  and 5 $\frac{7}{8}$ , relating to the transportation of agricultural, horticultural and viticultural products, requiring transportation companies to obtain insurance and creating the "auto truck transportation fund" and appropriating the moneys therein to carry out the provisions of this act.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 584—An act to amend section 117 of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

Also: Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 586—An act establishing a secondary State highway from a point on Route 31 to Route 23 at or near Mojave.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Weller: Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto, to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Canepa: Senate Bill No. 588—An act to add a new section to the Penal Code, to be known as section 537i, relating to the defrauding of garage keepers.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 589—An act to amend an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish and other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fish products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 23, 1925, as amended.

Bill read first time, and referred to Committee on Fish and Game.

By Senators Baker and Tubbs: Senate Bill No. 590—An act to add a new section to the Civil Code to be numbered 1714 $\frac{1}{2}$ , relating to negligence upon the part of State and subordinate officer, agents and employees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 591—An act to add a new section to the Civil Code, to be numbered 1714 $\frac{1}{2}$ .

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 592—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 593—An act to amend section 74 of the California Vehicle Act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 594—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian or employer for negligence of a minor in the operation of a motor vehicle.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 595—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, as amended, relating to applications for operators' and chauffeurs' licenses.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 596—An act to add two new sections to the California Vehicle Act, approved May 30, 1923, as amended, to be numbered 36 $\frac{1}{2}$  and 36 $\frac{3}{4}$ , relating to registration of motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 597—An act to amend section 36 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 598—An act to amend sections 51, 66, 72 and 73 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Merriam: Senate Bill No. 599—An act relating to the support of junior colleges.

Bill read first time, and referred to Committee on Education.

By Senator Jones, Herbert C.: Senate Bill No. 600—An act relating to penalties for crime and providing for the means of enforcement.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 602—An act to amend section 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 603—An act to amend section 361, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance Fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance Fund.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 605—An act to amend section 46, chapter 176, Laws of 1913, as amended by chapter 607, Laws of 1915, Workmen's Compensation, Insurance and Safety Act, relating to insurance against liability for compensation by the State and public corporations.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 606—An act to amend section 49 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, by giving the Industrial Accident Commission power to punish violations of certain safety provisions contained in said Workmen's Compensation, Insurance and Safety Act of 1917, by proceeding for contempt in the same manner and to the same extent as contempt is punished by courts of record.

Bill read first time, and referred to Committee on Insurance.

By Senator Christian: Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the district courts of appeal.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

Bill read first time, and referred to Committee on Elections.



By Senator McKinley: Senate Bill No. 609—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law in courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 610—An act to amend an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, by amending section 1 thereof, relative to the power of municipalities to open streets.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 611—An act to add a new section, to be numbered 1279a, to the Code of Civil Procedure, relating to the changing of names of corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 612—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 613—An act to amend an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917. (Statutes 1917, page 1419.)

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 615. An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of

other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a Planning Commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties of regional planning commissions, including two or more cities, cities and counties, or counties and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Crowley: Senate Bill No. 616—An act to be known as the Pure Milk Law of California, to define "market milk"; to protect the wholesomeness, purity and identity of market milk, to classify and grade market milk, to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the Pure Milk Law, approved June 3, 1927, as amended, and all acts or parts of acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Carter: Senate Bill No. 617—An act to amend section 1 of an act entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended, and to repeal section 2½ of said act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rochester: Senate Bill No. 618—An act to add a new section, to be numbered 84, to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Weller: Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136 and by repealing section 132a, all relating to the definition and regulation of the business of banking.

Bill read first time, and referred to Committee on Banking.

By Senator Crowley: Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sharkey: Senate Bill No. 621—An act to amend section 605 of the Political Code, relating to the fees payable to the Insurance Commissioner.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section, to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of Insurance fund and transfer and abolition of Insurance Commissioner's special fund.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 624—An act to amend section 2655 of the Civil Code, defining marine insurance.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 625—An act to amend section 428 of the Civil Code, limiting the amount of insurance which may be carried in this State on any one risk; and providing exemptions from the provisions of this section.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452b, 452c, 452d, 452e and 452f, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized,



to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of 55 years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452*a* and 453 of the Civil Code, and providing for and limiting assessments and annual dues.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company, that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 628—An act to amend section 623 of the Political Code, relating to the filing of bonds by insurance companies, and reciting the conditions of such bonds.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 629—An act to amend section 453*hh* of the Civil Code, relating to the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 630—An act to amend section 634*g* of the Political Code, defining the words "company" and "capital stock" as used in the title in which this section appears, and exempting county mutual fire insurance companies from its provisions.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 632—An act to add a new section to the Political Code, to be numbered 596*c*, prohibiting insurance companies organized in California from transacting business in states or territories wherein they are not licensed and providing for the revocation of license and payment of taxes on such business to the state or territory wherein such business was so written.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 633—An act to amend section 421 of the Civil Code, relating to investments of insurance companies.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 634—An act to provide for the incorporation in certain policies of life insurance of an incontestable clause, and prescribing what the same must, in substance, contain.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 635—An act prescribing conditions under which a life insurance company may issue or deliver within this State policies of life insurance providing for the payment of benefits in the event of the permanent total disability of the insured.

Bill read first time, and referred to Committee on Insurance.

By Senator Canepa: Senate Bill No. 636—An act to amend section 2 and 2½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the Railroad Commission fund and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code, and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 637—An act to amend section 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stage and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 638—An act to amend section 50½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the Railroad Commission fund and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code, and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Carter: Senate Bill No. 639—An act to provide for the purchase of school supplies for school district by superintendents of schools of counties.

Bill read first time, and referred to Committee on Education.

By Senator Merriam: Senate Bill No. 640—An act to amend the Political Code by adding therein a new section, numbered 3614, relating to the exemption from taxation and local assessment of property in accordance with the provisions of section 1*b* of article XIII of the constitution of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Inman: Senate Bill No. 641—An act to revise an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Also: Senate Bill No. 642—An act to add three new sections to article III of title I of part III of the Political Code, to be numbered 372*h*, 372*i* and 372*j*, creating a Division of Weights and Measures in the Department of Public Health and providing for the administration thereof.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 537—An act making an appropriation to be used in effecting adjustment and completion of purchase of lands included within State land settlement projects.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 6—Relative to appointing a committee to investigate the methods of controlling and regulating investment securities;

Also: Assembly Concurrent Resolution No. 7—Relative to joint rules of Senate and Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 7 ordered referred to Committee on Rules.

SECRETARY JOSEPH A. BEEK AT THE DESK.

CONSIDERATION OF ASSEMBLY BILL NUMBER FIVE HUNDRED THIRTY-SEVEN.

Senator Inman asked for and was granted unanimous consent to take up for consideration Assembly Bill No. 537, without reference to committee.

#### CASE OF URGENCY.

#### RECOMMENDATION OF THE GOVERNOR.

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 537:



## EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

January 17, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 537 makes an appropriation to be used in effecting an adjustment and completion of purchase of lands now included within an existing State land settlement project.

In my opinion the appropriation necessary for such expenditure constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted.

C. C. YOUNG, Governor.

## RESOLUTION.

The following resolution was offered:

By Senator Inman:

*Resolved*, That Assembly Bill No. 537 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Herbert C. Jones, Ray; Maloney, McCormack, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 537.

## SECOND READING OF ASSEMBLY BILL NUMBER FIVE HUNDRED THIRTY-SEVEN.

Assembly Bill No. 537—An act making an appropriation to be used in effecting adjustment and completion of purchase of lands included within State land settlement projects.

## URGENCY CLAUSE.

SEC. 2. Inasmuch as this act concerns, and is necessary to the immediate preservation of the public peace and safety, for the reason that it is imperative that, at the earliest possible date, the State effect a readjustment of land settlement affairs and a complete withdrawal from the administration of land settlement projects and the appropriation hereby made, if immediately available, will, in large part, make possible the accomplishment of these objects at a saving of many thousands of dollars of public funds and at a date much earlier than otherwise would be possible, this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Herbert C. Jones, Ray; Maloney, McCormack, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 537 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Herbert C.,

Jones, Ray; Maloney, McCormack, Merriam, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER SIX

Senator Weller asked unanimous consent for the consideration of Assembly Concurrent Resolution No. 6, without reference to committee. Unanimous consent granted.

#### ASSEMBLY CONCURRENT RESOLUTION No. 6.

Relative to appointing a committee to investigate the methods of controlling and regulating investment securities.

WHEREAS, The existing economic conditions which relate to and affect investment securities may render certain changes in the method of controlling such investment securities desirable; and

WHEREAS, A certain act entitled the "Supplemental Corporate Securities Act" relating to the method of controlling such investment securities has been proposed to this Legislature; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That a committee of six members, consisting of three members of the Assembly and three members of the Senate, be appointed by the Speaker of the Assembly and the President of the Senate, respectively, in conjunction with the assistance of the Corporation Commissioner, to investigate said proposed "Supplemental Corporate Securities Act" and the present method of controlling investment securities in this State, and in other states, particularly regard being had to the laws of Illinois on this subject; and to report its findings and submit its recommendations to this Legislature at the forty eighth session thereof not later than the first week in March, 1929; and be it further

*Resolved.* That said committee shall hold public hearings in connection with the investigation directed to be made in this resolution.

That the committee invite persons conversant with matters pertaining to investment securities to participate in said hearings, and take depositions from such persons.

That the committee may require the cooperation of the Corporation Commissioner in all matters pertinent to the subject of this resolution, and may require and compel the attendance of the Corporation Commissioner or his deputies at such hearings and the production of such records or documents as may be desired.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—26.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

#### PROPOSED AMENDMENT TO THE SENATE RULES.

Senator Breed gave notice that on the next legislative day he would move to amend the Senate rules as follows:

*Resolved.* That rules 1, 27 and 67 of the standing rules of the Senate be and the same are hereby amended to read as follows:

Rule 1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of one o'clock p.m., until the hour of two o'clock p.m., unless otherwise ordered by a vote of the Senate.

Rule 27. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend. Adoption of amendments to any bill by the Senate prior to third reading, other than

the roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Rule 67. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill; and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strike-out" type. When a bill amendatory of a code section of a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual roman type.

#### RESOLUTION.

The following resolution was offered:

By Senator Nelson:

WHEREAS, Arrangements have been completed for a joint meeting of the Senate and the Assembly January 17th, to hear a discussion and explanation of the report of the Tax Commission and the Tax Bill so called; and

WHEREAS, It has been suggested that a stenographic report of such hearing would be valuable to the members of the Senate and Assembly; therefore, be it

*Resolved*, That the chairman of the Senate Committee on Revenue and Taxation be, and he is hereby authorized to employ proper stenographic help to make such a report at an expense not to exceed \$100, and the State Controller is hereby directed to draw his warrant for same against the contingent fund of the Senate, and the Treasurer is directed to pay the same.

#### CONSIDERATION OF RESOLUTION OFFERED BY SENATOR NELSON.

Senator Nelson asked unanimous consent for the consideration of the preceding resolution, without reference to committee.

Unanimous consent granted.

Resolution read.

Senator Nelson moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Felloni, Garrison, Handy, Hurley, Jones, Ray, Maloney, McCormack, Merriam, Nelson, Sharkey, Slater, Tibbs, Wagy, Weller, West, and Young—25.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS. (RESUMED).

By Senator Weller: Senate Bill No. 643—An act to amend an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, known as the Improvement Act of 1911, by adding a new section thereto to be numbered section 2a, providing a limitation upon the use of said act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hurley: Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes,



alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Edwards: Senate Bill No. 645—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a, authorizing the inclusion in one proceeding for the separation of grades under the provisions of said act the separation or elimination of two or more grade crossings.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Mueller: Senate Bill No. 646—An act to amend section 3664aa of the Political Code, relating to taxation of highway transportation companies.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 647—An act to impose a license fee for the transportation of property for hire or compensation upon public streets, roads and highways in the State of California by motor propelled vehicles; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; and to make an appropriation for the purposes of this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Cleveland: Senate Bill No. 648—An act authorizing municipal corporations to acquire public utilities; and to lease or purchase property for the purpose of acquiring public utilities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Jones, Herbert C.: Senate Bill No. 649—An act to amend an act entitled "An act to create a certain public corporation to be known as 'The State Bar of California,' to provide for its organization,

government, membership and powers, to regulate the practice of law, and to provide penalties for violations of said act." approved March 31, 1927.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 650—An act to promote the expeditious and economical administration of justice, and authorizing the Judicial Council to make rules relating to the administration of the courts of this State, the distribution and disposal of business therein, and the pleading, practice and procedure in said courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 651—An act authorizing incorporated cities, towns, sanitary or sanitation districts or sewer maintenance districts, to establish and collect rates, charges or rentals, for defraying the expenses of operation, maintenance and repairs of sewer systems and disposal works, and providing a revolving fund therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 652—A bill appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Merriam: Senate Bill No. 653—An act to amend section 3665*b* of the Political Code, relating to the definition of operative property.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Garrison: Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

Bill read first time, and referred to Committee on Education.

By Senator Rochester: Senate Bill No. 656—An act to add a new section to the Political Code, to be numbered 594*b*, relating to burial contracts and certificates.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mueller: Senate Bill No. 657—An act to amend the Penal Code of California by adding thereto two new sections to be numbered 597*h* and 597*i*, relating to cropping of the ears of dogs.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Crowley: Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged

in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senators Inman and Cassidy: Senate Joint Resolution No. 3.—Relating to hours of employment of persons on interstate carriers.

Resolution referred to Committee on Federal Relations

By Senator Canepa: Senate Resolution No. 4—Relating to the relief of persons engaged in grape growing.

Resolution referred to Committee on Federal Relations

By Senator Rochester: Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to section 14 of article XIII of the constitution of the State of California, relating to revenues and taxation.

Amendment referred to Committee on Constitutional Amendments

By Senator Swing: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

Amendment referred to Committee on Constitutional Amendments

By Senator Inman: Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California that the constitution of said State be amended by amending sections 2 and 24 of article VI, relative to the Judicial Department.

Amendment referred to Committee on Constitutional Amendments

By Senator Swing: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1a of article VI of the constitution, relating to the exchange of judges by request.

Amendment referred to Committee on Constitutional Amendments

By Senator Baker: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article VI thereof, relating to powers of judges in charging juries.

Amendment referred to Committee on Constitutional Amendments.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At four o'clock and forty minutes p.m. Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILL NUMBER THREE HUNDRED TWENTY-FOUR.

Assembly Bill No. 324—An act making an appropriation to meet the deficiency in the appropriation for the mileage of members of the Assembly for the eighth and eighty-first fiscal years.

Bill read third time.



## URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 324 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 3—An act making an appropriation to meet the deficiency in the appropriation for the mileage of State Senators for the seventy-ninth and eightieth fiscal years;

Also: Senate Bill No. 384—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 3 and 384 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 2—Relative to the California State Fair and Western States Exposition.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 2 ordered to enrollment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 19—An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America—and reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1929, at ten o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

## RECESS.

On motion of Senator Crowley, at five o'clock and twenty minutes p.m., the President pro tempore declared recess until eight o'clock p.m.

## RECONVENED.

At eight o'clock p.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## RECESS.

At eight o'clock and fifteen minutes p.m., Arthur H. Breed, President pro tempore of the Senate, declared recess for the purpose of meeting with the Assembly in Joint Convention to hear the explanation of the report of the Tax Commission.

## IN JOINT CONVENTION.

ASSEMBLY CHAMBER.

SACRAMENTO, Thursday, January 17, 1929.

The Senate and Assembly met in Joint Convention to hear the report of the Tax Commission and explanation of tax bills before the Senate and Assembly.

Hon. Edgar C. Levey, Speaker of the Assembly, declared a quorum of the Assembly present.

Senator Breed, President pro tempore of the Senate, declared a quorum of the Senate present.

## CONSIDERATION OF TAX COMMISSION'S REPORT AND TAX BILLS.

During the consideration of the Tax Commission's report and tax bills the members of the Senate and Assembly were addressed by Senator Nelson, chairman of the Senate Committee on Revenue and Taxation, and Professor H. C. Haig of Columbia University, tax expert and consultant of the California Tax Commission.

## ADJOURNMENT.

There being no further business, at ten o'clock and thirty minutes p.m., Senator Arthur H. Breed, President pro tempore of the Senate, adjourned the Joint Convention.

## IN SENATE.

## RECONVENED.

At ten o'clock and thirty-five minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator McKinley: Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468*a*, 1468*b*, 1468*c* and 1468*d*, relating to the administration of estates having a net value of less than \$2,500.

Bill read first time, and referred to Committee on Judiciary.

By Senator Merriam: Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senators McKinley and Pedrotti: Senate Bill No. 661—An act to create an additional division of the District Court of Appeal, in and for the second appellate district.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 662—An act to amend section 67*a* of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Carter: Senate Bill No. 663—An act to amend section 2 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Merriam: Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction, and equipment, of a State armory at the city of Long Beach.

Bill read first time, and referred to Committee on Military Affairs.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 13—Approving nine certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the sixth day of November, 1928.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 13 ordered to enrollment.



## ADJOURNMENT

At ten o'clock and forty-five minutes p. m., on motion of Senator Breed, the President declared the Senate adjourned.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Friday, January 18, 1929.

The Senate met at ten o'clock a. m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hands, Hursey, Inman, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCracken, McKee, Morrison, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabb, Wag, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 17, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Christian was, on motion of Senator West, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Young, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Doctor Thomas F. Joyce of the State Narcotic Hospital at Spadra.

On request of Senator Baker, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. Fred Weybret and Mrs. Weybret of Salinas.

On request of Senator Wag, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. Ben Blow and Miss Elsa Blow of San Francisco.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Master Edward Sherbourne of Berkeley.

On request of Senator Jones, Ray, the privilege of the floor of the Senate Chamber for the day was unanimously extended to James Cremin, postmaster of Marysville.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the teachers and pupils of the 8A and 8B grades of the North Sacramento Grammar School as follows: Mrs. V. Strader, teacher; Mr. H. A. Johnson,

principal, and pupils as follows: Adolph Reynose, Raymond Schrader, La Verne Carlsen, Robert Lee Sornson, Kenneth Clark, Dorothy L. Whitney, Arnold Schneiter, William Roseorla, Delmas Bagley, Adele Campbell, Carl Jorgensen, Shirley Hampton, Norman Green, Glenn Moore, Charles Jones, Hale Mason, Boyd Hickman, Sam McConnell, Norwood Gott, Denzie Carr, Loretta Schuette, Frank Bava, Dorothy Callaway, Ray Whitney, William Nabhan, Evelyn Green, Charles Nye, Edna Anderson, Lee Sanders, Margaret Pierce, Roy Whitney, Josephine Guerrero, Wayne Warren, Theodore Hansen, Earl Wellnetz, Gene Wooden, Floyd Russell, George Nelson, Wiley Forson, Jack Davis, George Gibson, Dorothy MacGill, Gertrude Richardson, Mildred Johnson, Inez Bell, Ralph Herman, Frances Nickless, Mary Feige, Voyla McGrew, Gertrude Crum, Alice Nye.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Harvey Johnson, supervisor of Riverside County.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Father Thomas J. Flaherty of Saint Ignatius College of San Francisco.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for the day was unanimously extended to E. C. Denio, attorney at law, of Long Beach.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Judge Frank Kerrigan of the United States District Court.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the officers and executives of the California Newspaper Publishers Association, as follows: President, Tobias Larson; executive secretary, John B. Long; vice presidents, Ben H. Reed, Justus F. Craemer, E. O. Wickizer, Leo A. Smith; treasurer, H. R. Ling; executive committeemen, O. M. Cannon, Ford A. Chatters, A. V. Douglass, Paul Moore, Thad N. Shaw, Carroll H. Smith, Fred Weybret, M. D. Witter; past president, Harry S. Webster; legal adviser, Harlon G. Palmer.

On request of Senator Cleveland, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. and Mrs. F. W. Atkinson of Watsonville.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for the day was unanimously extended to pupils and teachers of the William Land Junior High School, Sacramento, as follows: Teacher, Irene Clark, and pupils: Virginia Cortopassi, Agnes Jacinto, Eleanor Lopez, Matilda Domich, Regina Bonomi, Rosie De Costa, Frieda Vogt, Irma Sarmiento, Martha Zambelish, Roswell Rhodes, William Wong, Walter Whittier, Guido Cecchetti, Glenn Dungan, Tony Vacarro, Preston R. Wills, John Tels, Nathalie Lowenstein, Pauline Anderson, Mildred Pierce, Harold Michello, Daniel Chan, Wesley Pickering, Everett Akers.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. T. J. McCabe, publisher of the Pittsburg Post.

#### ADJOURNMENT OUT OF RESPECT.

On motion of Senator Inman, duly seconded by Senator Slater, the Senate decided, by rising vote, that when adjournment for this day

should be had, such adjournment should be out of respect to the memory of Judge Elijah C. Hart, Associate Justice, District Court of Appeal, Third Appellate District.

# REPORT.

The following report was presented by Senator Fellom, and ordered printed in the Journal:

## DIGEST OF THE REPORT OF THE INVESTIGATION OF THE CALIFORNIA HIGHWAY COMMISSION OF THE CONSTRUCTION AND OPERATION OF TOLL BRIDGES IN CALIFORNIA AS AUTHORIZED AND DIRECTED BY THE STATE LEGISLATURE, PURSUANT TO AN ACT APPROVED MAY 19, 1927, 1927 STATUTES, CHAPTER 636

The cost and operation of the privately owned toll bridge is excessive.

Tolls are far in excess of those necessary to operate and amortize the cost of similar State built and operated structures. The rates of tolls on the Carquinez and Antioch bridges "indicate that the cost of public service on the present bridges is at least 88 per cent higher than it would have been on similar bridges constructed and operated by the State."

The State can not acquire private toll structures after their construction at a value consistent with that for which the State or counties can build or operate them.

As an alternative for the privately owned and operated toll bridges, the report recommends that "necessary steps be taken to permit the State or counties to finance or build toll bridges" by the issuance of bonds payable out of the income of such structures.

The conclusions contained in the report are summarized as follows:

1. The expense of promotion and organization of a privately owned toll bridge is in many cases a major item in its cost. The report states that promotion and organization expenses in the case of the Carquinez and Antioch bridges totaled \$1,166,776. Compared with this the organization costs of the same bridges had they been publicly financed and built by the State is estimated at \$153,500. Promotion and organization expenses of the San Mateo-Hayward bridge, including some money and stock allotments, are estimated at \$785,670 as compared with an organization charge of not to exceed \$160,000 for a similar State built structure.

2. Private interests have been quick to recognize the possibility of capitalizing for their own benefit the huge investment made by the public in State and county highways. In the case of the Carquinez bridge it is estimated that private interests anticipated State recognition by at least five years.

3. It is charged that private promoters often build or attempt to build toll bridges on locations where the traffic does not justify them. This is done for the apparent purpose of collecting promotion fees or because the probability of future increase in traffic seems to justify a present investment.

4. The cost of tolls on the San Mateo-Hayward bridge, if the structure had been State financed and built, but operated on a toll basis, is estimated at about 25 per cent of the present authorized toll schedule for the 47-year period that constitutes the life of the franchise.

5. The cost of financing privately owned toll bridges is declared excessive. Thus the report states that the cost of financing the Carquinez and Antioch bridges, owned by the American Toll Bridge Company, includes a stock bonus of 500,000 shares and an item of \$673,853 for bond discount. Computing the stock at par value of \$1 a share, the discount on a \$6,500,000 bond issue totals \$1,176,753. The bonds bear 7 per cent on \$4,500,000 and 8 per cent on \$2,000,000 as compared with 4 1/2 per cent for which State bonds can be sold at par or 6 per cent if bonds secured by the income of the bridge were used. On the San Mateo-Hayward bridge, the interest rate on bond financing, including all charges, is given as 7 1/2 per cent and for the Dumbarton bridge 7 3/4 per cent.

6. As far as the investigators were able to ascertain, no actual money was paid for any of the 120,000 shares of common stock issued by the company building the San Mateo-Hayward bridge. On the lowest traffic estimate the stock will have a present worth of \$33 per share with a reasonable possibility that it will go to \$79.50 per share. This stock is held by those directly interested in the bridge. The worth (\$3,960,000 to \$9,540,000) will accrue to the common stock owners without capital investment other than services rendered prior to the opening of the bridge.

7. The reproduction costs by the State of the Carquinez and Antioch bridges is estimated at \$7,675,900 as compared with the actual cost for the structures of \$9,520,789 to the American Toll Bridge Company. The difference in cost is attributed in part to lack of competitive bidding. In general it is estimated that the cost of constructing a privately owned toll bridge is from 10 per cent to 25 per cent higher than for public structure.

8. The cost of operation of these two bridges is declared excessive as compared with bridges built and operated by the State. The figures are: Combined annual cost of operating Carquinez and Antioch bridges, \$1,176,000; estimated cost if built and operated by the State (6 per cent financing), \$918,600.



It is deduced that average tolls on the Carquhar bridge until 1948, when the bridge becomes free of toll, and operated by the State, would be 44 cents a vehicle as compared to an average toll of 82 cents under present conditions. It is shown by the State that a \$1 per cent basis, the average State toll would be as high as 104 cents a vehicle in 1948, and 115 cents for pleasure cars and 138 cents for commercial vehicles would operate and amortize the cost of the structure during the life of the franchise (1939-1977) as compared with the following authorized tolls for the private enterprise: 1939 to 1950, 92 cents for pleasure cars, \$1.75 for commercial cars; 1950-1957, 56 cents for pleasure cars, \$1.90 for commercial vehicles; 1957 to 1977, 38 cents for pleasure cars, \$1.13 for commercial vehicles.

9. The further construction of all privately owned toll bridges should be prohibited.

In discussing the highway situation generally as it affects toll roads, the report calls attention to the fact that in California 95 per cent of the roads and bridges are owned and operated either by the State or by counties.

"It should not be necessary for special private capital be allowed," the report continues, "the paid and unimproved lands of the highway system and toll bridges or roads that will take profits from the public highway system. . . . The average cost of highway service on the entire public highway system."

"The existing construction and maintenance of the entire highway system should be from a standpoint of the entire State, rather than that of a city or county, or view as a city or county. . . . The argument that a city or county can make money from a toll bridge is fundamentally wrong. It is not economically sound that the expense of one county or city should be met by the roads of any other county or city, and that the State highway system and its toll exact a profit from the State at the expense of those highways and toll bridges and bridges."

"The present conditions threaten the State and its toll roads and toll highways as a State highway system and toll bridges."

Existing laws governing the issuance of franchises for toll bridges, as well as their construction and operation, are analyzed. If it is decided to continue to grant franchises for toll structures to private parties, it is recommended that the right to grant such franchises be vested either in the Carquhar Highway Commission or be made subject to the approval of that body, and that the rates of tolls be fixed by the Railroad Commission. The report also points out that the rates of tolls on toll bridges and the method of granting franchises have varied from 1872 and 1881. The report, continuing from this fact, says: "No amendments have been made since 1881 to change the principle of the operation of these laws. They are based upon the principle of granting toll roads to the counties and therefore are found to be based on a basis inconsistent with the existing law of a State highway system."

It is further recommended that the law vesting authority over franchises in a county on the left bank descending of a stream is amended to grant franchises for privately owned and operated structures are to be continued. This provision is declared unconstitutional in the case of San Francisco Bay.

It is suggested that power be given to the Highway Commission or to the Department of Public Works to "construct, construct and operate" toll bridges and to license the same by issuing tolling bonds, "issuing its tolling bonds, thereby the income from tolls."

If the Legislature has the power to do so, it is recommended that legislation be enacted giving the Highway Commission or the Department of Public Works authority to operate existing privately owned toll bridges by purchase. Methods of operation and toll rates are discussed and the commission is expressed that compensation be the only method of operating toll bridges. It is stated that there is a wide variation in the value placed upon a structure, depending upon the valuation method employed.

It is suggested that the responsibility of all of the privately owned toll bridges in California, under the operation of the State, be operated in California in 1929, will require a capital investment of \$20,000,000, if the same toll is based on the cost of bridges to the toll bridge companies. The total cost of reconstruction of all of these bridges by the State is estimated at \$16,250,000.

Computed on State traffic projections and a 4 per cent reimbursement basis, the report finds that the price of the Carquhar and Arroyo bridges would be \$11,840,400 and of the San Mateo Highway bridge, \$14,457,400. Even paying \$11,840,400 for the Carquhar and Arroyo bridges and assuming their expenses with a 4 per cent basis, the report declares that the present average toll of 82 cents per vehicle on the Carquhar bridge and \$4.20 cents per vehicle on the Arroyo bridge can be reduced to 52 cents and 61 cents, respectively. A substantial reduction can also be made, the report declares, in the tolls that its franchise would permit the San Mateo Highway bridge to charge when that company is opened to toll.

The report calls attention to the fact that not all of the toll bridges on the State are owned and operated by the State, but that all are more or less important links of highway traffic. Their operation would undoubtedly require additional expenditures for maintenance with the State system. The report discusses at some length this phase of the subject, and analyzes the bridge locations both with reference to the

service that it affords travel and the service afforded by alternate routes. The same analysis is made of proposed toll bridge projects.

The report is based upon a study and an analysis of the seven privately owned toll bridges in California. These include three bridges owned and operated by the Sears Point Toll Road Company in Solano and Sacramento counties; two bridges over the Sacramento and San Joaquin rivers, owned and operated by the American Bridge Company, one known as the Carquinez bridge, the other as the Antioch bridge; the Dumbarton bridge crossing the southern arm of the San Francisco Bay, owned and operated by the Dumbarton Bridge Company; a bridge owned and operated by the California Arizona Bridge Company, crossing the Colorado River about 3 1/2 miles east of Blythe in Riverside County, and known as the Phoenix bridge; a bridge now being constructed across San Francisco Bay between San Mateo and Hayward by the San Francisco Toll Bridge Company, and which is to be known as the San Mateo-Hayward bridge. A complete report on the proposed, existing type of structure, construction and operation of the structures is made. All these bridges, with the exception of the Ebbensburg bridge, are located in the vicinity of San Francisco Bay.

In addition, proposed toll structures for which franchises have been asked are listed. These include:

Bridge across San Pablo Bay, from a point near Richmond to a point near San Rafael; O. H. Klutt, franchise applicant.

Bridge crossing San Francisco Bay from a point opposite Alameda in Alameda County, to a point near Tiburon, in Marin County; franchise granted to L. A. Tassinari by Alameda County.

Thirty-nine applications to bridge San Francisco Bay from San Francisco to some point in the East Bay cities.

Applications to bridge the Golden Gate.

Effort to secure a franchise for a toll bridge across San Diego Bay from San Diego to Coronado.

The report analyzes these various proposed projects. The recommendation is expressed that the San Francisco Bay bridge from San Francisco to Alameda is feasible, may be publicly financed and constructed.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 749. An act to add a new section to be numbered 7a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, organization, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, and terms of office, qualification and compensation and for the selection of jurors thereon," approved May 3, 1925, as amended, relating to the number of clerks, officers and attaches of municipal courts and their deputies, and to fix the compensation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### WITHDRAWAL OF SENATE BILL.

Senator Swing asked for and was granted unanimous consent to withdraw Senate Bill No. 317 from the Committee on Fish and Game for the purpose of amending.

Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game.

#### AMENDMENT FROM THE FLOOR.

During reading of the bill, the following amendment was offered and its adoption moved by Senator Swing:

#### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out the words "one-half hour".

Amendment adopted.

Bill ordered to print, engrossment, and re-referred to Committee on Fish and Game.

## MOTION.

Senator Breed moved, seconded by Senator Swing, that amendments to the standing rules of the Senate, as printed in the Journal of January 17, be adopted.

## AMENDMENTS TO SENATE RULES.

*Resolved*, That rules 1, 27 and 67 of the standing rules of the Senate be and the same are hereby amended to read as follows:

Rule 1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of one o'clock p.m., until the hour of two o'clock p.m., unless otherwise ordered by a vote of the Senate.

Rule 27. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend. Adoption of amendments to any bill by the Senate prior to third reading, other than the roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Rule 67. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill; and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill amendatory of a code section or a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual roman type.

The question being on the adoption of the amendments.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Harley, Luman, Jones, Herbert C., Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—31.

NOES—None.

## RULES OF THE SENATE.

STANDING RULES OF THE SENATE AS AMENDED JANUARY 18, 1929.

*Convening and Order of Business—Hour of Meeting.*

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of one o'clock p.m., until the hour of two o'clock p.m., unless otherwise ordered by a vote of the Senate.

*Calling to Order.*

2. The President, President pro tempore, or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

*Order of Business.*

3. The order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

*Presiding Officer of the Senate—The President.*

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.



*The President Pro Tempore.*

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tempore shall vote only as any other member of the Senate.

*Presiding by Senators.*

6. The President or President pro tempore, in the absence of the President, shall have the right to name any Senator to perform the duties of the chair, who shall be vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

*Committees of the Senate—Appointment of Committees.*

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

*List of Standing Committees.*

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock, thirteen members.
2. Banking, nine members.
3. Building and Loan Associations, five members.
4. Civil Service, five members.
5. Commerce and Navigation, nine members.
6. Conservation, seven members.
7. Constitutional Amendments, nine members.
8. Contingent Expenses, three members.
9. Corporations, seven members.
10. County Government, nine members.
11. Drainage, Swamp and Overflowed Lands, five members.
12. Education, thirteen members.
13. Elections, eleven members.
14. Engrossment, Enrollment and Printing, five members.
15. Federal Relations, five members.
16. Finance, seventeen members.
17. Fish and Game, fifteen members.
18. Governmental Efficiency, eleven members.
19. Hospitals and Asylums, five members.
20. Insurance, eleven members.
21. Irrigation, seven members.
22. Judiciary, fifteen members.
23. Labor and Capital, nine members.
24. Manufactures, five members.
25. Military Affairs, eight members.
26. Mines and Mining, five members.
27. Motor Vehicles, fifteen members.
28. Municipal Corporations, nine members.
29. Oil Industries, seven members.
30. Prisons and Reformatories, seven members.
31. Public Charities and Corrections, five members.
32. Public Health and Quarantine, seven members.
33. Public Morals, five members.
34. Public Utilities, eleven members.
35. Reapportionment, seven members.
36. Revenue and Taxation, thirteen members.
37. Revision of Criminal Law and Procedure, nine members.
38. Roads and Highways, fifteen members.
39. Rules, five members.
40. Universities and Teachers Colleges, nine members.

*Schedules for Committee Meetings.*

9. The President shall be empowered to propose to the Senate such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements.

*Quorum of Standing Committees.*

10. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall note such fact.

*No Committee Expenditures Permitted.*

11. No member of any committee shall, except by resolution of the Senate, be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Finance shall, during the constitutional recess, be permitted to visit State institutions for which appropriations are asked, and shall be allowed his actual expenses while on such business.

*Special Duties of Certain Committees—Committee on Engrossment, Enrollment and Printing.*

12. All Senate bills, constitutional amendments, and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. The indications of new matter, omissions, or amendments appearing upon the printed bill shall be omitted from the engrossed copy of the bill. All such bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment, Enrollment and Printing; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate. It shall be in order for the Committee on Engrossment, Enrollment and Printing to report at any time.

*Engrossing and Enrolling Bills.*

13. All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment, Enrollment and Printing or to the clerk of that committee and a receipt in writing taken therefor, and all said bills shall be engrossed in the order of their receipt by that committee or its clerk. All Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered by the Secretary of the Senate in the order of their receipt from the Assembly, to the Committee on Engrossment, Enrollment and Printing or its clerk and a receipt in writing taken therefor; and said bills shall be enrolled in the order of their receipt from the Secretary of the Senate.

*Committee on Rules.*

14. The Committee on Rules shall have the general duty of proposing or of presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication of nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

*Committee on Contingent Expenses.*

15. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been referred to and reported on by the Committee on Contingent Expenses.

*Committee on Revision and Printing.*

16. The Committee on Revision and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

*Other Senate Officers—Secretary of the Senate.*

17. 1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

*Custody of Bills and Papers.*

18. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing, and take receipts therefor.

*Sergeant-at-Arms of the Senate.*

19. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process

issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

#### *Distribution of Printed Matter.*

20. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

#### *Preparation and Introduction of Bills. Introduction and First Reading.*

21. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary, the bill shall be read the first time and thereupon referred by the President to a standing committee.

#### *Joint and Concurrent Resolutions and Constitutional Amendments.*

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; *provided*, that they shall have but one reading, which reading shall occur after they have been reported by committee.

#### *Introduction of Bills by a Committee.*

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file.

#### *Introduction of Bills After the Constitutional Recess.*

24. The Committee on Rules shall constitute a standing committee on introduction of bills to serve after the constitutional recess. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills." The motion shall give the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members, after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to be authorized their introduction, nor shall the number to be introduced by any one member be limited.

#### *Bills in Committee—Reference of Senate Bills.*

25. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred unless upon a motion, without debate, the Senate by a majority vote refer it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

#### *Order of Reference.*

26. When a resolution shall be offered, or a motion made to refer any subject and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

#### *Reference with Special Instructions.*

27. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend. Adoption of amendments to any bill by the Senate prior to third reading, other than the *pull* bill, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

#### *Reference of Assembly Bills.*

28. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee; *provided, however*, that when an Assembly bill is received, the text of which is stated by a member to be identical



with that of the Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment, Enrollment and Printing for comparison, which committee shall report, without delay, whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second reading file and be considered as having received the same committee recommendation as the Senate bill; *provided*, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

#### *Reference of Appropriation Bills.*

29. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the Senate or coming from the Assembly, be referred to the Committee on Finance.

#### *Notice to Author of Bill.*

30. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

#### *Committee Amendments to Bills.*

31. When amendments to a bill are reported by a committee, the clerk of such committee shall prepare three copies of each amendment, one to go with the bill to the Superintendent of State Printing, one to the Minute Clerk, and one to the Secretary of the Senate.

#### *Reports of Committees.*

32. All committees shall act upon bills referred to them as soon as practicable and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time, by a majority vote, recall a bill from any committee.

#### *Order of Considering Bills—Order of Making File.*

33. When bills are reported from committees they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills, in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present: such vote to be taken by roll call; *provided*, that if a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

#### *The General File.*

34. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

#### *Special Order.*

35. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

#### *Three Readings of Bills.*

36. Every bill shall be read on three several days previous to its passage (unless in case of urgency, two-thirds of the membership of the Senate in which it is being considered shall by vote of the ayes and noes dispense with this provision).

#### *Ordering Bills to Third Reading.*

37. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be, "Shall the bill be ordered to third reading?"

#### *Bills Considered During Last Seven Days.*

38. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment *sine die* of the two houses of the Legislature unless permission to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

*Questions and Motions--Precedence of Motions During Debate*

39. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

*Provided, however,* that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business; the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

*Amendment or Division of Question*

40. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. Motions to amend the part to be stricken out shall have precedence.

*Restrictions as to Amendments*

41. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration.

*Vote Required for Amendments.*

42. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

*Procedure of Debate--Seconding and Announcement of Motion*

43. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary before the same shall be debated.

*Regulations as to Speaking.*

44. 1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

*Securing of the Floor.*

45. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

*Order in Debate.*

46. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

*The Previous Question.*

47. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

48. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

*Voting by Senate—Calling Ayes and Noes.*

49. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

*Excuse From Voting.*

50. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

*Reconsideration of Vote.*

51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

*When Bill Is Held for Reconsideration.*

52. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

*When Bill Is Recalled for Consideration.*

53. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

*Debate on Motion to Reconsider.*

54. A Senator, after a notice to reconsider is given, as provided in Rule 53, shall, at the reconsideration thereof, present the main question in his argument thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.



***Messages and Other Papers—Messengers from the Governor.***

55. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a Senator is addressing the Senate.

***Messengers from the Assembly.***

56. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a member is addressing the Senate.

***Consideration of Assembly Messages.***

57. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent, or by vote of the Senate.

***Reading of Papers.***

58. When the reading of a paper (except a petition) is called for, and the same is objected to by any Senator, the question shall be determined by a vote of the Senate.

***Contents of Senate Journal—Proceedings to be Printed.***

59. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

***Titles of Bills to be Printed.***

60. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

***Statement of Petitions to be Printed.***

61. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

***Other Matter to be Printed.***

62. Messages from the Governor (other than biennial messages and inaugural addresses), joint and concurrent resolutions and constitutional amendments, when adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal in full, provided, that in case of a concurrent resolution offering the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

***Legislative Printing—Number of Bills Printed.***

63. Fifteen hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

***Number of Journals Printed.***

64. The Superintendent of State Printing shall print 1000 copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

***Number of Other Documents Printed.***

65. Seven hundred fifty copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

***Excess Printing Only on Written Order.***

66. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

67. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill; and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill amendatory of a code section or a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual Roman type.

*The Senate Chamber—Admission Within Bar of Senate.*

68. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor while the Senate is in session.

*No Lobbying in Senate Chamber.*

69. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-third vote of the entire Senate.

*Maintaining of Order.*

70. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

*Smoking Within Senate Chamber.*

71. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

*Miscellaneous Provisions—Duties of Members.*

72. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for non-attendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 18, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 7—Relative to joint rules of Senate and Assembly—has had the same under consideration, and respectfully reports the same back, and recommends that the resolution be adopted.

Committee membership—5; committee vote: Ayes—4; noes—0; absent—1.

BREED, Chairman.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER SEVEN.

Senator Breed asked for and was granted unanimous consent to take up Assembly Concurrent Resolution No. 7, for purpose of adoption.

## ASSEMBLY CONCURRENT RESOLUTION No. 7.

Relative to joint rules of Senate and Assembly.

*Resolved by the Assembly, the Senate concurring.* That the following be adopted as the joint rules of the two houses of the Legislature for its forty-eighth session:

## JOINT RULES OF SENATE AND ASSEMBLY.

## COMMITTEES AND COMMITTEE MEETINGS.

*Standing Committees.*

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the

number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Building and Loan Associations.
- (4) Civil Service.
- (5) Commerce and Navigation.
- (6) Conservation.
- (7) Corporations.
- (8) Constitutional Amendments.
- (9) County Government.
- (10) Drainage, Swamp and Overflowed Lands.
- (11) Education.
- (12) Elections.
- (13) Federal Relations.
- (14) Finance in the Senate and Ways and Means in the Assembly.
- (15) Fish and Game.
- (16) Hospitals and Asylums.
- (17) Insurance.
- (18) Irrigation.
- (19) Judiciary.
- (20) Labor and Capital.
- (21) Manufactures.
- (22) Military Affairs.
- (23) Mines and Mining.
- (24) Municipal Corporations.
- (25) Oil Industries.
- (26) Prisons and Reformatories.
- (27) Public Health and Quarantine.
- (28) Public Morals.
- (29) Public Utilities.
- (30) Revenue and Taxation.
- (31) Roads and Highways.
- (32) Rules.

#### *Joint Committees.*

2. Joint standing committees of Senate and Assembly shall be appointed as follows:

- (1) Committee on Revision and Printing, to consist of three (3) members from the Senate and five (5) from the Assembly.
- (2) Committee on Joint Rules, to consist of the members of the rules committee of each house.

#### *Joint Meeting of Committees.*

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

### BILLS AND RESOLUTIONS.

#### *Scope of Word "Bill."*

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

#### *Joint and Concurrent Resolutions.*

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

#### *Resolutions Treated as Bills.*

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills: except that they shall be read but one time in each house and that they shall not be deemed bills within the meaning of section 2 of article IV of the constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

### PREPARATION AND INTRODUCTION OF BILLS.

#### *Title of Bill.*

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.



### *Division of Bill Into Sections.*

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

### *Changes in Existing Law to be Marked by Author.*

9. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strikeout" type.

### *Committee on Revision and Printing to Examine Bills When Introduced.*

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the Committee on Revision and Printing, which shall examine the bill, with the aid of the Legislative Counsel Bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the Legislative Counsel Bureau showing that before introduction it has been examined as to form, shall be sent to the Committee on Revision and Printing.

NOTE—The submission of bill copy to Legislative Counsel Bureau for approval of form before introduction will expedite its course.

### *Bills Introduced to Indicate Changes in Existing Laws.*

11. The Committee on Revision and Printing shall see to it that rules 7 and 9 of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

### *Reports of Committee on Revision and Printing.*

12. The Committee on Revision and Printing shall return to the Secretary of the Senate or Chief Clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

### *Endorsement of Date of Introduction.*

13. Bills introduced in either house shall be endorsed with the date of introduction.

### PRINTING AND DISTRIBUTION OF BILLS.

#### *Manner of Printing Bills, etc.*

14. The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided*, however, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

#### *Printing of Amendments.*

15. All bills amended by either house shall be immediately reprinted: in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center and commonly known as "strikeout" type. When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section or general law is engrossed, all figures or symbols shall be removed.

#### *Distribution of Bills During Constitutional Recess.*

16. All requests for mailing or distribution by the members shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' clerks and legislative officers' files, one hundred fifty full sets; to authors, fifty copies of their own bills; accredited newspaper representatives, twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the Secretary of the Senate and Chief Clerk of the Assembly may compile from the recommendations of the

members of both houses, one thousand two hundred copies; to State officers, State Library and Secretary of State, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated—one thousand copies. The State Printer shall cause to be printed in the standard form adopted by the Senate and the Assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

A similar number and distribution shall be made of the Semifinal History and Final Calendar.

#### *Distribution of Bills After Constitutional Recess.*

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly Histories and Journals shall be distributed generally following the recess, upon such schedule as the Secretary of the Senate and Chief Clerk of the Assembly may designate.

#### OTHER LEGISLATIVE PRINTING.

#### *Printing of the Daily Journal.*

18. The State Printer shall print one thousand copies of the Journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the Secretary of the Senate and Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature as required by law.

#### *What Shall Be Printed in the Journal.*

19. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the houses, and the title and TEXT of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the Journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

#### *Printing of the Daily File.*

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

#### *Printing of History.*

21. Each house shall cause to be printed on Monday of each week during the session, a complete History of all bills, joint or concurrent resolutions and constitutional amendments originating in or acted upon by the respective houses.

Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the History shall be compiled and printed to date of recess.

#### *Authority for Printing Orders.*

22. The Superintendent of State Printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

#### RECORD OF BILLS.

#### *Secretary and Chief Clerk to Keep Register.*

23. The secretary of the Senate and the Chief Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution or constitutional amendment.

#### *Secretary and Chief Clerk Shall Endorse Bills.*

24. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

## ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

*Bills Read and Referred to Committee.*

25. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or the Chief Clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

*After a Bill Has Been Passed by the Senate or Assembly.*

26. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule.

*Special File.*

27. On the second day after the close of the recess provided for in section 2, article IV of the constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

## REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL.

*Bill or Resolution in One House, Rejected in the Other, Requires Notice.*

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

*Each House to Transmit Papers.*

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

*Notices to Be in Writing Under Proper Signatures.*

30. Notice of the action of either house to the other shall be in writing, and under the signature of the Secretary of the Senate or the Chief Clerk of the house from which such notice is to be conveyed.

*Secretary, Chief Clerk, etc., to Dispatch Messages.*

31. Messages shall be sent to the other house by an officer or attache to be designated by the Secretary, if it be a Senate message, or by the Chief Clerk, if it be an Assembly message.

*Messages Must Be Announced by the Sergeant-at-Arms.*

32. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

## PASSAGE AND ENROLLING OF BILLS.

*Passage of Bills Taking Effect Immediately.*

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article IV of the constitution.

*Passage of Urgency Provisions in Bills.*

34. Upon the third reading of an act which is an urgency measure within the meaning of section 1, article IV of the State constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.



*Passage of Bills Preceding Final Adjournment.*

35. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

*Enrollment of Bill After Passage.*

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the Governor of the State.

*Enrolling Committee to Present Bills to Governor*

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed by the presiding officers of the two houses, and by the Secretary of the Senate and the Chief Clerk of the Assembly). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

## AMENDMENTS AND CONFERENCES

*Amendments to Amended Bills Must Be Attached*

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be, *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

*To Concur or Refuse to Concur in Amendments.*

39. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

*When Senate or Assembly Refuse to Concur.*

40. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or the Chief Clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the free conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the House, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Free Conference shall report to both the Senate and Assembly.

*Committee on Free Conference.*

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

*Report of Committee on Free Conference.*

42. The report of the Committee on Free Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill.

*When Conference Committee Report Is in Order.*

43. The presentation of the report of a Committee on Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

*Miscellaneous Provisions.*

44. The Committee on Joint Rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

*Press Rules.*

45. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the President of the Senate or Speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the State government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the President of the Senate and the Speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the Superintendent of the Capitol Building and Grounds; *provided*, that all rules and regulations shall be approved by the President of the Senate and Speaker of the Assembly.

*Adjournment.*

46. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

*Joint Address to Governor.*

47. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the Assembly and a select committee of six members from each house appointed by the respective presiding officers.

*Dispensing With Joint Rules.*

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or the Chief Clerk to mark the section or sections in conflict with the rules as nonconcurring in or negated.

*Resolution read.*

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Weller, and Young—30.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 7 ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolutions were offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be, and he is hereby directed, to draw his warrant in favor of the Secretary of the Senate for the sum of two thousand one hundred seventy three dollars and fifty four cents (\$2,173.54) to pay the following bills:

State Supply Department, supplies furnished Senate and type writer rental	\$604.04
Bancroft Whitney Company, Codes, Constitutions and Rules of Order	1,569.50

Total	\$2,173.54
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the same to be payable out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same.

CARTER, Chairman.

Resolution read.

Senator Carter moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Linnan, Jones, Ray, Maloney, McCormack, McKimsey, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Trites, Wagdy, and Young—27

**NOES**—None.

Also:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate for the sum of six hundred forty dollars (\$650.00) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

CARTER, Chairman.

Resolution read.

Senator Maloney moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canapa, Cassidy, Crowley, Cart, Crowley, Edwards, Fellom, Garrison, Handy, Linnan, Jones, Ray, Maloney, McCormack, McKimsey, Merriam, Nelson, Sharkey, Slater, Swing, Trites, Wagdy, Weller, and Young—26

**NOES**—None.

Also:

*Resolved*, That there is hereby appropriated out of the contingent fund of the Senate two hundred dollars (\$200.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, mailing and expressing all papers and documents belonging to Senators to their places of residence. Hereinafter after the adjournment for the constitutional recess, the Sergeant at Arms of the Senate shall cause this work to be done and shall file with the Controller of the State accounts covering the different items of expense, whereupon the Controller shall draw his warrant or warrants in favor of the Sergeant at Arms of the Senate for the amount necessarily expended, and the Treasurer is directed to pay the same.

CARTER, Chairman.

Resolution read.

Senator Carter moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canapa, Carter, Cassidy, Cobb, Crowley, Evans, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, McKimsey, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Trites, Wagdy, Weller, and West—28

**NOES**—None.



By Senator Crowley:

*Resolved*, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work of January 18, 1929:

Harold J. Powers, Minute Clerk	\$9 00 per day
Bryan Wilson, Chaplain	4 00 per day
Harry Caro, Bookkeeper to Sergeant-at-Arms	5 00 per day
Paul Mason, Assistant Secretary	9 00 per day
F. E. Dalin, Assistant Secretary	7 00 per day
C. A. McLean, Jr., Assistant Secretary	7 00 per day
Donald Bruce, Assistant Minute Clerk	7 00 per day
John P. Rice, Assistant Minute Clerk	7 00 per day
Edward P. Ruoff, Assistant History Clerk	5 00 per day
E. J. Hurley, Assistant Minute Clerk	7 00 per day
Wellington Bowser, Journal Clerk	7 00 per day
Carrie Garrison, File Clerk	7 00 per day
Mrs. H. J. Carter, Postmistress	4 00 per day
Lena A. Redding, Assistant Postmistress	4 00 per day
A. H. Breed, Jr., Clerk of Finance Committee	6 00 per day
Eva A. Birk, Clerk of Judiciary Committee	6 00 per day
Kathleen Tufts, Chief Stenographer	6 00 per day
Margaret Bridges, Stenographer	5 00 per day
Norma Brown, Stenographer	5 00 per day
Ethel Cairns, Stenographer	5 00 per day
George Cartwright, Stenographer	5 00 per day
Ruth Crowley, Stenographer	5 00 per day
Julia Hayes, Stenographer	5 00 per day
Gladys McLeod, Stenographer	5 00 per day
Ethel Mitchell, Stenographer	5 00 per day
Josephine L. Pewterbaugh, Stenographer	5 00 per day
Mrs. Gertrude Rettig, Stenographer	5 00 per day
Florence Iverson, Stenographer	5 00 per day
Agnes Shearer, Stenographer	5 00 per day
A. R. Sweeney, Stenographer	5 00 per day
Josephine Waite, Stenographer	5 00 per day
Wm. T. Calderwood, Assistant Sergeant-at-Arms	5 00 per day
John Crotty, Assistant Sergeant-at-Arms	5 00 per day
Theodore Lafayette, Assistant Sergeant-at-Arms	5 00 per day
Clarence Prentice, Assistant Sergeant-at-Arms	5 00 per day
J. E. Reynolds, Assistant Sergeant-at-Arms	5 00 per day
Frank B. Durkee, Jr., Page	2 50 per day
Neal Fellom, Page	2 50 per day
Donald Maguire, Page	2 50 per day
Boyd Garrison, Page	2 50 per day
E. J. Sullivan, Page	2 50 per day

Resolution read, and on motion of Senator Crowley adopted.

By Committee on Contingent Expenses:

*Resolved*, That the Secretary of the Senate be and he is hereby ordered and directed to prepare, during the constitutional recess, for the use of the members of the Legislature, a complete and comprehensive Legislative Manual or Handbook of the Legislature, a complete and comprehensive of previous sessions, same to size and style uniform with similar publications of both houses of the Legislature, contain list of State officers, members and officers of both houses of the Legislature, lists of committees and rules of both houses and joint rules, together with indexes to the same; also to prepare for the use of members of the Legislature a Semifinal Calendar containing a history of all bills in reduced to date, together with a complete index and cross-index to the same, to be printed and distributed during the constitutional recess, and the Secretary is hereby empowered to employ such expert assistants, indexers, etc., as he may find necessary, and the Controller is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of eight hundred and sixty dollars (\$860.00) to pay for such services and the Treasurer is hereby ordered and directed to pay the same. The Secretary of the Senate is further directed to furnish the Controller with vouchers for all expenditures made by him in pursuance of the work set forth above, during the said constitutional recess.

CARTER, Chairman.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—30.

**NOES**—None.

CONSIDERATION OF ASSEMBLY BILL NUMBER SEVEN HUNDRED FORTY-NINE.

Senator Weller asked unanimous consent for the consideration at this time of Assembly Bill No. 749.

Unanimous consent granted.

#### CASE OF URGENCY.

The following resolution was offered:

By Senator Weller:

*Resolved*, That Assembly Bill No. 749 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—31.

**NOES**—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 749.

SECOND READING OF ASSEMBLY BILL NUMBER SEVEN HUNDRED FORTY-NINE.

Assembly Bill No. 749—An act to add a new section to be numbered 7a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, and terms of office, qualification and compensation and for the selection of jurors therein," approved May 3, 1925 as amended, relating to the number of clerks, officers and attaches of municipal courts and their deputies; and to fix the compensation therefor.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as there has recently been created a traffic fines bureau in the city of Los Angeles and the said traffic fines bureau is a part of and under the jurisdiction of the municipal courts of Los Angeles and inasmuch as the Municipal Court Act does not make provision for a sufficient number of attaches to properly administer the law, and inasmuch as the unenforcement of the law constitutes a menace to life and property, it is hereby declared that this act is an urgency measure, necessary for the immediate preservation of the public health, peace and safety and that under the provisions of section 1 of article IV of the constitution of the State of California an urgency exists and this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Baker, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney,

McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 749 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Herbert C., Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 18, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 3—An act making an appropriation to meet the deficiency in the appropriation for the mileage of State Senators for the seventy-ninth and eightieth fiscal years—and reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1929, at ten o'clock and forty-five minutes a.m.

JONES, RAY, Chairman.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At one o'clock and thirty-five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Breed: Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator McKinley: Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104a, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Nelson: Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates.

Bill read first time, and referred to Committee on Elections.



Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

Bill read first time, and referred to Committee on Elections.

By Senator Rochester: Senate Bill No. 669—An act to amend section 1525 of the Penal Code, relating to search warrants.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also (by request): Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3627a, 3628, 3629 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 671—An act to amend sections 4, 8 and 17 of an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended by an act approved June 1, 1923; to add a new section to said act to be numbered section 18a, granting authority to the Surveyor General to refuse to grant any permit or lease applied for under the provisions of this act when in his judgment the work of prospecting for, developing or extracting mineral would cause loss or damage to property near the land applied for; and repealing acts or parts of acts in conflict herewith, and adding a section declaring this act to be an urgency measure.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 672—An act to amend section 146 of the Penal Code, relating to public officers.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also (by request): Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a relating to falsely representing a public officer.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Lyon: Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 676—An act to add a new section to the Civil Code, to be numbered 3012, relating to the sale of property pledged.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

By Senator West: Senate Bill No. 678—An act to add a new section to the Code of Civil Procedure, to be numbered 1900a, relating to uniform proof of statutes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 679—An act to add a new chapter to title XIV of part IV of division III of the Civil Code, to be numbered chapter 2a, embracing section 2980, relating to conditional sales.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 680—An act to repeal chapter 1 and articles I to VI inclusive of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code; all relating to partnerships; and to make the partnership law of the State of California uniform with the law of other states.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 682—An act concerning aeronautics and to make uniform the law with reference thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jones, Herbert C.: Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Crowley: Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Duval: Senate Bill No. 685—An act to provide for the supervision of dams in California for the purpose of safeguarding life and property, defining the powers and duties of the State Department of Public Works and the respective officers thereof in relation thereon and prescribing penalties for violation thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Handy: Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the water of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Slater: Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081 and to repeal sections 1913, 1928*a*, 1928*b*, 1928*c*, 1928*d*, 1929, 1930, 1931, 1932, 1932*1*, 1933, 1934*1*, 1962 and 1968 of the Political Code, all relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.



By Senator Canepa: Senate Bill No. 690—An act to amend section 3664a of the Political Code, relating to taxation of public service and other corporations for the benefit of the State.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 691—An act to provide for the financing, construction and operation of toll bridges by the State, creating the State Highway Bridge Board, and defining its power and duties in relation thereto.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 692—An act to add a new section to the Penal Code, to be numbered 629b, relating to the protection of fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 693—An act to regulate the possession of machine guns and providing a penalty for violation thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Inman and Murphy: Senate Bill No. 694—An act providing for the manufacture, distribution, use and sale of cement and cement products by the Department of Public Works of the State of California; defining the powers and duties of said board relative thereto, and making an appropriation to carry out the purposes of this act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Inman: Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also: Senate Bill No. 696—An act to require the registration of all hunting and fishing clubs and to require the keeping of records by such clubs as will assist in the enforcement of laws, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 697—An act to add a new section to the Political Code, to be numbered 363j, relating to the Department of Public Works.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also (by request): Senate Bill No. 698—An act to amend sections 1, 2, 3, 8, 9 and 10 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and

to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read first time, and referred to Committee on County Government.

By Senator Pellom: Senate Bill No. 700—An act authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, and to operate and maintain bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state; also to charge tolls for passage over said bridges; also to fix the rate of said tolls; also to issue and sell non-taxable, interest-bearing revenue bonds, and to fix the rate of interest thereon, with which to build, purchase, condemn or otherwise acquire, bridges and approaches thereto; also to fix the time of maturity; also to provide by the collection of tolls for the money with which to retire said bonds, and to pay the interest thereon; also to pay into the State treasury all monies collected hereby, and to create a special fund to be styled, "The highway bridge fund"; also to create a first lien on such tolls that may be collected for the use of any such bridges or approaches thereto; also to provide that certain property already appropriated to another public use, may be condemned and taken for the bridge purposes herein set out; and also declaring that the building or ownership of bridges and approaches contemplated by this act shall be a superior or paramount right or necessity; also that when two or more bridges are coupled or consolidated under one bond issue or under one contract, that when such bridges have been paid for that thereafter no tolls shall be charged or collected on either or any such bridge or bridges.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State, also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction, repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by

virtue of said act, shall not be affected by the foregoing repeal, but shall continue in full force and effect.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McCormack: Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 704—An act to amend section 628*a* of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Merriam: Senate Bill No. 705—An act to add a new section to the Political Code to be numbered section 4041*s*, relating to powers and duties of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts.

Bill read first time, and referred to Committee on Education.

By Senator Weller: Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 708—An act to amend an act of the Legislature of the State of California, known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, by adding new sections thereto to be numbered Sections 31*a*, 31*b*, 31*c*, 31*d*, 31*e*, 31*f*, 31*g*, 31*h*, 31*i*, 31*j*, 31*k*, 31*l*, 31*m*, 31*n*, 31*o*, 31*p*, 31*q*, 31*r*, 31*s*, 31*t*, 31*u*, 31*v*, 31*w*, relating to the establishment of an alternative procedure for determining compensation for property to be actually taken and damages to property not actually taken, the filing of an offer by the plaintiff in condemnation and notice thereof, and hearing thereon, the service upon defendants in condemnation suits of a copy of such offer and provisions for the effect of the entry of defaults of defendants in the event of such service, the issuance of bonds for acquisitions, hearings thereon, the entry of more than one interlocutory and final judgment in condemnation suits and provisions for the effect of failure to object to proceedings.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation



thereof; and repealing all acts and parts of acts in conflict therewith.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 710—An act to provide that personal notice by mail, or otherwise, of the levy of annual, regular and special taxes and assessments on irrigation, water storage, and water conservation district lands, shall be given to nonresident owners of such lands.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 711—An act to add a new section to the Civil Code to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

By Senators Baker and Weller: Senate Bill No. 712—An act providing for the creation and establishment of the Contractors State License Board; prescribing the powers and duties of such board, defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Breed: Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 30, 31, 43, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 85, 86, 89, 90, 94, 100, 102, 112, 114, 118, 120, 121, 122, 127, 129, 131, 132, 134, 135, 138, 141, 142, 151 and 154 and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½ and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semi-trailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and

relating to the powers and duties of the Division of Motor Vehicles and records to be kept by public garages and the renting of motor vehicles and restriction as to the size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and providing for carrying out the objects of this act.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Tubbs: Senate Bill No. 715—An act to amend section 3664aa of the Political Code, relating to taxation of highway transportation companies for State purposes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 716—An act appropriating money to pay the claim of Weeks and Day against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senators Edwards, Swing, Duval, Evans, McKinley, Lyon, Carter, Pedrotti, Rochester, Mueller and Weller: Senate Bill No. 717—An act establishing certain additional State highways and classifying them as secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Young: Senate Bill No. 718—An act to amend section 634 of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 719—An act to amend section 637c of the Penal Code, relating to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Mueller: Senate Bill No. 720—An act to revise an act entitled "An act to license canners, curers, preservers and packers of fish and handlers of crustaceans and mollusks, and providing a revenue therefrom for the conservation, propagation and restoration of fish in the State of California, and providing for a record of fish caught or received, and providing penalties for the violations of the provisions thereof, and repealing all acts and parts of acts in conflict therewith," approved May 28, 1917, relating to licenses.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 721—An act to amend section 628e of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 722—An act to create and organize the San Diego State Aviation College, to provide for the government and maintenance thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and

duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 724—An act to provide for the organization and government of public water districts in unincorporated territory.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Edwards: Senate Bill No. 725—An act to amend section 653c of the Penal Code, relating to hours of labor on public works.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Inman: Senate Bill No. 726—An act to amend sections 12 and 18 of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add a new section to said act to be numbered section 16a, providing an alternate method for procuring funds for the acquisition, construction, completion, or operation by municipal utility districts of any public utility or utilities referred to in said act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 727—An act to amend section 103½ of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

Bill read first time, and referred to Committee on County Government.

By Senator Carter: Senate Bill No. 728—An act to amend section 628c of the Penal Code, relative to the protection of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Cleveland: Senate Bill No. 729—An act to declare certain ditches and waterways, public highways and conferring certain powers and duties upon boards of supervisors.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Waggy: Senate Bill No. 730—An act to amend section 626a of the Penal Code, relating to the shooting of waterfowl.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed



district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Boggs: Senate Bill No. 732—An act to amend sections 373a, 373b, 373c, 373d, 373e, 373f, 373g and 373h, of the Political Code, relating to the Department of Natural Resources.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Inman: Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Allen: Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce.

Resolution referred to Committee on Federal Relations.

By Senator Cleveland: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 13 of article XI, relative to the formation of districts.

Amendment referred to Committee on Constitutional Amendments.

By Senator Allen: Senate Bill No. 735—An act to amend section 1 of an act of the Legislature of the State of California entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns: for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of ways and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof: for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality: for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon: for the issue of bonds representing the cost and expenses of such work: for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose: for the inclusion of the territory of any incorporated city or cities within such assessment district: and for county aid in such work." approved as amended March 21, 1907, relating to types of improvement authorized.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Baker: Senate Bill No. 736—An act to provide for the improvement of and work upon public highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places, parks, pleasure grounds,

commons, and all public ways and other property and rights of way of the public, within municipalities, and upon property and rights of way owned by municipalities, including any property over which possession and right of use have been obtained under the provisions of section 14 of article I of the constitution of the State of California, in whole or in part, and the establishment and change of grade thereof, and providing for the payment of the costs and expenses of such work and improvements, and the issuance and effect of bonds therefor and the payment of such bonds by special assessment taxes raised in assessment districts established for that purpose, and the enforcement of such bonds and assessment taxes; and providing for aid from municipalities in such work and improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Merriam: Senate Bill No. 737—An act to add a new section to the Civil Code to be numbered 48a, relating to libel.

Bill read first time, and referred to Committee on Judiciary.

By Senators Rochester, Nelson and Jones, H. C.: Senate Bill No. 738—An act to create a commission to codify the laws of the State and make a report to the Legislature thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Merriam: Senate Bill No. 739—An act to amend section 4463 of the Political Code, relating to newspapers.

Bill read first time, and referred to Committee on Judiciary.

#### RECESS.

At twelve o'clock and ten minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

#### MOTION BY SENATOR SLATER.

Senator Slater moved that Senator Inman represent the Senate at the funeral of Judge E. C. Hart, to be held in Sacramento, January 19, 1929.

Motion unanimously carried.

#### RESOLUTION OF RESPECT.

*Mr. President, Gentlemen of the Senate.*

In accordance with the duty imposed upon us by a resolution of this Senate, we beg leave to submit the following token of sincere regret at the unexpected passing of the Honorable Elijah C. Hart, Associate Justice of the Third District Appellate Court.

It is not only most appropriate, but a measure of devotion to make a permanent record in the Journal of this body of a life so rich in service, in friendship, and in intellectual endowment.

As journalist, lawyer, judge and patriotic citizen, Justice Hart won his way into the lives and admiration of a legion of friends. He smiled through life and when the end came he closed his life's book with a smile. He died in the service and thus fulfilled his desire.

A "Covered Wagon Baby," his eyes first caught the light of day at the entrance to the State he so long honored and loved so well. He measured up to the heroism of pioneer ancestry. He was born while the chivalry of citizenship was yet in

flower. He was well grounded in the basic principles which lengthened out in the after years into a full appreciation of true and sturdy manhood. He believed and lived the "golden rule" which measured out to others what he desired himself in the way of honesty and integrity.

Years ago Justice Hart served as a member of this Senate, and up to the time of his death he retained happy memories of that service. He delighted in after years to counsel the young beginners in legislation, and was ever a friend of youth, and interested in the enrichment and nobility of character. As a jurist he always endeavored to be just, and his motives were never questioned, but always praised. When death called him he was just where he would have been at the coming of the summons—in his office in the courts.

Justice Hart hated sham. He loved actions on the square and strictly upon the level. He had a heart full of kindness, and a genuineness of soul that came from a heart that beat true. His pathway through life reveals many bright inscriptions and shining remembrances that neither time nor death can efface. He has wrapped his garments about him and laid down to pleasant dreams, conscious that in the awakening he would participate in the joys that mingle at the dawn of the perfect day—the recompense of life. Therefore, be it

*Resolved by the Senate of the State of California,* That it joins in the state-wide expression of regret at the passing of this good man, and by this resolution testifies that the State of California in the death of Justice Hart has lost one of her most useful men, a distinguished jurist and a friend of man. Be it further

*Resolved,* That a copy of this resolution be spread upon the minutes of this Senate and that the Secretary be instructed to forward a copy of the same to the family of the deceased.

HERBERT W. SLATER,  
J. M. INMAN,  
ARTHUR H. BREED,  
Committee.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS (RESUMED).

By Senator Rochester: Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Sharkey: Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and providing for the enforcement of the provisions of this act and for the punishment of violations thereof.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 744—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the



transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; providing for the issue by incorporated cities and towns, cities and counties, and counties of permits for the operations of such automobiles, jitney busses, auto trucks, stages and auto stages; empowering incorporated cities and towns, cities and counties, and counties to enact ordinances for the supervision and regulation of automobiles, jitney busses, auto trucks, stages and auto stages and providing penalties for the violation of such ordinances; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts and parts of acts inconsistent with the provisions of this act "approved May 10, 1917, as amended and to add thereto a new section to be numbered three.

Bill read first time, and referred to Committee on Public Utilities.

Also: Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 746—An act to amend section 601a of the Civil Code, relating to religious corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weller: Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities, or form the exterior boundary of any municipality where the same joins unincorporated territory of a county, or the territory of another municipality, whether partly or wholly within or without said boundary, for the acquisition, construction and operation of any transportation facility within the district, the use of existing State

acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 749—An act to regulate, license and control the operation within the State of California of aircraft engaged in the transportation of passengers or property as common carriers thereof.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 750—An act to regulate and control the operation of aircraft; to provide for the licensing thereof and of the operators thereof; to provide rules and regulations for the conduct thereof; to fix fees, fines and forfeitures in connection therewith and provide for the disposition thereof.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

By Senator Fellom: Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by amending section -----, relating to-----.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 753—An act to amend sections 36, 46, 50, 51, 72, 153, and 157 of the California Vehicle Act, approved May 30, 1923, as amended, and to add thereto five new sections to be numbered 16a, 28a, 28b, 28c, and 28d, respectively, relating to-----.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 754—An act to add a new section to be numbered 2a, to an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Hurley: Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland.

Bill read first time, and referred to Committee on Military Affairs.

By Senator McCormack: Senate Bill No. 756—An act authorizing the Department of Public Works of the State of California to acquire, construct and maintain a State highway in the counties of Solano and Napa, extending in a general southwesterly direction from a point near Cordelia, through what is known as the American Canyon, to the most practicable crossing of the Carquinez Straits.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator West: Senate Bill No. 757—An act to amend section 1142 of the Political Code, relating to boards of election.

Bill read first time, and referred to Committee on Elections.

By Senator Fellom: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 6, relative to the issuance of bonds to the amount of \$20,000,000 for the acquisition of rights of way for railroad crossing eliminations on the roads within the State highway system and within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission.

Amendment referred to Committee on Constitutional Amendments.

By Senator Sharkey: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative to taxation of marine insurers.

Amendment referred to Committee on Constitutional Amendments.

# RECESS.

At one o'clock and forty-five minutes p.m., on motion of Senator Slater, the President pro tempore declared the Senate at recess until two o'clock p.m.

# RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with Senator Carter's resolution, relative to the appointment of a committee to investigate the so-called cement trust, the President announced the appointment of Senators Boggs, Carter, Inman, Jones, Herbert C., and Wagv.

## APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 6, relative to appointing a committee to investigate the methods of controlling and regulating investment securities, the President announced the appointment of Senators McKinley, Tubbs and Mueller.



## RESOLUTION.

The following resolution was offered:

By Senator Nelson:

*Resolved*, That the State Printer print 1000 copies of Senate Bill No. 509, relating to revenue and taxation; and

*Resolved, further*, That 100 copies of the transcript of the stenographic notes taken at the tax hearing held in the Assembly Chamber, January 17, 1929, be printed, and one copy of such printed transcript be mailed to each member of the Senate as soon as possible.

Resolution read, and on motion of Senator Nelson adopted.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Maloney (by request): Senate Bill No. 758—An act to amend section 69 of the Civil Code, and to add a new section thereto to be numbered section 69b, relating to the issuance of marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

By Senators Jones, H. C., Nelson and Rochester: Senate Bill No. 759—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Duval: Senate Bill No. 760—An act to amend sections 1, 2, 2½, 2a, 3, 4, 5, 6 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Boggs: Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by repealing section 36 and by amending section 42 thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter Butte by-pass assessment number six, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto to be numbered 37 and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 175, California Statutes of 1925 and chapter \_\_\_\_\_, California Statutes of 1929.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Garrison: Senate Bill No. 764—An act creating the California State Trade Commission; providing for the appointment, compensation and removal of its members; prescribing its powers and duties; providing for the enforcement and review of its orders; prohibiting unfair methods of competition in intrastate commerce; making an appropriation for the purposes of the act; and prescribing penalties for violation thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 765—An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 766—An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this State other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

Bill read first time, and referred to Committee on Irrigation.

Also (by request): Senate Bill No. 767—An act to create a game refuge, relating to the propagation, conservation and protection of game and providing penalties for violations of the act.

Bill read first time, and referred to Committee on Fish and Game.

Also (by request): Senate Bill No. 768—An act entitled "An act to define the public waters of the State for the purpose of angling, and to regulate angling therein and thereon and to establish rights of way therein, thereon and thereto for the purpose of angling."

Bill read first time, and referred to Committee on Fish and Game.

By Senator Rochester: Senate Bill No. 769—An act to repeal section 564 of the Code of Civil Procedure of California, and to enact a new section in lieu thereof, to be known as section 564 of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Handy: Senate Bill No. 770—An act to amend sections 737k and 737zz of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class.

Bill read first time, and referred to Committee on Governmental Efficiency.

Also: Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter.

Bill read first time, and referred to Committee on Education.

By Senator Jones, Herbert C.: Senate Bill No. 772—An act to prohibit the expenditure of money or the giving or offering of money, reward or thing of value, by any public utility corporation for political purposes.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Senate Bill No. 774—An act fixing penalties for the illegal possession of intoxicating liquors and requiring prosecuting officers to plead prior convictions.

Bill read first time, and referred to Committee on Public Morals.

By Senator West: Senate Bill No. 775—An act to amend sections 2957 and 2959 of the Civil Code, and to add thereto two sections, to be numbered 2963a and 2973a, all relating to mortgages and contracts of sale of personal property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 776—An act to amend sections 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92 of the California Motor Vehicle Act, relating to the weight of trucks, width of tires and speed of trucks using the public highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Gray: Senate Bill No. 777—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding four new sections thereto, to be numbered sections 4a, 4b, 4c and 4d, relating to limitations on the use of said act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 778—An act to amend an act entitled "Motor Vehicle Act," approved May 30, 1923.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 779—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees, and by other persons, and corporations, creating the 'Railroad Commission fund,' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code, and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Public Utilities.



By Senator Evans: Senate Bill No. 780—An act to amend an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; to repeal acts or parts of acts in conflict herewith; to provide for an appropriation to defray the cost of administering this act," as approved May 25, 1921, and as amended by amending section 18 thereof, relative to fixing boundary lines of oil or gas fields.

Bill read first time, and referred to Committee on Conservation.

By Senator Nelson: Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on device for charitable uses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jones, Herbert C.: Senate Bill No. 782—An act to amend section 2186 of the Political Code.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency, and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Senate Bill No. 784—An act relating to the finances of the State Board of Education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 786—An act relating to the administration of the State Department of Education.

Bill read first time, and referred to Committee on Education.

By Senator Breed: Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer, and fixing their salaries.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fellom: Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of

incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work." approved March 21, 1907, as amended, relating to form and manner of issuance of bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 789—An act to amend section 7 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work." approved March 21, 1907, as amended, relating to protest.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 790—An act calling a special election on the \_\_\_\_\_ day of \_\_\_\_\_, 1930, relating to \_\_\_\_\_.

Bill read first time, and referred to Committee on Elections.

By Senator Allen: Senate Bill No. 791—An act declaring the present highway from Calor on the Oregon State line and leading therefrom via Dorris to Weed, California, to be a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Weller: Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons and corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 793—An act to amend sections 296, 362 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 794—An act to add a new section to the Civil Code, to be numbered 411, relating to the surrender by foreign corporations of the right to transact intrastate business.

Bill read first time, and referred to Committee on Corporations.

By Senator Young: Senate Bill No. 795—An act to amend an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State fish exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Lyon: Senate Bill No. 796—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," as amended, approved May 23, 1925, by adding thereto a new section to be designated as section relating to pension for marshals and deputy marshals of cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and or one or more municipalities; providing for the classification of such harbors and lands into a commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors and authorizing counties and cities, jointly and separately to defray or contribute out



of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses either wholly or partially and authorizing differential special assessments within such district and providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California and from any person or persons and providing for the election within any such harbor district formed under this act of a board of harbor governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Cleveland: Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 799—An act to amend sections 95 and 120 of the "California Vehicle Act" approved May 30, 1923, as amended.

Bill read first time, and referred to Committee on Motor Vehicles.

Also: Senate Bill No. 800—An act to amend an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Crowley: Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 802—An act to amend an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the

erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Lyon: Senate Bill No. 803—An act authorizing the Department of Finance of the State of California to purchase certain lands in the county of Los Angeles.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator West: Senate Bill No. 804—An act relating to industrial loan companies and providing for their regulation and supervision, defining the powers and duties of the State Superintendent of Banks in relation thereto, and prescribing penalties for violation of the provisions thereof.

Bill read first time, and referred to Committee on Banking

By Senator Hurley: Senate Bill No. 805—An act to add a new section to the Street Improvement Act of 1915, to be numbered 1a, relative to limitations of assessments.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 806—An act to add a new section to the Street Improvement Act of 1911 to be numbered 4a, relative to limitations of assessments.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 807—An act to add a new section to the Street Improvement Act of 1903 to be numbered 17a, relative to limitations of assessments.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 808—An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Christian: Senate Bill No. 809—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

Bill read first time, and referred to Committee on Elections.

By Senator Sharkey: Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the

enlargement of Mt. Diablo Park in California." approved May 21, 1927, by amending section 3 of said act, relating to Mt. Diablo State Park fund.

Bill read first time, and referred to Committee on Conservation.

Also: Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927.

Bill read first time, and referred to Committee on Conservation.

By Senator Lyon: Senate Bill No. 813—An act providing employment for inmates of State prisons and reformatories; providing for appointment and compensation of a Superintendent of Prison Industries and providing rules and regulations for the carrying out of the provisions thereof.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Allen: Senate Bill No. 814—An act to amend sections 2½ and 2a of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts'" approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended, relating to fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jones, Herbert C.: Senate Bill No. 815—An act to provide for the promotion of maternal hygiene under the State Department of Public Health, and to appropriate money for carrying out the provisions of the act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 816—An act to add a new section to the Political Code to be numbered 2333a, relating to powers of the State Department of Social Welfare with respect to jails and detention homes.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Senator Murphy: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation.

Amendment referred to Committee on Constitutional Amendments.

By Senator Inman: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 1c, relative to revenue and taxation.

Amendment referred to Committee on Constitutional Amendments.



Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment of the constitution of said State, by repealing sections 2 and 3 of article XII, relating to the liability of incorporated stockholders and directors or trustees of corporations.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment of the constitution of said State, by repealing section 9 of article XII thereof, relating to the right of corporations to engage in business and to hold real estate.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment of the constitution of said State, by repealing section 14 of article XII thereof, relating to the duty of corporations to maintain an office in this State and to keep therein certain books and records.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment of the constitution of said State, by repealing section 12 of article XII thereof, relating to the right of stockholders of corporations to vote for directors or managers.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections 7 and 11 of that article.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by amending section 7 of article XII thereof, relating to the extension of corporation franchises and charters.

Amendment referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment of the constitution of said State by amending section 11 of article XII thereof, relating to the issuance of stock and bonds by corporations.

Amendment referred to Committee on Constitutional Amendments.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 10—Relative to the revision of the laws of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER TEN.

Senator McKinley asked unanimous consent for the consideration of Assembly Concurrent Resolution No. 10, without reference to committee.

Unanimous consent granted.

## ASSEMBLY CONCURRENT RESOLUTION No. 10.

WHEREAS, It is desirable that a committee of the Legislature meet during the constitutional recess of the forty-eighth legislative session for the purpose of considering the subject of needed revision of the statutes and of making recommendations thereon to the Legislature at this session; now, therefore, be it

*Resolved, by the Assembly, the Senate concurring,* That a committee of five members, consisting of three members of the Assembly to be appointed by the Speaker of the Assembly, and two members of the Senate to be appointed by the President of the Senate, be appointed to consider and report upon the subject of revision of the laws of the State, submitting its recommendations thereon to this Legislature upon the reconvening thereof after the constitutional recess.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Cobb, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and Young—25.

NOES—Jones, Ray; and West—2.

Title read and approved.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Assembly.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, January 18, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 284—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act;

Also: Senate Joint Resolution No. 2—Relative to the California State Fair and Western States Exposition.

Also: Senate Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling; And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1929, at two o'clock and forty-five minutes p.m.

JONES, RAY, Chairman.

## RESOLUTION.

The following resolution was offered:

By Senator Jones Ray:

WHEREAS, The Standard Oil Company of California has entertained the Senators and their wives by placing at their disposal some of their latest airplanes manned by efficient pilots; now, therefore, be it

*Resolved,* That the Senate does hereby extend its appreciation of the courtesy of the Standard Oil Company of California.

Resolution read, and on motion of Senator Jones adopted.

## APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 10, relative to the revision of the statutes, the President announced the appointment of Senators Baker and Weller.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 1.—Relative to memorializing Congress for federal aid in the control of the pine bark beetle.

ARTHUR A. OHNIMUS, Chief Clerk

By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 1 ordered to enrollment.

## RESOLUTION.

The following resolution was offered:

By Senator Murphy:

*Resolved*, That a committee of three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Murphy adopted.

## APPOINTMENT BY THE PRESIDENT.

In accordance with the above resolution, Senators Murphy, Breed and Slater were named by the President as the committee to inform the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

## RESOLUTION.

The following resolution was offered:

By Senator McCormack:

*Resolved*, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn for the constitutional recess, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator McCormack adopted.

## APPOINTMENT BY THE PRESIDENT.

In accordance with the above resolution, Senators McCormack, Crowley and Handy were named by the President as the committee to inform the Assembly that the Senate is ready to adjourn for the constitutional recess, and to ask if the Assembly has any further communication to transmit to the Senate.

## REPORT OF COMMITTEE.

Senator McCormack, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess, reported that the committee had delivered the message of the Senate and had been requested by the Assembly to inform the Senate that the Assembly had no further communication to transmit as they were prepared to adjourn for the constitutional recess.

## APPROVAL OF JOURNALS.

The Senate Journals of Monday, January 7; Tuesday, January 8; Wednesday, January 9; Thursday, January 10; Friday, January 11; Monday, January 14; Tuesday, January 15; Wednesday, January 16 and Thursday, January 17, were, on motion of Senator Breed, approved as corrected.



## REPORT OF COMMITTEE.

Senator Murphy, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communication to transmit to the Senate.

## APPROVAL OF THE MINUTES.

The minutes of this day, Friday, January 18, 1929, were read and, on motion of Senator Breed, approved as read.

## ADJOURNMENT.

Thereupon at three o'clock p.m., on motion of Senator Breed, in accordance with the provisions of Senate Concurrent Resolution No. 11, and out of respect to the memory of Elijah C. Hart, Associate Justice, District Court of Appeal, Lieutenant Governor H. L. Carnahan, President of the Senate, declared the Senate adjourned for the constitutional recess, to reconvene at eleven o'clock a.m., on Monday, February 18, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Monday, February 18, 1929.

Pursuant to the provisions of Senate Concurrent Resolution No. 11, the Senate reconvened at the hour of eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## LEAVES OF ABSENCE.

Senator Carter was, on motion of Senator Rochester, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

## APPOINTMENTS BY THE SECRETARY.

The following communication was received and read:

SENATE CHAMBER, SACRAMENTO, February 18, 1929.

*To the President and Members of the Senate of the State of California.*

I have the honor to inform you that I have this day appointed Paul Mason to the position of Assistant Secretary and Clerk of the Committee on Printing at a per

diem of \$9, and F. E. Dalin Assistant Secretary at a per diem of \$7, and respectfully ask the consent of the Senate thereto.

J. A. BEEK, Secretary of the Senate.

Senator West moved the appointments be confirmed by the Senate.

The question being upon the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

#### APPOINTMENT BY THE SERGEANT AT ARMS

The following communication was received and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed Harry Caro Bookkeeper to the Sergeant at Arms, at per diem of \$5, and respectfully ask the consent of the Senate thereto.

JOS. F. NOLAN, Sergeant at Arms.

Senator Edwards moved the appointment be confirmed by the Senate.

The question being upon the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

#### APPOINTMENTS BY THE PRESIDENT OF THE SENATE

The following communication was received and read:

I beg leave to inform you that I have appointed

Bob West, Page

\$2 50 per day

George Longwich, Page

2 50 per day

I respectfully request the consent of the Senate thereto.

H. L. CARNAHAN, President of the Senate.

Senator Breed moved the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

#### RESOLUTION.

The following resolution was offered:

By Senator Slater:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 11, and is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Slater adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE.

Pursuant to the provisions of the above resolution, the President announced the appointment of Senators Slater, Breed and Evans as a special committee to notify the Governor that the Senate had reconvened.

## RESOLUTION.

The following resolution was offered:

By Senator Weller:

*Resolved*, That the President of the Senate appoint a special committee of three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 11, and is ready to proceed with the business of the State.

Resolution read, and on motion of Senator Weller adopted.

## APPOINTMENT OF SPECIAL COMMITTEE.

Pursuant to the provisions of the above resolution, the President announced the appointment of Senators Weller, Rochester and Cleveland as a special committee to notify the Assembly that the Senate had reconvened.

## RESOLUTIONS.

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That the following named persons previously elected to the statutory offices set forth below be and the same are hereby directed to reassume their official duties. The compensation set opposite their names is to be payable weekly and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Harold J. Powers, Minute Clerk	\$9 00 per day
Rev. Bryant Wilson, Chaplain	4 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Swing, Wagy, West, and Young—26.  
 NOES—None.

Also:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Chas. A. McLean, Jr., Assistant Secretary	\$7 00 per day
John P. Rice, Assistant Minute Clerk	7 00 per day
Donald Bruce, Assistant Minute Clerk	7 00 per day
E. J. Hurley, Assistant Minute Clerk	7 00 per day
Wellington Bowser, Journal Clerk	7 00 per day
Kathleen Tuite, Chief Stenographer	6 00 per day
Gertrude Rettig, Secretary to Lieutenant Governor	5 00 per day
Ruth Crowley, Stenographer	5 00 per day
Dorothy Frame, Stenographer	5 00 per day
Elizabeth Pedrotti, Stenographer	5 00 per day
Clarence Prentice, Assistant Sergeant-at-Arms	5 00 per day
Mrs. J. Carter, Postmistress	4 00 per day
Marguerite Bridges, Stenographer	5 00 per day
Agnes Shearer, Stenographer	5 00 per day
Neva M. Gregg, Clerk of Judiciary Committee	6 00 per day
Arthur H. Breed, Jr., Clerk of Finance Committee	6 00 per day
Julia Hayes, Stenographer	5 00 per day
Helen G. Church, Stenographer	5 00 per day
John Crotty, Assistant Sergeant-at-Arms	5 00 per day

Senator Crowley moved the adoption of the resolution.

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Edwards, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Wagy, West, and Young—27.

**NOES**—None.

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

Resolution read.

CASSIDY, Vice Chairman.

Senator Cassidy moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—30.

**NOES**—None.

By Senator West:

*Resolved*, That when the Senate adjourns for the day that it do so out of respect to the memory of the late United States Senator Frank P. Flint, the last United States Senator elected by the Legislature of California, and that a committee be appointed to draw up a suitable resolution in connection therewith.

Resolution read, and on motion of Senator West unanimously adopted.

#### APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the President announced the appointment of Senators West, Slater, Merriam, Carter and Lyon as such select committee.

#### RESOLUTION OF RESPECT.

**MR. PRESIDENT, GENTLEMEN OF THE SENATE:** We, your committee named to draft resolution of respect to the memory of the late former United States Senator Frank P. Flint, respectfully reports as follows:

**WHEREAS**, Death has removed from earthly associations Frank P. Flint, a distinguished citizen of California, after a life in which many years were devoted to public service in California as a member in the Senate of the United States, and in other lines of activities in which he proved himself highly capable and possessed of a real sense of devotion; and

**WHEREAS**, It is most fitting that this Senate should pay token of recognition of the sincerity of purpose and attention to duty so well manifested in his life; therefore, be it

*Resolved*, That a permanent record of our esteem be made by causing this resolution to be spread upon the minutes of this Senate, and that a copy of the same be transmitted under the seal of the Senate, by the Secretary, to the widow and family of the deceased; and be it further

*Resolved*, That when the Senate adjourns today, it do so out of respect indicating our appreciation of a life which has left many bright inscriptions upon the tablets of love and memory.

Dated at Sacramento, California, this eighteenth day of February, 1929.

T. C. WEST, Chairman.  
HERRBERT C. SLATER.  
CHARLES W. LYON.  
HENRY E. CARTER.  
FRANK F. MERRIAM.

Resolution read, and on motion of Senator West unanimously adopted.

## REPORTS OF SPECIAL COMMITTEES.

Senators Slater, Breed and Evans, the special committee appointed to notify the Governor that the Senate had reconvened and was ready to receive any communication he might desire to make, reported that His Excellency had advised the committee that he was pleased to note that the Senate had reconvened, and that he had no communication to present to the Senate at this time.

Senators Weller, Rochester and Cleveland, the special committee appointed by the President to notify the Assembly that the Senate had reconvened and was ready to receive any communication the Assembly might make, reported that they had communicated with the Assembly as directed.

## MESSAGE FROM THE ASSEMBLY.

Messrs. Lyons, Snyder and Crittenden, a special committee from the Assembly, appeared before the bar of the Senate and presented the following message:

*Resolved*, That the Chief Clerk of the Assembly be directed to notify the Senate that the Assembly has reconvened, pursuant to Senate Concurrent Resolution No. 11, adopted on January 17, 1929, and is ready to proceed with the business of the State, with all officers heretofore elected present, to wit:

Speaker, Honorable Edgar C. Levey; Speaker pro tempore, Honorable William M. Byrne; Chief Clerk, Arthur A. Ohnimus; Minute Clerk, Louis F. Erb; Chaplain, Rev. William H. Hermitage; Sergeant-at-Arms, Arthur Ferguson.

## ADJOURNMENT.

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned out of respect to the memory of the late United States Senator Frank P. Flint, until eleven o'clock a.m., Tuesday, February 19, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, February 19, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 18, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Carter was, on motion of Senator Rochester, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

## PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Frank Welti of Santa Rosa, Dan H. Tafferty of Santa Rosa, Eugene Weber of Napa and Frank Monahan of San Francisco.

On request of Senator West, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Mr. W. L. Gillham of San Jose.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for the day was unanimously extended to the senior class of the Ceres Union High School, Ceres, California, as follows: Myron Anderson, Earl Brown, Ida Buerer, Howard Clayton, Paul Crane, Elmer Crismon, Elizabeth Crow, Harry Dayton, Pauline Dookey, Marguerite Elam, Phyllis Forney, Elgin Francis, Art Freeman, Edward Garrison, Agnes Grundy, Evelyn Hain, Irving James, Erma Kramer, Thelma McKnight, Florence Muirhead, John Mullin, John Orr, William Osborne, Lloyd Parks, Stanley Parks, Doris Pearl, Martha Quinley, Ardeth Rehensdorff, Keith Richards, Riley Richards, Dorothy Roberts, Margaret Rose, Joseph Rushton, Opal Simms, Theodore Smith, Evon Stennett, Carl Stonum, Calvin Surryhne, Edwina Todd, Harriott Updike, Edwin Witmer, Floyd Yowell, Rena Zamaroni; W. W. Anderson, vice principal and coach, and R. M. Freeman, agricultural instructor and adviser.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for the day was unanimously extended to Hon. J. W. Struck-enbruck of Acampo.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts:

Also: Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures:

Also: Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

INMAN, Vice Chairman.

Senate Bills Nos. 183, 273 and 751 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 18, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 13—Approving nine certain



amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the sixth day of November, 1928—and reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of February, 1929, at one o'clock and forty-five minutes p.m.

McCORMACK, Acting Chairman.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

George Cartwright, Stenographer	\$5 00 per day
Josephine Pewterbaugh, Stenographer	5 00 per day
Josephine Waite, Stenographer	5 00 per day
Barnett Richards, Mailing Clerk	4 00 per day
Nancy Lyon, Assistant Mailing Clerk	4 00 per day
Theodore Lafayette, Assistant Sergeant-at-Arms	5 00 per day
Olga S. Jarmen, Stenographer	5 00 per day
Carrie Garrison, File Clerk	7 00 per day
Emma Crow, Assistant Enrolling and Engrossing Clerk	5 00 per day
Ethelray Needham, Assistant Journal Clerk	5 00 per day
Harry L. Jordan, Assistant Sergeant-at-Arms	5 00 per day
Ethel Mitchell, Stenographer	5 00 per day
Lena A. Redding, Assistant Postmistress	4 00 per day
A. J. Marshall, Assistant Sergeant-at-Arms	5 00 per day
Mrs. R. M. Miller, Assistant Journal Clerk	5 00 per day
Florence Iverson, Stenographer	5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—33.

NOES—None.

#### APPOINTMENTS BY THE PRESIDENT OF THE SENATE.

The following communication was received and read:

I beg leave to inform you that I have appointed:

Frank Durkee, Page	\$2 50 per day
Neil Fellom, Page	2 50 per day
Elmo Sullivan, Page	2 50 per day
Donald McGuire, Page	2 50 per day

and respectfully request the consent of the Senate thereto.

H. L. CARNAHAN, President of the Senate.

Senator Breed moved the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Allen, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—31.

NOES—None.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the State Controller be and he is hereby ordered and directed to draw his warrants upon the proper funds in favor of the following named Senators

and officers of the Senate for the amount set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Senators	County	Mileage	Total at five cents per mile
Allen, J. M.	Siskiyou	590	\$29.50
Baker, C. C.	Monterey	416	20.80
Boggs, Frank S.	San Joaquin	96	4.80
Breed, Arthur H.	Alameda	178	8.90
Canepa, Victor J.	San Francisco	180	9.00
Carter, Henry E.	Los Angeles	944	47.20
Cassidy, Bert Alfred	Merced	74	3.70
Christian, E. H.	Alameda	182	9.10
Cleveland, George C.	Santa Cruz	446	22.30
Cobb, Charles H.	Fresno	738	36.90
Crowley, John J.	San Francisco	180	9.00
Duval, Walter H.	Ventura	499	24.95
Edwards, Nelson T.	Orange	920	46.00
Evans, H. J.	Los Angeles	930	46.50
Fellom, Roy	San Francisco	180	9.00
Garrison, J. C.	Stanislaus	164	8.20
Gray, P. J.	San Francisco	180	9.00
Handy, Fred C.	Monterey	706	35.30
Hurley, Edgar S.	Alameda	468	23.40
Jones, Herbert C.	Santa Clara	250	12.50
Jones, Ray	Yuba	494	24.70
Lyon, Charles W.	Los Angeles	920	46.00
Maloney, Thomas A.	San Francisco	180	9.00
McCormack, Thomas	Salt Lake	124	6.20
McKinley, J. W.	Los Angeles	804	40.20
Merriam, Frank F.	Los Angeles	708	35.40
Mueller, Edwin A.	San Diego	1,178	58.90
Murphy, Daniel C.	San Francisco	180	9.00
Nelson, H. C.	Humboldt	324	16.20
Pedrotti, J. L.	Los Angeles	804	40.20
Rochester, George W.	Los Angeles	804	40.20
Sharkey, Will R.	Colusa County	124	6.20
Slater, Herbert W.	Sacramento	180	9.00
Swing, Ralph E.	San Bernardino	1,016	50.80
Tubbs, Pallant	San Francisco	180	9.00
Wagy, J. I.	Kern	550	27.50
Weller, Frank C.	Los Angeles	910	45.50
West, T. C.	Alameda	128	6.40
Young, Sanborn	Santa Clara	278	13.90
			Total at ten cents per mile
<b>Officers</b>			
Carnahan, H. L., President	Los Angeles	804	\$40.20
Beck, Joseph A., Secretary	Orange	920	46.00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	804	40.20
Powers, Harold J., Minute Clerk	Modoc	832	41.60

CASSIDY, Vice Chairman.

Resolution read.

Senator Cassidy moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—32.

**NOES**—None.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolutions were offered:

By Senator Fellom: Senate Concurrent Resolution No. 15—Relative to the publication of a new edition of the constitution of the State of California, the constitution of the United States, and other documents for use in the public schools of the State.

On motion of Senator Slater, Senate Concurrent Resolution No. 15 was ordered held over until the next legislative day.

By Senator Young: Senate Concurrent Resolution No. 16—Relating to the suppression of traffic in narcotic drugs, and authorizing the

appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters.

Resolution referred to Committee on Public Health and Quarantine.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 30. An act making an appropriation to meet the deficiency in the appropriation for the construction and equipment of building at Chico State Teachers College.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY BILL NUMBER THIRTY.

Senator Breed asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 30 without reference to committee.

Unanimous consent granted.

CASE OF URGENCY.

RECOMMENDATION OF THE GOVERNOR.

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 30:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

February 19, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 30 makes appropriation to meet the deficiency in the appropriation for the construction and equipment of building at Chico State Teachers College.

In my opinion the appropriation necessary for such expenditure during the remainder of the 80th fiscal year constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted,

C. C. YOUNG, Governor.

RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That Assembly Bill No. 30 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—33.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 30.



## SECOND READING OF ASSEMBLY BILL NUMBER THIRTY.

Assembly Bill No. 30—An act making an appropriation to meet the deficiency in the appropriation for the construction and equipment of building at Chico State Teachers College.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Harbo, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriman, Murphy, Nesson, Rochester, Sharkey, Slater, Swing, Wagv, Weller, West, and Young—33.  
 NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canipe, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Harbo, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriman, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagv, West, and Young—33.  
 NOES—None.

Title read and approved.

Assembly Bill No. 30 ordered transmitted to the Assembly.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—8; absent—5.

NELSON, Chairman.

Senate Bill No. 509 ordered on file for second reading.

## CONSIDERATION OF SENATE BILL NUMBER FIVE HUNDRED NINE.

Senator Nelson asked for, and was granted, unanimous consent to take up at this time Senate Bill No. 509 for the purpose of amending.

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, substitute the words "doing business" for "located".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 22, of the printed bill, substitute the word "hereinafter" for the word "herein", and insert the word "national" after the word "include".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 17, of the printed bill, substitute the word "during" for the word "for".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 20, of the printed bill, substitute the words "with the consent" for the words "in the discretion".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 2, of the printed bill, strike out the words "used in the business".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4 of the printed bill, between lines 14 and 15, insert the following paragraph:

"The basis upon which depletion is to be allowed in respect of any property shall be as provided in sections 113 and 114 of the said revenue act of 1928."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 43, of the printed bill, after the word "received", insert "during the taxable year".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 44, of the printed bill, strike out the words following "state"; strike out lines 45 and 46; strike out line 47 to and including the word "state"; and in line 49 strike out the words "by a corporation or bank".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 5, line 2, of the printed bill, strike out all of line 2 beginning with the word "already"; strike out lines 3, 4 and 5, and substitute in lieu thereof "been received from income arising out of business done in this state".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5 of the printed bill, between lines 42 and 43, insert an additional paragraph to section 8 reading as follows:

"(1) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with non-members, done on a non-profit basis."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5 of the printed bill, insert the following at the end of paragraph (1), which is to be inserted by Amendment 10: "If any deduction provided for in this section is finally adjudged discriminatory against a national banking association contrary to section 5219 of the Revised Statutes of the United States, or is for any reason invalid, in that event the tax of the favored taxpayer shall be recomputed by the tax commissioner, as of the time of the allowance of the deduction, by disallowing the deduction, and any difference between the amount of the tax as recomputed and the amount of the tax as originally computed shall be subject to the provisions hereof relating to original computations."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 15, of the printed bill, substitute for the words "seems to him best" the words "is fairly"; in line 17, substitute for the word "void" the word "avoid".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 43, of the printed bill, strike out the words "seventy five" in lines 43 and 44, and substitute therefor the words "two months and fifteen"; in line 51 insert a comma after the word "year" and a comma after "1928" in line 1 on page 7.

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 6, line 45, of the printed bill, strike out the word "report", and insert in lieu thereof the word "return".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 13, of the printed bill, strike out all that follows the word "banks", and all of lines 14 and 15, and insert in lieu thereof as a separate paragraph of section 14 the following:

"An affiliated group of banks or corporations, or of one or more banks and one or more corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for any taxable year in lieu of separate returns. In the case of a bank or corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such bank or corporation for such part of the year as it is a member of the affiliated group. As used in this section an affiliated group means one or more banks or corporations connected through stock ownership with a common parent bank or corporation if, (a) at least ninety five per centum of the stock of each of the banks or corporations, except the common parent bank or corporation, is owned directly by one or more of the other banks or corporations; and the common parent bank or corporation owns directly at least ninety five per centum of the stock of at least one of the other banks or corporations; or (b) at least ninety five per centum of the stock of two or more banks or corporations is owned by the same interest. As used in this section of the term 'stock' does not include non voting stock which is limited and preferred as to dividends."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 7, lines 16, 18, 21, 27, 38, 39, 44 and 50, of the printed bill, substitute the word "return" for the word "report".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 40, of the printed bill, strike out the words "of not less than three"; line 41, strike out "hundred dollars (\$300) and".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 38, of the printed bill, insert immediately preceding the word "or" the words "or failing or refusing to furnish a supplemental return or other data".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 8, line 20, of the printed bill, substitute the word "recognized" for "realize".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 8 of the printed bill, strike out all of lines 37 to 53, inclusive, and on page 9 strike out all of lines 1 to 31, inclusive, and insert in lieu thereof the following:

"Sec. 23. One-half the total amount of tax disclosed by the return shall be due and payable on or before the fifteenth day of the third month following the close of the taxable year, as defined in section 11 hereof. The balance of the tax shall be due and payable on or before the fifteenth day of the ninth month following the close of the taxable year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment.

Where an extension of time for filing returns has been granted by the commissioner under the provisions of section 15 of this act, the first installment shall be paid prior to the expiration of such extension.



If one-half of the tax is not paid on or before its due date, or the due date as extended by the commissioner, it shall be delinquent and a penalty of fifteen per cent added thereto. If the balance is not paid at the time it is due and payable, it shall be delinquent and a penalty of five per cent added thereto. At the time of the delinquency of the second installment an additional penalty of five per cent shall be added to the first installment unless that installment has theretofore been paid.

All taxes and interest imposed under this act must be paid to the controller of the state at Sacramento and shall by him be ordered into the state treasury. The controller must give a receipt to the taxpayer for every payment.

Sec. 24. (a) Interest upon the amount determined as a deficiency under the provisions of section 25 of this act shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the commissioner, and shall be collected as a part of the tax, at the rate of six per centum per annum from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed.

(b) If the time for the payment of the tax or any installment thereof has been extended, under the provisions of section 23 of this act, there shall be collected as part of such tax, interest thereon at the rate of six per centum per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

(c) If the amount determined by the taxpayer as the tax imposed by this act, or any installment thereof, or any part of such amount or installment is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of one per centum a month from the date prescribed for its payment until it is paid.

(d) Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined as provided hereinabove, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subsection (b) of this section, interest at the rate of one per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(e) Where a deficiency, or any interest or penalties assessed under this act have not been paid in full within ten days from the date of notice and demand from the commissioner, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of one per centum a month from the date of such notice and demand until such assessment is paid.

Sec. 25. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice to the taxpayer at its post-office address (which must appear on its report) of the additional tax proposed to be assessed against it. Such notice shall set forth the details of the proposed additional assessment and of computing said tax.

Within sixty days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. The protest must be under oath.

If no such protest is so filed the amount of the tax shall be final upon the expiration of said sixty-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy the tax complained of, and if the taxpayer has so requested in his protest, it shall be the duty of the commissioner to grant said taxpayer, or his authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of the thirty days from the date when he mails to the taxpayer notice of his action, unless within that thirty-day period the taxpayer appeals in writing from the action of the commissioner to the state board of equalization. The appeal must be addressed and mailed to the state board of equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. The determination by said board upon said appeal of the amount of the tax shall be final unless set aside by a court of competent jurisdiction in an action filed by the taxpayer in the manner hereinafter provided. The controller of the state must be notified by the commissioner or by said board, as the case may be, of the final amount of the tax.

A certificate by the commissioner of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices."

Amendment adopted.

## AMENDMENT NUMBER TWENTY ONE.

On page 9 of the printed bill, strike out all of lines 32 to 46, inclusive, and insert in lieu thereof the following :

"Sec. 26. A corporation subject to the tax herein provided for, shall receive an offset against said tax, up to ninety per cent thereof, for such personal property taxes paid by it to the state, or to any county, city and county, city, town or other political subdivision thereof, as has been paid during the taxable year. At the time of payment of first installment of tax under the provisions of section 23 of this act, each taxpayer claiming an offset against the tax shall submit to the controller of the state evidence in such form as such controller shall prescribe in support of such claim. At the request of said controller, the commissioner shall assist him in the determination of the proper amount of said offset.

Where a consolidated return has been made under section 14 hereof the offset allowable against the tax liability of the consolidated group include said personal property taxes paid during said period by all corporations which are included in the consolidated group, subject to said ninety per cent limitation.

If a corporation in payment of the tax provided for in this act has been allowed an offset in the computation of its tax, the commissioner shall apply the four per cent rate to such offset and the amount so computed shall be added to and included in the tax of the corporation under section 23 hereof."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revenue and Taxation.

## RECESS.

On motion of Senator Breed, at eleven o'clock and fifty minutes a.m., the President of the Senate declared recess until twelve o'clock and five minutes p.m.

## RECONVENED.

At twelve o'clock and five minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## REPORT OF SPECIAL COMMITTEE.

*To the Senate of the State of California.*

Your committee, appointed pursuant to Senate resolution for the purpose of investigating an alleged illegal combination in restraint of trade in the cement industry, begs leave to report :

Owing to the illness of Senator H. C. Jones, who was elected chairman, your committee has selected Senator J. M. Inman as vice chairman with all the authority vested in the chairman.

INMAN, Vice Chairman.  
WAGY  
BOGGS.

On motion of Senator Inman, the above report was accepted, and the selection by the committee of Senator Inman as vice chairman of the committee confirmed by the Senate.

## ADJOURNMENT.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Wednesday, February 20, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, February 20, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 19, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Henry Meade Bland of the University of California at Berkeley.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

WHEREAS, It is the desire of the Senate of the State of California to adjourn from the hour of adjournment on Thursday, February 21, 1929, until the hour of eleven o'clock a.m., Monday, February 25, 1929; now, therefore, be it

*Resolved by the Assembly of the State of California.* That the consent of the Assembly be, and the same is hereby granted to the Senate of the State of California to adjourn the session thereof from such hour on Thursday, February 21, 1929, as may be determined by its members, until the hour of eleven o'clock a.m. on Monday, February 25, 1929, such consent being given for the purpose of complying with the requirements of section 14 of article IV of the constitution of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## RESOLUTIONS.

The following resolutions were offered:

By Senator Breed:

WHEREAS, It is the desire of the Assembly of the State of California to adjourn from the hour of adjournment on Thursday, February 21, 1929, until the hour of eleven o'clock a.m., Monday, February 25, 1929; now, therefore, be it

*Resolved by the Senate of the State of California.* That the consent of the Senate be, and the same is hereby granted to the Assembly of the State of California to adjourn the session thereof from such hour on Thursday, February 21, 1929, as may be determined by its members, until the hour of eleven o'clock a.m. on Monday, February 25, 1929, such consent being given for the purpose of complying with the requirements of section 14 of article IV of the constitution of the State of California.

Resolution read.

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—32.

NOES—None.

Resolution ordered transmitted to the Assembly.



By Senator Crowley:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Helen Craemer, Engrossing and Enrolling Clerk----- \$7 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harkey, Inman, Jones, Ray; Maloney, McCormack, McKelvey, Merriam, Murphy, Pedroni, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### APPOINTMENT BY THE PRESIDENT OF THE SENATE.

The following communication was received and read:

I beg leave to inform you that I have appointed:

Tony Borgia, Page----- \$2 50 per day

and respectfully request the consent of the Senate thereto.

H. L. CARRAHAN, President of the Senate.

Senator Breed moved the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Harkey, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKelvey, Merriam, Murphy, Pedroni, Sharkey, Slater, Tubbs, Wagy, Weller, and West—31.

NOES—None.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER FIFTEEN.

Senator Fellom asked unanimous consent for the consideration of Senate Concurrent Resolution No. 15, without reference to committee. Unanimous consent granted.

#### SENATE CONCURRENT RESOLUTION No. 15.

Relative to the publication of a new edition of the constitution of the State of California, the constitution of the United States, and other documents for use in the public schools of the State.

WHEREAS, It has been customary for many years for the State to print and distribute, free of cost to the students in the schools and to others copies of the constitutions of the State of California, and of the United States and other documents, and

WHEREAS, The course of study in the schools of the State require a study of the constitutions, and

WHEREAS, The constitution of the State of California and the constitution of the United States and other historical documents are of great use in the teaching of civics in the public schools and in the teaching of Americanization, and

WHEREAS, It is to the benefit of the State of California that the constitution of the State and other similar documents be readily available to the students in public schools and colleges and for use in the teaching of Americanization, and

WHEREAS, The last edition of such constitutions and documents is now exhausted and there are numerous unfilled requests from the schools and others for copies of such constitutions and other documents, and

WHEREAS, It is customary for the Legislature to provide for such publication and to pay the cost of such publication from the contingent funds of the Senate and Assembly; therefore, be it

*Resolved by the Senate, the Assembly concurring*, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to compile or arrange for the compilation and publication in a revised form of an edition of the constitution of the State of California and the constitution of the United States and certain other constitutional documents for use in the schools and for distribution to the public; and be it further

*Resolved*, That the Controller be and he is hereby directed to draw his warrants in favor of the Secretary of the Senate and the Chief Clerk of the Assembly in the sum of \$1,000 upon the contingent fund of the Senate and \$1,000 upon the contingent fund of the Assembly for the purpose of carrying out the provisions of this resolution and the Treasurer is hereby directed to pay the same; and be it further

*Resolved*, That the cost of printing such constitutions and other documents be charged to Legislative printing.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Swing, and Tubbs—21.

NOES—Senators Allen, Baker, Carter, Christian, Cleveland, Cobb, Duval, Evans, McKinley, Slater, Wagy, Weller, and Young—13.

Title read and approved.

Senate Concurrent Resolution No. 15 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300*m*, relating to fees of interpreters, and to repeal conflicting acts and parts of acts.

#### COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the word "five" and insert in lieu thereof the word "ten".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770*a*, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read second time, and ordered on file for third reading.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 537—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended—has had the same under consideration, and

respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; noes—2.

LYON, Chairman.

Senate Bill No. 537 ordered on file for second reading.

RECESS.

On motion of Senator Breed, at eleven o'clock and forty minutes a.m., the President of the Senate declared recess until eleven o'clock and fifty-five minutes a.m.

RECONVENED.

At eleven o'clock and fifty-five minutes a.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

COMMUNICATION.

The following communication was received, read, and on motion of Senator Inman ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, February 18, 1929.

Hon. J. M. Inman, Sacramento, California.

DEAR SENATOR: The California State Employees' Association has directed me to extend through you an invitation to the members of the Senate and their friends to attend a grand ball to be given in honor of the California Legislature at the Sacramento Memorial Auditorium during the first week of March of this year.

This is to be a strictly invitational affair. Extra invitations are to be furnished on request. We intend to make this affair one of the outstanding social events of the year. This ball is given strictly as a social affair for the pleasure of the present Legislature.

Yours very truly,

J. M. WILSH.

Chairman, Advisory Board State Employees' Association.

JOHN T. STAFFORD,

President, California State Employees' Association.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that said amendments be adopted, and the bill do pass as amended.

(Signed out)

NELSON, Chairman.

MUELLER.

McCORMACK.

SWING.

TUBBS.

BREED.

BOGGS.

CANEPA.

DUVAL.

MERRIAM.

CONSIDERATION OF SENATE BILL NUMBER FIVE HUNDRED NINE.

Senator Nelson asked for, and was granted, unanimous consent to take up at this time Senate Bill No. 509 for the purpose of amending.

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.



## COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 6 of the printed bill, between lines 38 and 39, insert an additional paragraph as follows:

"Upon the written request of a taxpayer the commissioner shall disclose to the taxpayer the basis upon which the net income of the taxpayer has been allocated."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 7, line 26, of the printed bill, insert at end of line after the word "banks" the following words: "or of one or more banks and one or more corporations."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 8, line 30, of the printed bill, insert after the words "other data" the words "required by the commissioner,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 9 of the printed bill, between lines 4 and 5, insert an additional paragraph at the end, as follows:

"In the case of installment sales the taxpayer may elect to proceed in the manner provided in section 44 of the said Revenue Act of 1928. If the taxpayer elects to proceed otherwise, the transaction will be deemed to have been closed when the sale was made."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 13, line 41, of the printed bill, strike out all following the period and all of lines 42 and 43.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 14 of the printed bill, at the end of line 15, strike out the words "computed and levied" and the word "hereunder" at beginning of line 16.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 15 of the printed bill, strike out lines 45 to 49, inclusive, and insert in lieu thereof the following:

"Sec. 34. If any tax hereunder is finally adjudged illegal in whole or in part, it shall be the duty of the commissioner, and he shall have the power, to cause the tax to be recomputed for and as of the taxable year for which the illegal tax was computed; and the provisions hereof relating to original computations shall apply to the tax as recomputed."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 16, line 4, of the printed bill, substitute the word "returns" for the word "reports". In the following line substitute a semicolon for the comma after the word "public"; strike out the rest of the paragraph and substitute the following: "Provided, further, that such returns may be examined, with the consent of the governor, by tax officers of another state or the federal government, if a reciprocal arrangement exists."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 6, of the printed bill, after the last word, substitute comma for period and add the words "or upon the basis provided in section 19 hereof."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 14, of the printed bill, make second sentence of second paragraph of Sec. (g) a new paragraph, substitute comma for period, and add the words "or upon the basis provided in section 19 hereof."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 7 of the printed bill, between lines 25 and 26, add the following paragraph:

"A bank which locates or commences to do business within the limits of this state, and a corporation which commences to do business in this state, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, and upon the filing of its return within two months and fifteen days after the close of its taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year.

"The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of twelve months or of lesser duration."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 7, line 35, section 14, of the printed bill, start new paragraph with the words "an affiliated group" and make the following changes in this paragraph: line 46, strike out "at" and preceding comma; in line 52 strike out "44", and insert in lieu thereof the word "if"; page 8, line 1, strike out "two or more" and substitute the words "each of the"; and in line 2, insert after the word "interest" the words "or by the same stockholders"; on page 8, line 2, strike out the word "of".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 14, line 10, of the printed bill, after the period, add the following sentence: "Such action must be filed within ninety days from the date of mailing the notice of final determination of the tax under section 25 hereof, and must be preceded by a reconsideration of the commissioner as provided in said section."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 14, line 41, section 32, of the printed bill, after the word "public," insert a new sentence as follows: "The suspension or forfeiture herein provided for shall become effective in each county at the time it is recorded therein by the county recorder."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 15, lines 15, 16 and 18, section 33, of the printed bill, substitute the words "taxable year" for the word "year" wherever that word appears.

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 16, section 36, of the printed bill, strike out this entire section and substitute therefor the following new section 36:

"Sec. 36. Upon the request of a taxpayer under this act, it shall be the duty of the tax-collecting officer of a county, city and county, city, town, or other political subdivision of this state, to furnish an official receipt for real and personal property taxes paid to him setting forth a description of such property, the assessed valuation thereof, the rate of tax, the amount of taxes paid, and the beginning and ending of the year for which the taxes are paid."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 16, section 37, of the printed bill, strike out this entire section and substitute therefor the following new section 37:

"Sec. 37. This act shall be known as the bank and corporation franchise tax act."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 9, lines 8 and 9, section 20, of the printed bill, strike out the words "that certain act of the congress of the United States known as the" and substitute the word "said".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 10, line 40, section 23 of the printed bill, strike out the word "total". Line 41, after the word "return" insert a comma and the following words: "after allowing the offset herein provided for."

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 11, lines 3, 5 and 7, section 23, of the printed bill, substitute the word "centum" for the word "cent" wherever it occurs.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 11, section 23, of the printed bill, strike out all of lines 10, 11 and 12, and substitute the following: "to the commissioner at Sacramento in the form of remittances payable to the treasurer of the State of California, and he shall transmit said payments daily to the state treasurer. All moneys received by the state treasurer shall be deposited by him in a special fund in the state treasury, to be designated the bank and corporation franchise tax fund; and moneys in said fund shall, upon the order of the state controller, be transferred into the general fund of the state, or drawn therefrom for the purpose of refunding to taxpayers hereunder."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 12, line 7, section 25, of the printed bill, strike out the word "report" and substitute "return".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 12, line 14, section 25, of the printed bill, change period at end of paragraph to comma and add the following: "and must be accompanied by payment of said additional tax."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 12, line 18, section 25, of the printed bill, insert the word "of" between the words "levy" and "the".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 12, line 38, section 25, of the printed bill, insert between the words "commissioner" and "of" the words "or of said board, as the case may be,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 12, line 50, section 26, of the printed bill, strike out the words "controller of the state" and substitute the word "commissioner". In the same line strike out the words "such controller" and substitute the word "he". At the end of line 51 strike out the entire sentence beginning "At the request".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 13, line 19, section 27, of the printed bill, strike out the words "a credit" and substitute the word "refunded". In the next line strike out the words "in the succeeding taxable year or years".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 13, line 26, section 27, of the printed bill, strike out the words "credited to" and substitute the word "refunded". Insert a period after the word "taxpayer" in the next line and strike out all the rest of the paragraph.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 13, line 34, section 27, of the printed bill, strike out the words "and the state controller".

Amendment adopted.



## AMENDMENT NUMBER THIRTY.

On page 13, line 9, of the printed bill, change the word "payment" to "paying"; and in the next line strike out the words "has been allowed" and substitute the words "desires to claim"; in line 11 strike out the words "the commissioner shall apply", and insert after the word "rate" the words "shall be applied".

Amendment adopted.

## AMENDMENT NUMBER THIRTY ONE.

On page 6, line 37, of the printed bill, change the word "void" to "avoid".

Amendment adopted.

## AMENDMENT NUMBER THIRTY TWO.

On page 12, line 24, of the printed bill, strike out the word "the" between the words "of" and "thirty".

Amendment adopted.

## AMENDMENT NUMBER THIRTY THREE.

On page 13, line 20, of the printed bill, after the word "taxpayer" insert a comma, strike out the rest of line and insert in lieu thereof the following: "or its successor through reorganization, merger, or consolidation, or to stockholders upon dissolution."

Amendment adopted.

## AMENDMENT NUMBER THIRTY FOUR.

On page 2, line 9, of the printed bill, after the word "his" insert the words "real and".

On page 2, line 12, of the printed bill, insert the word "total" before the word "offset".

On page 2, line 12, of the printed bill, strike out the word "ninety" and insert in lieu thereof the word "seventy-five".

Also strike out the period at end of line 12, of the printed bill, and insert a comma, and add the following: "and in no case shall the taxpayer be entitled to offset more than ten per cent of its said real property taxes."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 12, lines 43 and 44, of the printed bill, strike out the words "up to ninety per cent thereof", and insert in lieu thereof the following "subject to the limitations provided in section 4 hereof."

On page 12, line 44, of the printed bill, strike out the word "such", and insert in lieu thereof "real and".

On page 12, line 46, of the printed bill, strike out the word "has" and substitute the word "have".

On page 13, line 5, of the printed bill, after the word "group" add the word "may".

On page 13, line 5, of the printed bill, strike out the word "personal" after word "said".

On page 13, lines 7 and 8, of the printed bill, strike out the words "said ninety per cent limitation" and substitute the words "the limitations of section 4 hereof".

Amendment adopted.

Bill read second time previously, ordered to print, engrossment, and on file for third reading.

## THIRD READING OF SENATE BILL.

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 509 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 13, line 13, of the printed bill, insert a period after the word "corporation", and strike out the remainder of said line.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 509, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted. Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEES.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Senate Concurrent Resolution No. 5—Relative to report of the department encampment of the Grand Army of the Republic, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

JONES, RAY, Chairman.

Senate Concurrent Resolution No. 5 ordered on file.

## RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order to printer on Senate Bill No. 509.

## SPECIAL ORDER.

Senator Nelson asked for and was granted unanimous consent to make Senate Bill No. 509 a special order for Monday, the twenty-fifth day of February, 1929, at one o'clock and fifteen minutes p.m.

## ADJOURNMENT.

At twelve o'clock and fifty minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Thursday, February 21, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, February 21, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 20, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Lyon was, on motion of Senator West, granted leave of absence for this day.

Senator Crowley was, on motion of Senator Tubbs, granted leave of absence for this day.

## PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Austin A. Lord of Fort Bragg.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. M. Weber, III, of Stockton.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Hammond, publisher of the Byron Times, Byron, California.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 15, Relative to the publication of a new edition of the constitution of the State of California, the constitution of the United States, and other documents for use in the public schools of the State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 15 ordered to enrollment.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies.

Also: Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote. Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 166, 465 and 781 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote. Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 174 ordered on file for second reading.



## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 319—An act to amend section 634 of the Penal Code, relative to the protection of fish and game:

Also: Senate Bill No. 331—An act to amend section 626e of the Penal Code, relating to the protection of fish and game:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bills be re-referred to committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

YOUNG, Chairman.

Senate Bills Nos. 319 and 331 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended:

Also: Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that amendments be adopted, and they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

YOUNG, Chairman.

Senate Bills Nos. 267 and 731 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 626f, relating to cats in fish and game districts designated by law as game refuges—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

YOUNG, Chairman.

Senate Bill No. 49 ordered on file for second reading.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

*Resolved*, That Carlos S. Hardy, judge of the superior court of the State of California in and for the county of Los Angeles, be impeached for misdemeanor in office; and, be it further

*Resolved*, That said impeachment shall be conducted by five managers to be elected by this Assembly and that said managers shall prepare articles of impeachment, present them at the bar of the Senate and prosecute the same, the trial thereon to be had before the Senate sitting as a court of impeachment.

And elected Messrs. Little, Sewell, Woolwine, Hornblower and Cronin as a board of managers in accordance with the above resolution.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## RESOLUTION.

The following resolution was offered:

By Senator Inman:

WHEREAS, The Assembly of the State of California has impeached one Carlos Hardy, judge of the superior court of the county of Los Angeles, State of California; and

WHEREAS, The Senate will be called upon, as a court of impeachment, to try said matter; and

WHEREAS, It will be necessary and advisable to proceed with dispatch to said trial in order that the same be disposed of as speedily as possible that the usual and ordinary business of the Senate may not be unreasonably impeded, therefore,

The Senate directs the Judiciary Committee of the Senate to so far as possible brief the law covering said matters and to promulgate rules and policies governing said trial for presentation to the Senate for consideration and adoption.

Resolution read, and on motion of Senator Inman, duly seconded by Senator Breed, adopted.

CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILL.

Senate Bill No. 537.—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended.

## COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out the figures and comma "12," in line 1 of the title of the printed bill.

Amendment adopted.

## AMENDMENT NUMBER TWO.

Strike out the period after the word "amended" in last line of the title of the printed bill, insert a comma and the following: "also to amend section 12 of said act as amended, said last named section relating to the powers of said districts, by amending subdivision fourth thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and perfecting same and mortgages, by amending subdivision fifth thereof relating to works, property and facilities of said district, by amending subdivision sixth thereof relating to the power of eminent domain and by amending subdivision eighth thereof relating to the indebtedness of such district including any such indebtedness heretofore or hereafter incurred."

Amendment adopted.

## AMENDMENT NUMBER THREE.

Strike out the word "placed", line 3, page 2, of the printed bill, and insert in lieu thereof the word "places".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

Strike out the word "succeeding", in line 51, page 3, of the printed bill, and insert in lieu thereof the word "succeeding".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

Strike out the period at the end of line 11, page 7, of the printed bill, and insert in lieu thereof the following: "and as to such indebtedness the proceeds of any of such bonds unexpended in the treasury of the district, or the par value of any of such bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of such district."

Amendment adopted.

## AMENDMENT NUMBER SIX.

Strike out the word "and", line 35, page 11, of the printed bill, and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

Strike out the word "watercourse", line 49, page 6, of the printed bill, and insert in lieu thereof the words "water-course".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committee were received and read:

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 175 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that same do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 311 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 161 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that same do pass, and be re-referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—8; noes—1; absent—4.

SLATER, Chairman.

Senate Bill No. 48 ordered re-referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 22—An act to provide for the establishment, government, maintenance, and operation of the public school system of the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that same do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 22 ordered on file for second reading.



CONSIDERATION OF DAILY FILE.  
THIRD READING OF SENATE BILL.

Senate Bill No. 509.—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 509, as amended February 20, 1929, to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 3, line 15, of the printed bill, as amended February 20, 1929, after the word "of", add the words "real and".

AMENDMENT NUMBER TWO.

On page 11, line 28, of the printed bill, strike out the comma after the word "oath", and insert in lieu thereof a period and strike out the words "and agent" in line 28, and strike out the words "be accompanied by payment of said additional tax" in line 29.

AMENDMENT NUMBER THREE.

On page 9, line 18, of the printed bill, strike out the period after the figure "8", and insert in lieu thereof a comma, and insert after the comma the following: "in which case the taxpayer shall account for profits on instruments received subsequent to December 31, 1927, on sales made prior thereto."

AMENDMENT NUMBER FOUR.

On page 6, line 20, of the printed bill, after the word "policy", strike out the period and insert in lieu thereof a comma, and insert the following: "that the amount received under such a policy by reason of the death of the insured and amounts received under life insurance endowment and annuity contracts of the type whose premiums are disallowed, equal to the total amount of premiums paid thereon shall not be included in gross income."

AMENDMENT NUMBER FIVE.

On page 5, line 50, of the printed bill, make a new paragraph to include all matter from the word "if" in line 50 to and including the word "compensation" in line 7, page 6.

AMENDMENT NUMBER SIX.

On page 7, line 16, of the printed bill, strike out the period after the word "act", and insert in lieu thereof a comma and the following: "provided that there shall be granted a general extension of time of two months in the case of returns required to be filed March 15, 1929, and of one month in the case of returns required to be filed April 15, 1929."

AMENDMENT NUMBER SEVEN.

On page 7, line 17, of the printed bill, strike out the word "March", and insert in lieu thereof the word "May."

AMENDMENT NUMBER EIGHT.

On page 1, line 5, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 1, line 15, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 2, line 4, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 2, line 12, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 2, line 14, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 4, line 31, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 4, line 45, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 4, line 47, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".  
On page 12, line 27, of the printed bill, strike out the word "cent", and insert in lieu thereof the word "centum".

AMENDMENT NUMBER NINE.

On page 8, line 7, of the printed bill, strike out the character after the word "if".

On page 12, line 45, of the printed bill, after the word "refunded" insert the word "to".

On page 16, line 11, of the printed bill, make the abbreviation "Sec." read "Sec."

On page 16, line 19, of the printed bill, make the abbreviation "Sec." read "Sec."

On page 15, line 24, of the printed bill, make the abbreviation "Sec." read "Sec."

On page 16, line 19, of the printed bill, make the abbreviation "Sec." read "Sec."

On page 16, line 19, of the printed bill, make a capital out of the letter "b" in the word "bank", make a capital out of the letter "f" in the word "franchise" and "t" in the word "tax" and the letter "a" in "act" in line 20.

AMENDMENT NUMBER TEN.

On page 13, line 32, of the printed bill, strike out the word "a", and insert in lieu thereof the word "the".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 509, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print and re-engrossment.

RECESS.

On motion of Senator Breed, at eleven o'clock and fifty minutes a.m., the President of the Senate declared recess until twelve o'clock and twenty-five minutes p.m.

RECONVENED.

At twelve o'clock and twenty-five minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

WITHDRAWAL OF SENATE BILL.

Senator Murphy asked for and was granted unanimous consent to withdraw Senate Bill No. 578 from Committee on Public Charities and Corrections for the purpose of amending.

SECOND READING OF SENATE BILL.

Senate Bill No. 578—An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 13, of the printed bill, strike out the words "twenty-three", and insert in lieu thereof the words "twenty-four".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Public Charities and Corrections.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Weller:

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to create a restitution department and the office of restitution, placed in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means termed under the law varying degrees of theft, upon the conviction of persons guilty of said thefts; providing for the enforcement of said act and penalties for the violation thereof, and providing for the payment of the expenses of and administration of said department.

Request referred to Committee on Rules.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Inman:

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereto.

Request referred to Committee on Rules.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 193—An act to amend section 629a of the Political Code, relating to group insurance—has had the same under consideration, and respectfully recommends the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to the committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

TUBBS, Chairman.

## SECOND READING OF SENATE BILL.

Senate Bill No. 193—An act to amend section 629a of the Political Code, relating to group insurance.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Amend the title: After 629a insert "and 629b".

**Amendment adopted.**



## AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, after the word "employee", insert the following: "or employees of school districts, irrigation districts or other political subdivisions".

Amendment adopted.

## AMENDMENT NUMBER THREE.

Following the word "sentence" on page 1, line 22 of the printed bill, make a new paragraph, and insert the following:

"Sec. 6296. 1. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employee jointly, and covering only all of employees or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; provided, however, that when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured. Any association of the United States, state, county or municipal government, commission, or employees of school districts, irrigation districts or other political subdivisions of government, the purposes of which include the advancement of that branch of the government service in which its members are employed, may be insured under this section."

Amendment adopted.

Bill read second time, ordered to print, engrossment and is referred to Committee on Insurance.

## JOURNAL.

At twelve o'clock and thirty-five minutes p.m., on motion of Senator Reed, in accordance with an Assembly resolution, relative to adjournment being given for the purpose of complying with the requirements of section 14 of article IV of the constitution of the State of California the President declared the Senate adjourned until eleven o'clock a.m. Monday, February 25, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

Senate Chamber.

SACRAMENTO, Monday, February 25, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Cameron, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, George, Carter, Cassidy, Chubb, Cleveland, Cobb, Crowley, Dray, Edwards, Evans, Fernald, Green, Gray, Handy, Harney, Jones, Jones, Ray, Lyon, Maloney, McCormack, McKinney, McLean, Miller, Murphy, Nelson, Padron, Roosevelt, Shackley, Slater, Young, Tilton, Wagy, Weber, Wood, and Young, Jr.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Robert Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 21, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sam Selover of Long Beach, California.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul F. Collins, State executive secretary, War Veterans League; past department judge advocate, Veterans of Foreign Wars, and past commander Galbraith Post 818, Veterans of Foreign Wars of the United States.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leon Speier of Willows, California.

On request of Senator Baker, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer Dowdy, county clerk of San Benito County.

On request of Senator Cobb, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray C. Wakefield.

On request of Senator Jones, Ray, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. P. Jones and wife of Burlingame.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leo D. Dazé, attorney at law, of Los Angeles.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to County Clerk J. H. Wells of Contra Costa County, and to Mrs. Wells.

On request of Senator Pedrotti, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vierling Kersey, Director of Education, State of California, at Sacramento.

On request of Senator Fellom, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leon E. Morris, attorney of San Francisco.

On request of Senator Gray, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter Sullivan of San Francisco.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Raglaw Tuttle.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Emma Von Hatten, principal of Marshall School; Misses Edna Hill, Blanche Yore and Mercedes McGinnis, teachers in charge, and pupils as follows: Marion Rieff, Raymond Trelase, Kathleen Brietzke, Barton Jones, Opal Cress, Robert Lanning, Edra Cingeade, Sherman McBain, Paul Sugar, Eleanor Gordon, Helen Crystal, Robert Funke, Betty Pratt, Louis Kuechler, Virginia Boyd, Jackson Faustman, Berna Stephens, Clarence Kelly, Vivian Hart, Dorothy Thackrey, Katherine Gammon, Nicholas Ricciardi, Grace Platt, Mariam Dodge, Mildred Corlies, Donna Walker, Ruth Richardson, Donald Blake, Dorothy Evans, Ruth Bryant, Genevieve Meredith, Susie Dario, Eleanor De Bolt, Martha Lynn, Gladys Mardrosian, Bonita Smith, Charlotte Soares, Harvey Akers, Grone Arnold, Robert Barbarian, Leon Bendahan, Walter Gleie, Walter Hammond, Adolf Muller, Glen Muir, Robert Oakes, Jasper Opdyke,

Paul Opdyke, Abe Osofsky, Raymond Trelease, Gordon Shedd, Francis Russell, Kenneth Shaffer, Robert Reeder, Betty Brown, Lois Parks, Lucille Johnston, Dorothy Odibert, Violet Rose, Dorothy Childs, Audrey Nicholls, Audrey Fields, Wilma Russell, Josephine Sugar, Julia Kiriazes, Jean Powell, Robert Merrill, Eddie Bree, Bob Tuttle, Irvin McConnochie, Godwin Moore, Frank Dutra, Morgan Stewart, Philip Roberts, Eugene Tremaine, Eldredge Chase, Earle Simmons, Raymond Bach, Howard Turner, Peter Hansen, Paul Downing, Earl Dawson, Allen Garfinkin, Edwin Hawtrey, Harry Sands, Elwood Dosch and Dick Fulgham.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300a, relating to fees of interpreters, and to repeal conflicting acts and parts of acts:

Also: Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures;

Also: Senate Concurrent Resolution No. 5—Relative to reports of the department encampment of the Grand Army of the Republic;

Also: Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes; and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF SENATE BILLS.

Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, after the word "is" strike out the words "known to be or suspected of being".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 319—An act to amend section 634 of the Penal Code, relative to the protection of fish and game.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 42, of the printed bill, strike out the word "sixth", and insert in lieu thereof the words "twenty-second" and strike out the words "thirty-first" and insert in lieu thereof the word "thirtieth".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 44, of the printed bill, strike out the word "May", and insert in lieu thereof the word "April".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 52, of the printed bill, strike out the word "seventeenth", and insert in lieu thereof the words "twenty-second".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 331—An act to amend section 626 of the Penal Code, relating to the protection of fish and game.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On line 19 of the printed bill, after the word "forked horn", strike out the period, and insert in lieu thereof a semicolon and the following *proposed sentence*, "nothing in this act shall prohibit the possession of mounted or preserved specimens legally taken or held."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, strike out the comma following the word "dogs" and the balance of the line, also all of line 10 and line 11 down to and including the word "chemicals".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging

of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, after the word "postmaster" add the following: ", peace officer".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 6267, relating to cats in fish and game districts designated by law as game refuges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 22—An act to provide for the establishment, government, maintenance and operation of the public school system of the State of California.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 7, line 28, of the printed bill, strike out the word "The", and insert in lieu thereof the word "A".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 7, line 35, of the printed bill, after the first word "is" insert the word "a".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 217, line 12, of the printed bill, strike out the word "bonds", and insert in lieu thereof the word "votes".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 235, line 52, of the printed bill, strike out the roman numerals "III", and insert in lieu thereof the roman numerals "IV".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 281, line 44, of the printed bill, strike out the roman numerals "III", and insert in lieu thereof the roman numerals "IV".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 183 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harby, Jackson, Jones, Ray, Evans, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKinley moved to refer Senate Bill No. 273 to Senator Evans, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 23, of the printed bill, after the second "incompetent" and preceding the word "if" insert a comma, and on line 24, after the word "any" and before the word "except," insert a comma.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 273, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator McKinley adopted.

Bill ordered to print, and re-engrossment.



Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONCURRENT RESOLUTION No. 5.

Relative to reports of the department encampment of the Grand Army of the Republic.

*Resolved by the Senate, the Assembly concurring.* That there shall be printed as a public document 500 copies of the sixty-second session of the department encampment of the Grand Army of the Republic for the year 1929, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official rolls, 250 copies for the use of the Senate and 250 copies for the use of the Assembly. Annual cost not to exceed \$600, payable from legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—33.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 5 ordered transmitted to the Assembly.

RECESS.

On motion of Senator Breed, at eleven o'clock and thirty-five minutes a.m., the President of the Senate declared recess until eleven o'clock and forty-five minutes a.m.

RECONVENED.

At eleven o'clock and forty-five minutes a.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 509 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, strike out the words "to the State of California, or".

On page 2, line 9, of the printed bill, strike out the word "thereof", and insert in lieu thereof the words "of the state".

## AMENDMENT NUMBER TWO.

On page 12, line 15, of the printed bill, strike out the words "by it to the state, or", and insert in lieu "upon its property".

On page 12, line 16, of the printed bill, strike out the words "thereof as have been paid", and insert in lieu thereof the words "of the state".

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, between lines 21 and 22, add a paragraph as follows:—

"Every such bank and banking association shall be entitled to an offset against the tax referred to in sections 1 and 2 hereof, in the amount of ten per centum of taxes paid upon its real property to any county, city and county, city, town, or other political subdivision of the state, but the total offset shall not exceed seventy-five per centum of its total tax levied hereunder."

## AMENDMENT NUMBER FOUR.

On page 12 of the printed bill, line 17, after the period following the word "year" add a sentence as follows:— "Every bank and banking association, subject to the provisions herein provided for shall receive an offset against said tax, subject to the limitation provided in section 3 hereof, for taxes paid upon its real property during the taxable year to any county, city and county, city, town or other political subdivision of the state."

## AMENDMENT NUMBER FIVE.

On page 6, in line 2, of the printed bill, following the word "commencing" strike out the comma, and insert the following:—"for the taxable year in question,".

## AMENDMENT NUMBER SIX.

On page 2, line 7, of the printed bill, strike out words "by it".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 509, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print, and re-engrossment.

## RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order to printer on Senate Bill No. 509.

## SPECIAL ORDER RESET.

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 509, heretofore set as a special order for one o'clock and fifteen minutes p.m., reset as a special order for two o'clock and fifteen minutes p.m.

## RECESS.

On motion of Senator Breed, at one o'clock and fifteen minutes p.m., the President of the Senate declared recess until two o'clock and fifteen minutes p.m.

## RECONVENED.

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 3—Relative to memorializing

Congress to adopt a bill to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 3 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class;

Also: Assembly Bill No. 885—An act to amend section 1587 of the Political Code, relating to the treatment of prisoners;

Also: Assembly Bill No. 225—An act to amend section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended, relating to the disposition of fees;

Also: Assembly Bill No. 226—An act to amend section 4 of an act entitled "An act to regulate the preparation, manufacturing, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 29, 1923, as amended;

Also: Assembly Bill No. 806—An act to amend section 4149a of the Political Code, relating to the duties of the Live Stock Inspector.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 143 read first time, and referred to Committee on County Government.

Assembly Bill No. 885 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 225 and 806 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 226 read first time, and referred to Committee on Public Health and Quarantine.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Thomas Maguire, Assistant Sergeant-at-Arms-----	\$5 00 per day
Irene Silva, Stenographer-----	5 00 per day
Florence True, Assistant Enrolling and Engrossing Clerk	5 00 per day
Gladys McLeod, Stenographer-----	5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—29.

NOES—None.



## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Hurley:

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice of such articles and on sale shall be conspicuously posted in places where such articles are offered for sale.

Request referred to Committee on Rules.

By Senator Handy:

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions, and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any.

Request referred to Committee on Rules.

By Senator Lyon:

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 3 of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, by providing for compensation for members of the board of supervisors of said district, fixing the amount thereof, and designating the funds from which the same shall be paid.

Request referred to Committee on Rules.

By Senator Tubbs:

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

Request referred to Committee on Rules.

## COMMITTEE OF THE WHOLE.

Senator Hurley moved, seconded by Senator Canepa, that the Senate meet in Committee of the Whole in the Senate Chamber at this time for the purpose of seeking certain information from Mr. Dixwell Pierce, Secretary of the State Board of Equalization, in connection with the consideration of Senate Bill No. 509.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Canepa, Nelson and Inman.

The roll was called, and Senator Hurley's motion for the Senate to resolve itself into Committee of the Whole carried by the following vote:

AYES—Senators Allen, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Gray, Hurley, Maloney, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Weller, and West—20

NOES—Senators Baker, Boggs, Breed, Cassidy, Christian, Fellom, Garrison, Handy, Inman, Jones, Ray, McCormack, McKinley, Murphy, Nelson, Slater, Wagy, and Young—17.

### IN COMMITTEE OF THE WHOLE.

At three o'clock and twenty-five minutes p.m., pursuant to Senator Hurley's motion, previously carried, the Senate resolved itself into Committee of the Whole, President pro tempore Arthur H. Breed in the chair, for the purpose of seeking information from Mr. Dixwell Pierce, Secretary of the State Board of Equalization, in connection with the consideration of Senate Bill No. 509.

#### COMMITTEE OF THE WHOLE RISES.

At four o'clock and eight minutes p.m., Senator Nelson moved that the Senate now rise for further consideration of Senate Bill No. 509, in the Senate.

Motion carried.

### IN SENATE.

President pro tempore Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary school pupils—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 312 ordered on file for second reading.

LIEUTENANT GOVERNOR H. L. CARNAHAN IN THE CHAIR.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 509 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

NOES—Senator Hurley—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### EXPLANATION OF VOTE BY SENATOR SWING.

The following explanation of vote was presented, and on motion of Senator Swing, ordered printed in the Journal:

In voting in favor of Senate Bill No. 509, I do so with considerable doubt as to the constitutionality of the bill on at least two points.

(a) Paragraph 2 of section 16 of article XIII authorizes an offset of certain taxes paid to the State and "political subdivisions thereof." It is doubtful if a city is a political subdivision of the State, and therefore the offset allowed by Senate Bill 509 for taxes paid to cities is not authorized and the provisions of the bill providing for such an offset may be unconstitutional.

(b) Paragraph 1 of said section 16 does not authorize an offset in favor of bonds for any tax paid upon real property, therefore the attempted offset may be unauthorized and if so can not be made. If this is so it follows that the real property offset in favor of corporations discriminates against bonds to such an extent that the bill may be unconstitutional for that reason.

The chairman of the Committee on Revenue and Taxation of the Senate has assured the Senate that the bill will withstand an attack on the ground of its unconstitutionality. In voting for the bill I am relying upon his assurance that the bill is not unconstitutional for the reasons mentioned. He assures us that his committee has received competent legal advice to that effect. I am therefore deferring my opinion as to the questions above mentioned in favor of that stated by the chairman of the Committee on Revenue and Taxation, and am therefore voting in favor of the bill, but with doubt as to its constitutionality as above stated.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$500 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Feltom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—31.

NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Duval:

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same.

Request referred to Committee on Rules.

#### ADJOURNMENT.

At five o'clock and four minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Tuesday, February 26, 1929.

HAROLD J. POWERS, Minute Clerk.



## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, February 26, 1929.

The Senate met at eleven o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 25, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Canepa was, on motion of Senator Murphy, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. M. Mills, superintendent Los Angeles County fair at Pomona.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louise E. Robinson, tax collector, Lake County, Lakeport, California.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William C. Board and to Robert Board.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. J. Fitzpatrick and J. R. Graham of Oakland.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thelma Johnson of the Sheldon School and pupils as follows: Helen Schied, Amy Shaw, George Yamada, Frank Matsumoto, Andrew Yori, Angiline Fernandez, Audrey Rey, Masaye Kumano, Mary Matsumoto, Marian Shaw, Lena Yori, Alice Hoshino, Frank Yamada, James Matsumoto, John Janson.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary F. Tracy of the Fremont School and the pupils of the high seventh grade as follows: Lenard Siller, Norman Koivunen, Myrtle Gorman, Jean Young, Margaret Sebastian, Joye Coley, Fredaura Clingan, Edwin Elmore, Ivan Holford, Austin Wahrhaftig, Houston Keehner, Arthur McGraw, Donald Owen, Helen Bateman, Nancy Beedle, Billie Sullivan, Martha Fenn, Lola Bieloh, Maxine Hunter, Vivian Hunter, Mary

Pfefferle, Virginia Arthur, Doris Zizuela, Marie Smith, Charlotte Braynard, Genevieve Sturtevant, June Rice.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Orpha Milroy of the Robla School and pupils as follows: Charles Tershy, Mary Lonigro, Anna May Lawson, Frances Benning, Marie Decker, James Lonigro, Jack Unden, Thomas Matranga, Irene Battles, Grace Baker, Tony Colombo, Orman Haenggi, Lorraine Rorman, Richard Entrican.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. F. J. Van Winkle, Irrigation Engineer, Modesto Irrigation District.

On request of Senator Mueller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. O. Smith of El Cajon.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Wm. I. Montgomery and Mrs. Louise Montgomery of San Francisco.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Hon. Charles C. Chapman of Fullerton, California.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 537—An act to amend sections 6, 7, 10, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, also to amend section 12 of said act as amended, said last named section referring to the powers of said districts, by amending subdivision fourth thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and mortgaging sales and mortgages, by amending subdivision fifth thereof relating to works, property and facilities of said district, by amending subdivision sixth thereof relating to the power of eminent domain and by amending subdivision 122215 thereof relating to the indebtedness of such district including any such indebtedness hereafter incurred—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California:

Also: Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Senate Bills Nos. 325 and 575 ordered on file for second reading.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Handy to introduce a bill entitled—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept

deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other contemplated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.  
NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Lyon to introduce a bill entitled—An act to amend section 3 of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and abatement of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, by providing for compensation for members of the board of supervisors of said district, fixing the amount thereof, and designating the funds from which the same shall be paid—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—33.  
NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Tubbs to introduce a bill entitled—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.  
NOES—None.



Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Hurley to introduce a bill entitled—An act to provide for the labeling, disinfecting and advertising of convict made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Inman to introduce a bill entitled—An act to provide for the leasing by the State of California of certain race and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Weller to introduce a bill entitled—An act to create a restitution department and the office of restitution officer in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means termed under the law varying degrees of theft, upon the conviction of persons guilty of said thefts; providing for the enforcement of said act and penalties for the violation thereof, and providing for the payment of the expenses of and administration of said department—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—33.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Duval to introduce a bill entitled—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—32.

NOES—None.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Concurrent Resolution No. 16—Relating to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted, and re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Concurrent Resolution No. 16 ordered re-referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 652—A bill appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 652 ordered re-referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 231 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads:

Also: Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and certificates;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that they do pass as amended.

Committee membership—15; committee vote: Ayes 11, absent 4.

INMAN, Vice Chairman.

Senate Bills Nos. 284 and 656 ordered on file for second reading.

#### REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Nelson:

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands, approved May 12, 1927, relating to the sale of lands.

Request referred to Committee on Rules.

By Senator Evans:

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the government of high schools.

Request referred to Committee on Rules.

By Senator Carter:

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy ninth and eightieth fiscal years.

Request referred to Committee on Rules.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Handy: Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Lyon: Senate Bill No. 818—An act to amend section 3 of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the



acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, by providing for compensation for members of the board of supervisors of said district, fixing the amount thereof, and designating the funds from which the same shall be paid.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Tubbs (by request): Senate Bill No. 819—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

Bill read first time, and referred to Committee on Insurance.

By Senator Hurley: Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Inman: Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Weller: Senate Bill No. 822—An act to create a restitution department and the office of restitution officer in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means termed under the law varying degrees of theft, upon the conviction of persons guilty of said thefts; providing for the enforcement of said act, and penalties for the violation thereof, and providing for the payments of the expenses of and administration of said department.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Duval: Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same.

Bill read first time, and referred to Committee on County Government.

#### RE-REFERENCE OF SENATE BILL.

Senator Slater asked for and was granted unanimous consent to withdraw Senate Bill No. 229 from Committee on Governmental Efficiency and re-refer to Committee on Agriculture and Live Stock.

#### SENATOR NELSON IN THE CHAIR.

At eleven o'clock and thirty minutes a.m., Senator Nelson of the First District was called to the chair.

## REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 458—An act to amend section 3639b of the Penal Code, relating to shipping cattle without unloading or feeding them—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 458 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to Committee on Agriculture and Live Stock.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 12 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 1—Relative to memorializing Congress for federal aid in the control of the western pine bark beetle.

Also: Senate Concurrent Resolution No. 6—Amending certain provisions to the charter of the county of Alameda, State of California.

Also: Senate Concurrent Resolution No. 15—Relative to the publication of a new edition of the constitution of the State of California, the constitution of the United States, and other documents for use in the public schools of the State. And reports that the same have been correctly enrolled, and presented to the Governor on this twenty-sixth day of February, 1929, at eleven o'clock and five minutes a.m.

JONES, RAY, Chairman.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary school pupils.

Bill read second time, ordered engrossed, and on file for third reading.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 537—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 537 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out the period at the end of the title, and insert in lieu thereof the following: "and declaring the urgency of the amendments to said section 12."

## AMENDMENT NUMBER TWO.

On page 12 of the amended printed bill, following line 34, add a new section as follows:

"Sec. 13. The amendment to section 12 of the above entitled act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article IV of the constitution of the State of California, and section 4 of this act amending such section 12 shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, health, safety and welfare of the citizens of various cities in this State situated within and comprising a part of certain existing municipal utility districts are dependent upon the immediate acquisition, construction and completion of an adequate and pure water supply for municipal and domestic uses therein and of means for conveying and distributing the same to said districts, cities and inhabitants thereof. That said cities, municipal utility districts and the inhabitants thereof are faced with an impending shortage of water for municipal and domestic needs and certain works and property must be immediately constructed and acquired to insure against said shortage and against a presently existing fire hazard. That said works, property and the funds necessary to construct and acquire the same can not now be secured without great loss and sacrifice to said cities, municipal utility districts and the inhabitants thereof but the effect of said amendment will facilitate said districts in the construction and acquisition of works and property for the useful and necessary purposes above mentioned and will enable said districts to secure funds therefor without loss or sacrifice to said districts."

## AMENDMENT NUMBER THREE.

On page 1, line 18, of the title, strike out the word "district", and insert in lieu thereof the word "districts".

## AMENDMENT NUMBER FOUR.

On page 1, line 22, of the title, strike out the word "district", and insert in lieu thereof the word "districts".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 537, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles to which was referred Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 30, 31, 43, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 85, 86, 89, 90, 94, 100, 102, 112, 114, 118, 120, 121, 122, 127, 129, 131, 132, 134, 135, 138, 141, 142, 151 and 154, and by adding thereto new sections to be numbered 72, 84, 222, 234, 284, 314, 454, 524, 724, 834, 984, 1004, 1114, 1144, 1344, 1414, 1464, 1504, 1524, 1534, and 1544 relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and records to be kept by public garages and the renting of motor vehicles and restriction as to the size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and providing for carrying out the objects of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—12; absent—3.

SHARKEY, Chairman.

Senate Bill No. 714 ordered on file for second reading.



## ON RULES.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Carter for permission to introduce a bill entitled—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy ninth and eightieth fiscal years—has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Harley, Inman, Jones, Ray, Lyon, Meloney, McCormick, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, and Young—34.  
 NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED)

By Senator Carter: Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy ninth and eightieth fiscal years.

Bill read first time, and on motion of Senator Carter ordered on second reading file without reference to committee.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON BUILDING AND LOAN ASSOCIATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations:

Also: Senate Bill No. 476—An act to amend section 15b of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4, absent—1.

DUVAL, Chairman.

Senate Bills Nos. 474 and 476 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations:

Also: Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act;

Also: Senate Bill No. 773—An act to amend section 15c of the building and loan commission act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be incorporated in printed bills and re-referred to Committee on Building and Loan Associations.

Committee membership—5; committee vote: Ayes—4; absent—1.

DUVAL, Chairman.

Senate Bills Nos. 471, 486 and 773 ordered on file for second reading.

## RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed to pay the same:

M. L. Christianson, Assistant Sergeant-at-Arms----- \$5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Follen, Gray, Hoody, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Weller:

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Request referred to Committee on Rules.

## RECESS.

On motion of Senator Breed, at eleven o'clock and thirty-five minutes a.m., the presiding Senator declared recess until four o'clock p.m.

## RECONVENED.

At four o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the ninth day of April, 1928—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-sixth day of February, 1929, at eleven o'clock and forty-five minutes a.m.

JONES, RAY, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 101—An act to amend section 19a11 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer of counties of the eleventh class.

Also: Assembly Bill No. 303—An act to amend section 626a of the Penal Code, relating to fishing at night.

Also: Assembly Bill No. 337—An act to amend section 6374 of the Penal Code, relating to protection of fish and game.

ARTHUR A. OHNIMUS, Chief Clerk.

Assembly Bill No. 101 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 303 and 337 read first time, and referred to Committee on Fish and Game.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

The following constitutional amendment was offered:

By Senator Rochester: Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation.

Amendment referred to Committee on Constitutional Amendments.

## RECESS.

On motion of Senator Crowley, at four o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared recess until four o'clock and thirty minutes p.m.

## RECONVENED.

At four o'clock and thirty minutes p.m., the Senate reconvened.

Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 626t, relating to cats in fish and game districts designated by law as game refuges;

Also: Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts;

Also: Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies;

Also: Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts;

Also: Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution;

Also: Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

## ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 510—An act to amend section 3627a of the Political Code,



carrying into effect section 16 of article XIII of the constitution of the State of California, relating to the taxation of securities and solvent credits—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended. Committee membership—13; committee vote: Ayes—8; absent—5.

NELSON, Chairman.

Senate Bill No. 510 ordered on file for second reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 510—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, relating to the taxation of securities and solvent credits.

COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, after the period add the following: "In the event that such property has its situs within the boundaries of an elementary school district or districts and a high school district or districts, then the same shall be divided equally between the said elementary school district or districts and the high school district or districts, it being the purpose of this section to divide the proceeds allotted to the support of schools hereby equally between districts supporting elementary schools and districts supporting high schools excluding from revenue derived therefrom all other educational districts of any kind or description."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 15, of the printed bill, strike out the comma after the word "shall", and the remainder of the line and the words "and county assessor," in line 16.

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, after the word "therein", insert the following: "taxable to him or it hereunder".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out all of lines 37 to 39, inclusive.

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 27, of the printed bill, strike out the comma after the word "tax", and insert in lieu thereof a period, and strike out the balance of said line 27 and all of lines 28, 29 and 30, inclusive, and insert a new paragraph, as follows:

"The tax imposed herein shall become due and payable at noon on the first Monday in March, 1929, and on the first Monday in March annually thereafter unless the same be made a lien upon real estate under other provisions of this code all of which are made applicable to the tax levied under the provisions of this section.

The authority herein granted to the assessors to place any tax or penalty upon property which has escaped taxation upon the assessment or tax roll of the year for which said property should have been assessed or taxed shall be limited to a period of not more than three years from the date upon which the lien attaches for the current assessment roll."

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2 of the printed bill, after amendment number five, add a new paragraph as follows:

"SEC. 2. Section 3672b of the Political Code is hereby amended to read as follows: Sec. 3627b. The term "solvent credit" as used in section 3627a of this code shall not include contracts for the sale of personal property subject to taxation under the laws of this state while the title to said personal property is vested in the vendor.

SEC. 3. In the event that it shall be hereafter finally determined by the courts that it is not legal to tax solvent credits in the manner provided in section 3627a of the Political Code while excluding from such tax the contracts described in section 3627b of said code, then and in that event such contracts shall be taxed as solvent credits in the manner provided in said section 3627a."

Amendment adopted.

#### AMENDMENT NUMBER SEVEN.

On page 1, line 4, of the printed bill, strike out the words "solvent credits".

Amendment adopted.

#### AMENDMENT NUMBER EIGHT.

On page 1, line 11, of the printed bill, after the period add the following: "Solvent credits, of the class taxable to the owner thereof or the date of the adoption of section 16 of article thirteen of the constitution of this state, and not otherwise taxed under subdivision (a) or (b) of section 14 or under section 15 of article thirteen of said constitution, are hereby taxed upon their actual value at the rate of one-tenth of one per cent.

Property taxable under the provisions of this section shall be taxed to the owner or possessor of the fee simple estate or life estate therein, if such estate has its situs within this state. If any property taxable under the provisions of this section is held in trust by any person, association, or corporation domiciled or the principal place of business of which is located in this state, such property shall be taxable solely to the trustee thereof. Such tax to the possessor of such property or owner of the fee simple estate or life estate therein, or trustee, shall be deemed to include the entire tax upon all legal or equitable interest in such property. If the property taxed at its situs in this state is a legal or equitable interest in property in which the fee simple estate or the major portion thereof has its situs outside the state, but income if within this state, such legal or equitable interest shall be taxed to the owner or possessor or trustee thereof at the actual value of such interest. In determining the actual value of an equitable or legal interest in such property there shall be considered as determining the value of said equitable or legal interest only that property which would be taxable if it had its situs within this state."

Amendment adopted.

#### AMENDMENT NUMBER NINE.

In line 1 of the title of the printed bill, add the letter "s" to the word "section".

Amendment adopted.

#### AMENDMENT NUMBER TEN.

In line 1 of the title of the printed bill, after "3627a" add "and 3627b".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order to printer on Senate Bill No. 510.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. Booth, Assistant Clerk.

Senate Bill No. 509 ordered on unfinished business file.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 102—An act amending section 4240 of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class;

Also: Assembly Bill No. 198—An act to amend section 19712 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twelfth class;

Also: Assembly Bill No. 204—An act to amend section 307 of the Civil Code, relating to corporations;

Also: Assembly Bill No. 208—An act to amend section 1581 of the Code of Civil Procedure, relating to powers and duties of executors and administrators;

Also: Assembly Bill No. 210—An act to amend section 1386 of the Code of Civil Procedure, relating to the administration of decedents' estates;

Also: Assembly Bill No. 212—An act to amend section 1492 of the Code of Civil Procedure, relating to notice to creditors;

Also: Assembly Bill No. 214—An act to amend section 1304 of the Code of Civil Procedure, relating to notice of application for probate of will;

Also: Assembly Bill No. 215—An act to amend section 1307 of the Code of Civil Procedure, relating to the contest of a will.

ARTHUR A. OHNIMUS, Chief Clerk.

Assembly Bills Nos. 102 and 198 read first time, and referred to Committee on County Government.

Assembly Bill No. 204 read first time, and referred to Committee on Corporations.

Assembly Bills Nos. 208, 210, 212, 214 and 215 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 524—An act to amend section 84 of the Civil Code, relating to children of annulled marriages:

Also: Assembly Bill No. 742—An act to amend section 137 of the Civil Code, relating to alimony, support and maintenance and costs of suit in actions for divorce and permanent support and maintenance.

ARTHUR A. OHNIMUS, Chief Clerk.

Assembly Bills Nos. 524 and 742 read first time, and referred to Committee on Judiciary.

SPECIAL ORDER.

Senator Nelson asked for and was granted unanimous consent to make Senate Bill No. 510 a special order for February 27, 1929, at two o'clock p.m.

ADJOURNMENT.

At four o'clock and forty minutes p.m., on motion of Senator Tubbs, the President pro tempore declared the Senate adjourned until eleven o'clock a.m., Wednesday, February 27, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, February 27, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy,



Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—28.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 26, 1929, the further reading was dispensed with, on motion of Senator Slater.

LEAVE OF ABSENCE.

Senator Lyon was, on motion of Senator West, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William H. Parker, commissioner, Oakland, and Charles H. Frost of Oakland.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Geo. C. DeLury, county clerk, Mono County.

On request of Senator Baker, the privilege of the floor of the Senate Chamber for this day was unanimously extended to May Otis, probation officer for Monterey County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. P. Leavitt, assistant superintendent, Yosemite National Park.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry E. Quigley, county clerk of Sierra County, and Mrs. Quigley.

On request of Senator Duval, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. E. Hollowell, county clerk, Ventura County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Ross Campbell of the superior court of Sonoma County, Santa Rosa, California, and Roy Fitzgerald of San Francisco.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. M. Backs, county clerk, Orange County, and D. G. Clayton, county clerk, Riverside County, and Mrs. Clayton.

PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Fellom:

WHEREAS, It is vital to the future commercial prosperity of San Francisco that the harbor be under municipal management and control, which the people of this city have approved by charter amendment formerly enacted; therefore be it

*Resolved*, That the legislative committee of the board of supervisors is authorized and directed to prepare the necessary bill for submission to the Legislature by which the harbor may be transferred to this municipality and request the Legislature to act promptly thereon; and be it further

*Resolved*, That the members of the Senate and Assembly of San Francisco be requested to use every honorable means to promote the passage of the proposed act.

Adopted by the following vote:

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Stanton, Suhr, Todd, Toner.

Absent—Supervisors Deasy, McGovern, Marks.

I, J. S. Dunnigan, clerk of the board of supervisors, of the city and county of San Francisco, do hereby certify that the annexed Resolution No. 30,931 (New Series) is a full, true and correct copy of the original thereof on file in this office.

In witness whereof, I have hereunto set my hand, and affixed the official seal of the city and county this 26th day of February, 1929.

[SEAL]

J. S. DUNNIGAN,  
Clerk of the Board of Supervisors,  
City and County of San Francisco.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended;

Also: Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools;

Also: Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

BAKER, Chairman.

Senate Bill No. 499 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county jail under judgment of imprisonment in a criminal action or proceeding—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

BAKER, Chairman.

Senate Bill No. 197 ordered on file for second reading:

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 196—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under judgment of imprisonment rendered in a criminal action may be required to labor—has had the same under consideration, and respectfully reports the same back with amendments,

and recommends that the amendments be adopted, and that it do pass as amended.  
Committee membership—9; committee vote, Ayes—5; absent—4.

BAKER, Chairman.

Senate Bill No. 196 ordered on file for second reading.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Rules to which was referred the request of Senator Evans to introduce a bill entitled—An act to provide for the government of high schools—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Laman, Jones, Ray, Maloney, McKinley, Merriam, Nelson, Politti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### CONSIDERATION OF DAILY FILE

Senate Bill No. 510—An act to amend section 3627*a* of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, relating to the taxation of securities and solvent credits.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 510 to Senator Breed, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, strike out the word "or", and insert in lieu thereof the word "on".

##### AMENDMENT NUMBER TWO.

On page 2, line 19, of the printed bill, strike out the words "general fund", and insert in lieu thereof the word "treasury".

##### AMENDMENT NUMBER THREE.

On page 3, between lines 28 and 29, of the printed bill, add a new paragraph as follows:

"Nothing herein contained shall require the county or city and county assessor as a condition precedent to placing such penalty upon the assessment roll, or the county or city and county in collecting such tax and penalty, to establish any intention on the part of the taxpayer to defraud, deceive or evade the assessing or taxing officials."

##### AMENDMENT NUMBER FOUR.

On page 3 of the printed bill, strike out lines 43 to 48, inclusive.

##### AMENDMENT NUMBER FIVE.

On page 3, line 30, of the printed bill, strike out the words "amended to read as follows:", and insert in lieu thereof the word "repealed."

##### AMENDMENT NUMBER SIX.

On page 3 of the printed bill, strike out all of lines 31 to 42, inclusive.

##### AMENDMENT NUMBER SEVEN.

In line 1 of the title of the printed bill, strike out "and 3627B".

##### AMENDMENT NUMBER EIGHT.

After the comma following the word "California" in line 3 of said title, of the printed bill, add the words "and repealing section 3627*b* of the Political Code,".

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 510, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Nelson to introduce a bill entitled—An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands approved May 12, 1927, relating to the sale of lands—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Weller to introduce a bill entitled—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

## ON FISH AND GAME

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 170—An act to amend section 626*d* of the Penal Code, relating to the protection of game;

Also; Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626*a*, relating to the protection of game.  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12, nays—2, absent—1.

YOUNG, Chairman.

Senate Bills Nos. 170 and 317 ordered on file for second reading.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At eleven o'clock and thirty minutes a. m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

## RESOLUTIONS

The following resolutions were offered:

By Senator Crowley:

*Resolved*, That M. L. Christenson, on February 26 appointed to the office of Assistant Sergeant at Arms of the Senate at a per diem of \$5, be transferred to the office of Assistant Engrossing and Enrolling Clerk at a per diem of \$5.

Resolution read, and on motion of Senator Crowley adopted.

By Senator Rochester:

WHEREAS, Senator Herbert C. Jones is unavoidably absent and is unable to perform his duties due to illness, and

WHEREAS, His absence is regretted by the Senate of the State of California, and

WHEREAS, The committees of the Senate of the State of California, of which he is a member, in order to facilitate and expedite their respective businesses and duties; therefore, be it

*Resolved*, That the President of the Senate appoint a member to serve as an alternate committeeman on his respective committees during his absence and until he shall again be able to return to resume his duties and affairs in the Senate.

Resolution referred to Committee on Rules.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917" as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission.

Request referred to Committee on Rules.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as 'Bay Farm Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up

of any such said dissolved district," approved June 3, 1921—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5; committee vote: Ayes: 5

McCORMACK, Chairman.

Senate Bill No. 539 ordered on file for second reading.

#### REPORT OF JOINT COMMITTEE.

The report of the Joint Legislative Committee of the Senate and the Assembly, pursuant to the terms of Assembly Concurrent Resolution No. 19 of 1927, was received and ordered printed in the Journal.

(Report will be found at back of this Journal as an appendix).

#### CONSIDERATION OF DAILY FILE.

##### UNFINISHED BUSINESS.

Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 509.

##### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED NINE.

###### AMENDMENT NUMBER ONE.

On page 6, line 12, of the printed bill, after the word "reason", insert the words "finally adjudged".

###### AMENDMENT NUMBER TWO.

On page 6, line 44, of the printed bill, strike out the words "by the commissioner".

###### AMENDMENT NUMBER THREE.

Strike out lines 1, 2 and 3 on page 7 of the printed bill, substituting therefor the following:

"If the commissioner reallocates net income upon his examination of any return, he shall, upon the written request of the taxpayer, disclose to him the basis upon which his reallocation has been made".

###### AMENDMENT NUMBER FOUR.

On page 8, line 34, of the printed bill, change the word "interest" to "interests".

###### AMENDMENT NUMBER FIVE.

On page 9 of the printed bill, transfer that portion of section 19 beginning with the words "In the case" in line 36, and extending through line 42 to the end of section 20, between lines 48 and 49, setting it up as a separate paragraph.

###### AMENDMENT NUMBER SIX.

On page 12 of the printed bill, change the word "his" in lines 2 and 3 to "its"; on page 12, in line 16, insert a comma after the word "final," strike out remainder of that paragraph, substituting therefor the words "and said board shall forthwith notify the taxpayer and the commissioner of its determination.

When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of ten days from the date of such notice and demand."

###### AMENDMENT NUMBER SEVEN.

On page 13, line 15, of the printed bill, substitute a comma for the period after the word "taxpayer" and add "but no such refund shall be made unless a claim therefor is filed by the taxpayer with the commissioner."; and then add between lines 15 and 16 on page 13 a separate paragraph as follows:

"Interest on refunds shall be allowed and paid at the rate of six per centum per annum from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the commissioner."

###### AMENDMENT NUMBER EIGHT.

On page 13, line 40, of the printed bill, substitute for the word "his" the word "its"; on page 13, line 46, strike out the word "and", strike out lines 47 and 48 and substitute in lieu thereof the following: "provided that no action shall be filed



unless the taxpayer has made protest to the commissioner of the computation and levy complained of under the provisions of section 25 hereof," and thereupon add the following:

"When a refund claim has been filed under the provisions of section 27 hereof, and the same has been denied or no action thereon has been taken by the commissioner within six months from the filing thereof, the taxpayer may bring an action against the state treasurer on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment, but such action must be brought within ninety days from the date of the commissioner's final action upon such claim."

#### AMENDMENT NUMBER NINE.

On page 13 of the printed bill, strike out lines 49, 50 and 51, substituting in lieu thereof the following:

"Whenever under the provisions of this section an action is commenced against the state treasurer, a copy of the complaint and the summons must be served upon the treasurer, or his deputy. At the time the treasurer denies or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorney general may defend the action. The provisions of the Code of Civil Procedure, relating to discovery, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, interest, penalties or costs found to be void and so paid by plaintiff upon such assessment.

In any judgment of any court rendered for any overpayment in respect of any tax imposed by this act, interest shall be allowed at the rate of six per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the commissioner."

#### AMENDMENT NUMBER TEN.

On page 14, line 19, of the printed bill, strike out the words "within twelve months after it is due and payable," and insert after the word "paid" the following: "before six o'clock p.m. on the last day of the twelfth month after the date of delinquency of the first installment thereof."

#### AMENDMENT NUMBER ELEVEN.

On page 14 of the printed bill, strike out lines 25 to 33, inclusive, and substitute therefor the following:

"The controller shall transmit the name of each such corporation to the secretary of state, who shall immediately record the same in such manner that it may be available to the public. The suspension or forfeiture herein provided for shall become effective immediately such record is made, and the certificate of the secretary of state shall be prima facie evidence of such suspension or forfeiture."

#### AMENDMENT NUMBER TWELVE.

On page 14, line 51, of the printed bill, after the word "and" add the words "the interest and"; and at the end of line 12 on page 15, add the following:

"The certificate of revivor shall be prima facie evidence of the payment. Any certificate provided for in this section may be recorded in the office of the county recorder in any county of this state."

#### AMENDMENT NUMBER THIRTEEN.

On page 6, line 33, of the printed bill, after the word "under" insert the word "other".

#### AMENDMENT NUMBER FOURTEEN.

On page 3, line 13, of the printed bill, after the word "taxes" insert the words "or licenses".

#### AMENDMENT NUMBER FIFTEEN.

On page 6, line 34, of the printed bill, after the word "insurance" insert a comma.

#### AMENDMENT NUMBER SIXTEEN.

On page 2, between lines 29 and 30, of the printed bill, insert a new paragraph, as follows:

"Taxes under this section and under sections 1 and 2 of this act shall accrue on the first day after the close of the "taxable year," as defined in section 11 hereof."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 509?

The roll was called, and Assembly amendments to Senate Bill No. 509 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman,

Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—35.  
NOES—None.

Senate Bill No. 509 ordered to enrollment.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Evans: Senate Bill No. 825—An act to provide for the government of high schools.

Bill read first time, and referred to Committee on Education.

By Senator Nelson: Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Weller: Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment of commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read first time, and referred to Committee on Judiciary.

By Senator Inman: Senate Joint Resolution No. 6—Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act.

Resolution referred to Committee on Federal Relations.

Also: Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 8, authorizing the issuance and sale of ten thousand bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929, as passed by the Senate and Assembly at the forty-eighth session of the Legislature, and approved by the Governor.

Amendment referred to Committee on Constitutional Amendments.

CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILLS.

Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended.

COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, insert before the word "shall" the words "other than the secretary".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, insert before "shall" the words "each member".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 7, of the printed bill, substitute for the word "or" at the end of said line the word "and"; in line 8 substitute for the word "or" immediately following the word "directing" the word "and"; and in line 10 strike out the words "or disposal".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 34, of the printed bill, strike out the words "and must", and in line 35 strike out the words "be examined".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 3, line 18, of the printed bill, insert after the word "applicant" the following: ", or the president or corresponding officer if the applicant is an association, corporation or partnership."

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3 of the printed bill, strike out all of line 36 following the word "must" up to the word "The" in line 37, and substitute therefor "make separate applications and procure separate licenses therefor".

Amendment adopted.



## AMENDMENT NUMBER SEVEN.

On page 3, line 41, of the printed bill, substitute "including" for "or of"; insert after the word "officers" the words "or members", and in line 42 substitute for the words "a corporation", the words "an association, corporation or partnership."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 25, of the printed bill, strike out the word "and"; and in line 27 substitute for the period after the word "licensee" a comma, and add at that point the following words: "and the licensee shall register with the board of health of the city or county in which the licensee proposes to engage in business as a funeral director or to practice as an embalmer the fact that a license has been issued".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 38, of the printed bill, strike out the words "and the transportation of dead human bodies".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5 of the printed bill, between lines 6 and 7, insert an additional paragraph to section 15 to read as follows:

"Said board shall also have power to adopt and enforce reasonable rules and regulations relating to the transportation of dead human bodies which shall supersede the rules and requirements now covered by section 20 of the Public Health Act"

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 11, of the printed bill, after "applicant" insert ", or in case the applicant is an association, corporation or partnership, the president or corresponding officer appearing therefor,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, after the word "not" strike out the word "inclusive" and insert the word "exclusive".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 5946, relating to burial contracts and certificates.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 3 of the printed bill, insert the words "person, firm, corporation or" after the word "No".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In lines 4, 5 and 6 of the printed bill, strike out the following: "Complying with all provisions of the laws of this state, and thereafter".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In lines 7 and 8 of the printed bill, strike out the following: "and continuing to comply with the laws of this state."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 458—An act to amend section 369*b* of the Penal Code, relating to shipping cattle without unloading or feeding them.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, strike out the word "varieties", and insert in lieu thereof the words "cultural strain."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, after paragraph 2, of the printed bill, add a new paragraph to be numbered 3, as follows:

" "Cultural strain" means a group of individuals within a variety which constantly differ in one or more characters from the variety type."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "4".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 16, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "5".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 18, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "6".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 21, of the printed bill, strike out the words "or variety", and insert in lieu thereof the following: ", variety or cultural strain".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 6, of the printed bill, strike out all of the said line beginning with the word "the", also strike out all of lines 7, 8, 9, 10 and 11, and insert in lieu thereof the words "and the seller of such seed designates the specific cultural strain of seed offered for sale, the specific cultural strain of such seed must be written or printed on such label as provided in the California seed law 1921."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 13, of the printed bill, strike out all of said line beginning with the word "must", also strike out lines 14 and 15, and insert in lieu thereof the words "and represents to the purchaser or buyer, by verbal or written statement or any other means, that the seed is of a particular cultural strain of the "common name" "or botanical name" ordinarily used in designating such seed, the vendor shall be responsible for such statements,".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 17, of the printed bill, strike out the word "variety", and insert in lieu thereof the words "cultural strain".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 19, of the printed bill, strike out the words "or variety", and insert in lieu thereof the words ", variety or cultural strain".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 36, of the printed bill, strike out all of said line beginning with the word "the" and insert in lieu thereof the words "and the seller of such seed represents such seed as of a certain cultural strain, the label and designation of a specific cultural strain thereof."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 30, 31, 43, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 85, 86, 89, 90, 94, 100, 102, 112, 114, 118, 120, 121, 122, 127, 129, 131, 132, 134, 135, 138, 141, 142, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the division of motor vehicles and records to be kept by public garages and the renting of motor vehicles and restriction as to the size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and providing for carrying out the objects of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, strike out the figures "69", and in line 5 strike out the figures "85" and "102".

In line 5 of the title of the printed bill, after the figures "94", insert the figures "95", and after the figures "100", insert the figures "111", and in line 6 after the figures "122", insert the figures "124" and "125", and after the figures "132", insert the figures "133".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 12, of the printed bill, strike out the words "police or fire department vehicle", and insert in lieu thereof the following: "authorized emergency vehicle".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 18, of the printed bill, strike out the word "such", and strike out all of line 19, and insert in lieu thereof the following: "publicly owned ambulances used on emergency calls".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, place a bracket at the beginning of line 12 and at the end of line 19.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, in line 24, after the word "highways" insert a period and strike out the remainder of said line.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2 of the printed bill, place a bracket at the beginning of line 28 and at the end of line 43.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3 of the printed bill, place a bracket at the beginning of line 3 and at the end of line 6, and place a bracket at the beginning of line 39.

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 6, of the printed bill, after the word "markers" insert the words "or raised buttons".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, lines 41 and 42, of the printed bill, strike out the words "chief of the division of motor vehicles", and insert in lieu thereof "director of the department of public works".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3 of the printed bill, strike out lines 48, 49 and 50, and insert in lieu thereof the following: "director of the department of public works".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 51, of the printed bill, after the words "that the" insert the following: "director of the department of public works and".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 4 of the printed bill, strike out the words "chief of the division of motor vehicles", and insert in lieu thereof the words "director of the department of public works" in lines 7 and 8; and in line 11, and in line 17, and in line 27, and in lines 47 and 48.

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 5, line 1, of the printed bill, strike out the word "an", and insert in lieu thereof the word "and".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 5, line 13, of the printed bill, strike out the words "chief of the division of motor vehicles", and insert in lieu thereof the words "director of the department of public works".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 5 of the printed bill, rearrange lines 20 to 23, both inclusive, to read as follows:

"Sec. 9. Section 31 of the California vehicle act is hereby amended to read as follows:

"Sec. 31. Chief of division may adopt rules and regulations and prescribe forms. The chief of the division of motor vehicles is".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 5 of the printed bill, insert a bracket at the beginning of line 38 and at the end of line 49; and on page 6 insert a bracket at the beginning of line 1 and at the end of line 6; and insert brackets surrounding the word "twenty-four" in lines 16 and 17.

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 8 of the printed bill, insert a bracket at the beginning of line 30 and at the end of line 46.

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 9, line 32, of the printed bill, strike out the period, and insert the following: "provided, that any person engaged in the business of delivering automobiles from a manufacturing plant, or from a manufacturer's assembly plant, or from a distributing plant to bona fide dealers, or sales agents of such manufacturer shall be classed as a dealer and issued dealer's numbers in the same manner as numbers are issued to dealers."

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 11, lines 5 and 6, of the printed bill, place brackets enclosing the words appearing therein as follows: "or a substitute or a new registration under a new license number"; and at the end of line 11 strike out the bracket and place said bracket in line 12 after the word "vehicle".

On said page 11 place a bracket at the beginning of line 21 and at the end of line 52.

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 13, line 26, of the printed bill, strike out the bracket, and insert said bracket at the beginning of line 27; and in said line after the word "and" insert the word "by" and place a bracket in line 28 after the word "application" and strike out the bracket now appearing in line 31.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 14, line 8, of the printed bill, insert a bracket before the word "except" and another bracket at the end of line 11.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 14 of the printed bill, strike out all of lines 39 to 51, both inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 15, line 1, of the printed bill, strike out "24", and insert "23".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 15 of the printed bill, insert a bracket at the beginning of line 3 and at the end of line 19.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 15 of the printed bill, insert a bracket at the beginning of line 22; and in line 25 after the word "operator" insert the words "or chauffeur"; and in line 30 after the word "operator's" insert the words "or chauffeur's"; and at the end of line 35 insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 16, in line 20, of the printed bill, strike out the words "twenty-four hundred"; and insert in lieu thereof the words "three thousand"; and in line 21 strike out "\$10.00" and insert in lieu thereof "\$15.00".

Amendment adopted.

## AMENDMENT NUMBER TWENTY SEVEN.

On page 16, at the end of line 43, of the printed bill, insert the following: "As an exception to the fees specified in this section, a fee of ten dollars (\$10.00) shall be paid upon the registration of a well boring or well-drilling apparatus permanently mounted upon a motor vehicle used only occasionally and incidentally upon the public highways."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 16 of the printed bill, strike out lines 46 to 51, both inclusive, and insert in lieu thereof the following: "of this section shall be reduced by one twelfth for each month which shall have elapsed since the beginning of the registration year."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 15, in line 20, of the printed bill, strike out "25", and insert "24"; and in line 36 strike out "26", and insert "25"; and in line 1 strike out "24", and insert "23".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 17, in line 39, of the printed bill, strike out "27", and insert "26"; and on page 18, line 7, strike out "28", and insert "27".

Amendment adopted.

## AMENDMENT NUMBER THIRTY ONE.

On page 18, line 28, of the printed bill, strike out the word "unlawful", and insert in lieu thereof the word "lawful".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 18, line 34, of the printed bill, strike out "29", and insert "28".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 18, of the printed bill, place a bracket at the beginning of line 37; and at the end of line 47 strike out the period, and insert the following: "except that motor vehicles registered at the time this amendment takes effect may be permitted, but shall not exceed, a total length of thirty-six feet"; and at the end of line 51 insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 19 of the printed bill, strike out all of lines 1 to 48, both inclusive; and in line 49 strike out "31", and insert "29".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 20, in line 17, of the printed bill, strike out "32", and insert "30"; and on page 21 in line 15 strike out "32", and insert "31"; and on page 21, line 39, strike out "33", and insert "32".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 22, at the end of line 10, of the printed bill, strike out the period and insert the following: "nor shall the stopping distances above specified apply to chassis without bodies or loads, but such chassis shall be equipped with brakes adequate to reasonably control such vehicles."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 22 of the printed bill, strike out all of lines 11 to 20, both inclusive.

Amendment adopted.



## AMENDMENT NUMBER THIRTY-EIGHT.

On page 22, after line 20, of the printed bill, insert the following:

SEC. 33. Section 95 of said act is hereby amended to read as follows:

Sec. 95. Horns or warning devices. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every authorized emergency vehicle as defined herein shall be equipped with a bell, siren or exhaust whistle of a type approved by the division."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-NINE.

On page 23 of the printed bill, strike out all of lines 24 to 30, both inclusive.

Amendment adopted.

## AMENDMENT NUMBER FORTY.

On page 23 of the printed bill, at the beginning of line 34, insert a bracket; and on page 24 at the end of line 29, insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER FORTY-ONE.

On page 24 of the printed bill, strike out all of lines 30 to 52, both inclusive; and strike out all of page 25; and strike out that portion of page 26 down to and including line 36.

Amendment adopted.

## AMENDMENT NUMBER FORTY-TWO.

On page 26, at the end of line 36, of the printed bill, insert the following:

"SEC. 37. Section 111 of said act is hereby amended to read as follows:

Sec. 111. No red light at front. It shall be unlawful for any person driving or having the immediate control of any vehicle to drive the same upon any public highway with any red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles as defined in this act."

Amendment adopted.

## AMENDMENT NUMBER FORTY-THREE.

On page 26 of the printed bill, at the beginning of line 39, insert a bracket; and on page 27, at the end of line 11, insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER FORTY-FOUR.

On page 27 of the printed bill, at the beginning of line 14, insert a bracket, and strike out the bracket appearing in the middle of line 37.

Amendment adopted.

## AMENDMENT NUMBER FORTY-FIVE.

On page 28 of the printed bill, strike out all of lines 4 to 7, both inclusive, and insert in lieu thereof the following: "It is the legislative intent in sections 113, 114, and 135 of this act, to cover the entire field of regulation upon the subject-matters of said sections, but this provision shall not be construed to prevent the legislative body of any county, city and county, or city from adopting regulations upon those subjects enumerated in section 145; nor from adopting any other regulation not in conflict with this act; nor shall this provision be construed to prevent the exercise by the state railroad commission of any powers or duties vested in it by law."

Amendment adopted.

## AMENDMENT NUMBER FORTY-SIX.

On page 28 of the printed bill, at the beginning of line 11, insert a bracket; and at the end of line 34 insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER FORTY-SEVEN.

On page 29, in line 22, of the printed bill, strike out the words "vehicles of a police or fire department"; and insert in lieu thereof the words "authorized emergency vehicles"; in line 26, strike out the words "ambulances or"; and in line 29, strike out the words "police or fire department vehicle, ambulance", and insert in lieu thereof the words "authorized emergency vehicle".

Amendment adopted.

## AMENDMENT NUMBER FORTY-EIGHT.

On page 30 of the printed bill, strike out all of lines 3 to 7, both inclusive, and insert in lieu thereof the following: "on the left side of the highway, if such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety, and providing that such overtaking vehicle shall return to the right-hand side of the highway before coming within one hundred feet of any vehicle approaching from the opposite direction.

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or where a curve in the highway where the driver's view along the highway is obstructed within the distance of one hundred fifty feet along the highway.

Amendment adopted.

## AMENDMENT NUMBER FORTY-NINE.

On page 30 of the printed bill, at the end of line 12, insert the following:

"SEC. 46. Section 124 of said act is hereby amended to read as follows:

Sec. 124. Keep to the right in passing. (a) Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half of the main traveled portion of the road as nearly as possible.

Sec. 47. Section 125 of said act is hereby amended to read as follows:

Sec. 125. Overtaking a vehicle. (a) Any vehicle overtaking another vehicle proceeding in the same direction shall pass at least five feet to the left thereof, and shall not again be driven to the right side of the highway until completely clear of such overtaken vehicle.

(b) The driver of an overtaking motor vehicle outside of a business or residential district, as herein defined, shall give audible warning with his horn, horn or other warning device, before passing or attempting to pass a vehicle proceeding in the same direction.

(c) The driver of any vehicle shall not drive the same so as to pass or overtake any other vehicle going in the same direction at any intersection of public highways except at an intersection where traffic is controlled by traffic stop and go signals or by a traffic officer."

Amendment adopted.

## AMENDMENT NUMBER FIFTY.

On page 30, line 13, of the printed bill, strike out "46", and insert "48", and in line 34 strike out "47", and insert "49".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-ONE.

On page 30 of the printed bill, strike out all of lines 36 to 51, both inclusive, and insert in lieu thereof the following:

"Sec. 129. Turning at intersections. (a) Except as otherwise provided in subdivision (b) of this section, drivers of vehicles in turning at intersections shall do so as follows: The driver of a vehicle intending to turn to the right shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the highway, and in turning shall keep as close as practicable to the right-hand curb or edge of the highway.

The operator of a vehicle intending to turn to the left shall approach the point of turning in the traffic lane to the right of and next to the center of the roadway, and, unless otherwise directed by "turning markers" shall pass to the right of the center of the intersection before turning."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-TWO.

On page 31, line 7, of the printed bill, strike out "48", and insert "50"; in line 32, strike out "49", and insert "51"; in lines 39 and 40, strike out the words "authorized police or fire department vehicle", and insert in lieu thereof the words "authorized emergency vehicle"; in line 43, strike out "police or fire department", and insert in lieu thereof the word "emergency"; and in line 45, strike out the first word "no", and insert in lieu thereof the word "nor".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-THREE.

On page 31, at the end of line 46, of the printed bill, insert the following:

"SEC. 52. Section 133 of the said act is hereby amended to read as follows:

Sec. 133. What to do on approach of authorized emergency vehicle. Upon the approach of any authorized emergency vehicle, giving audible signal by siren, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the authorized emergency vehicle shall have passed; and the operator of any street car shall immediately stop such street car unless at the time it is crossing an intersection, in which event it shall be operated so as to clear the intersection and shall then be stopped, until the authorized emergency vehicle shall have passed."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FOUR.

On page 31, line 47, of the printed bill, strike out "50", and insert "53".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FIVE.

On page 32, line 19, of the printed bill, strike out "51", and insert "54"; and at the beginning of line 22 insert a bracket and at the end of line 34 insert a bracket; and in line 35 strike out "52", and insert "55".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SIX.

On page 33, line 24, of the printed bill, strike out "53", and insert "56"; and in line 34, strike out "54", and insert "57".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SEVEN.

On page 34, line 14, of the printed bill, strike out "55", and insert "58"; and at the beginning of line 17 insert a bracket; and at the end of line 29 insert a bracket; and in line 30 strike out "56", and insert "59".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-EIGHT.

On page 35, in line 13, of the printed bill, strike out "57" and insert "60"; at the beginning of line 15 insert a bracket, and at the end of line 23 insert a bracket; in line 24 strike out "58", and insert "61"; at the beginning of line 27 insert a bracket, and at the end of line 30 insert a bracket; in line 31 strike out "59" and insert "62"; in line 47 strike out "60" and insert "63"; and at the beginning of line 49 insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER FIFTY-NINE.

On page 36, at the end of line 4, of the printed bill, insert a bracket; in line 5 strike out "61" and insert "64"; at the beginning of line 8 insert a bracket; at the end of line 15 insert a bracket; in line 16 strike out "62" and insert "65"; at the beginning of line 19 insert a bracket, and at the end of line 48 insert a bracket.

Amendment adopted.

## AMENDMENT NUMBER SIXTY.

On page 36 of the printed bill, strike out all of lines 49 to 52, both inclusive, and insert the following in lieu thereof:

"SEC. 66. Section 159 of the California vehicle act is hereby amended to read as follows:

Sec. 159. Motor vehicle fund. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund". The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund.

(b) There is hereby appropriated out of such fund all moneys received as operators'."

On page 38 of the printed bill, after line 8, insert the following:

"(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount



of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in each bill the moneys to be credited to said department the roads, bridges and other construction or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

(c) The state controller shall in the month of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled hereunder, except that the state controller shall not draw his warrants upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed to report as required in the report showing the amount of moneys heretofore received by such county from the motor vehicle fund and the disposition thereof as hereinafter required, until such county has established a road fund and shall make the reports herein required; *provided, however*, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place where such owner has been reported to the office of residence in his registration certificate, the county treasurer of the county receiving such funds from the state as hereinafter provided may draw his warrants in favor of the county containing the actual domicile, residence, or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

(f) All moneys remaining in the motor vehicle fund after the disbursements hereinbefore in this section authorized, together with all moneys that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the state highway maintenance fund and shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the state board of account.

#### Amendment adopted.

##### AMENDMENT NUMBER SIXTY ONE

On page 22, line 47, of the printed bill, strike out the following: "date this amendment takes effect", and insert in lieu thereof the following: "from day of January, 1930," and insert at the end of line 49 a comma and strike out all of lines 50 to 52 both inclusive.

#### Amendment adopted.

Bill read second time, ordered to print, engrossment and re-referred to Committee on Motor Vehicles.

Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 476—An act to amend section 155 of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations.

##### COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 28, of the printed bill, after the letter "h" strike out line 28 and all that follows to the end of line 7 on page 4 and in its place insert after

the letter "h" the following: "Every corporation specified in this title shall also have power, by its by-laws, to charge and collect an entrance fee, for each share of stock, or membership share, or investment certificate, it may issue, not exceeding one dollar on each share or investment certificate having a matured or face value of one hundred dollars, and also to charge and collect a transfer fee, not exceeding ten cents on each share, or investment certificate, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made, or permitted to be made against any shareholder, or certificate holder, or against any of his shares or certificates, hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be used in the payment of current running expenses."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Building and Loan Associations.

Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

Senate Bill No. 486 was ordered re-referred to Committee on Building and Loan Associations.

Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 25, of the printed bill, strike out the word "registered."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 5, of the printed bill, strike out the word "said", and insert in lieu thereof the word "the".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 6, of the printed bill, following the word "place", insert "specified in said notices".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 9, of the printed bill, following the word "granted", insert "upon the ground that the name of such proposed corporation is the same as one already adopted or appropriated by any building and loan association then existing in this state, or so similar thereto as to be likely to mislead the public,".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 12, of the printed bill, strike out the word "existing".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 13, of the printed bill, following the word "association", insert "then existing".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 14, of the printed bill, strike out the word "same", and insert in lieu thereof the words "said certificate".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 17, of the printed bill, following the word "corporation", insert the following: "The same as or similar in spelling or sound to any word or words already adopted, appropriated, or used in its corporate name by any building and loan association then existing in this state,".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 17, of the printed bill, before the word "building", insert "mutual," "guaranty," "guarantee,".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2 of the printed bill, strike out all of line 19

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 20, of the printed bill, strike out "loan association in this state".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 21, of the printed bill, strike out all following the word "public" and all of lines 22 and 23, and on line 21, following the word "public" insert the following: "; provided, further, however, that if any and all building and loan associations then existing in this state causing such presumption file consent in writing thereto with the commissioner, the commissioner may nevertheless issue such certificate;".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 29, of the printed bill, following the word "heard", insert the words "or granted".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 31, of the printed bill, following the words "present to", insert the words "and file with".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Building and Loan Associations.

Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 273—An act to add a new section to the Code of Civil Procedure, to be numbered 1770a, relating to the management of the estate of an incompetent ward, to expenditures that may be made therefrom, and the procedure to be followed in obtaining the order of the court for such expenditures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley,



Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—34.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR MCKINLEY IN THE CHAIR.

At twelve o'clock and two minutes p.m., Senator McKinley of the Thirty-eighth District was called to the chair.

Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—35.  
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SENATE RESOLUTION.

Senator Sharkey asked unanimous consent for the consideration of the following resolution, without reference to committee.

Unanimous consent granted.

#### RESOLUTION.

The following resolution was offered:

By Senators Sharkey and Hurley:

SACRAMENTO, CALIFORNIA, February 27, 1929.

WHEREAS, In the February issue of the Associated Sportsman, a publication issued under the auspices and at the direction of the Associated Sportsman of California, and of which H. L. Betten is listed as editor, there appeared an article containing the following paragraph:

"Two years ago the cause of conservation had comparatively few proponents among our legislators. At that time it required men with the courage of their convictions, backed with no end of persistence and viscera, to fight the well-organized and oftentimes bought or debauched opposition. Notable among legislators aligned with conservative sportsmen during the last session, Senator Sanborn Young and Assemblyman Hubert B. Seudder stood firm, like stalwart oaks, in behalf of our worthy cause"; and

WHEREAS, Such article is a reflection upon the integrity and character of the members of the Legislature and if left unchallenged will subject the members to unfavorable criticism naturally flowing from the publication of such an article; now, therefore, be it

*Resolved by the Senate of the State of California,* That the officers of the association publishing such magazine and the editors, publishers, excreers and printers thereof be and they are hereby required to be and appear before the Senate Fish and Game Committee on Tuesday, the fifth day of March, 1929, at the hour of two o'clock p.m., and then and there state and submit to said committee the names of the members of the Legislature referred to in said article as having been bought and debauched, and upon what evidence the accusation contained in said article is predicated, and then and there produce such proof of the charge made in said article as is in their possession, or other justification for its publication; and be it further

*Resolved,* That the Secretary of the Senate forthwith issue a subpoena under seal of the Senate directed to H. L. Betten, editor; P. Paul Page, president; Grahame B. Ridley, J. P. Cuenin, Leo K. Wilson, P. H. Borgardus and Robert L. Mann, their committee on public information, to be and appear before said Fish and Game Committee at the time and place above stated, and then and there testify regarding

such matter, and the Sergeant-at-Arms is hereby authorized and directed to forthwith serve such subpoenas upon each of the persons above named.

(Signed)

EDGAR S. HURLEY.  
WM. R. SHARKEY.

Resolution read.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Hurley, Tubbs and Sharkey. The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—37.

NOES—None.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wag, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 626t, relating to cats in fish and game districts designated by law as game refuges.

Bill read third time.

On motion of Senator Young, Senate Bill No. 49 was ordered passed on file.

Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 175 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 343—An act to transfer and set over certain State land known as Iron Mountain in Mendocino County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof;

Also: Assembly Bill No. 342—An act to transfer and set over certain State land known as Mount Zion in Amador County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Also: Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election of directors and the levy and collection of taxes.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 343 and 342 read first time, and referred to Committee on Conservation.

Assembly Bill No. 544 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 350—An act making an appropriation to clear the channel



of the Mokelumne River from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson channel—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Senate Bill No. 350 ordered re-referred to Committee on Finance.

#### RECESS.

On motion of Senator Breed, at twelve o'clock and fifty five minutes p.m., the presiding Senator declared recess until two o'clock p.m.

#### RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore of the Senate, Arthur H. Breed, in the chair.  
Secretary Joseph A. Beek at the desk.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 312—An act relating to the contribution of contracts for the transportation of secondary school pupils; and reports that the same has been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 510—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, and repealing section 3627b of the Political Code, relating to the taxation of securities and solvent credits—and reports that the same has been correctly re-engrossed.

EDWARDS, Acting Chairman.

##### SENATOR MURPHY IN THE CHAIR.

At two o'clock and twenty minutes p.m., Senator Murphy of the Twenty-fourth District was called to the chair.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

##### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 510, heretofore set as a special order for two o'clock p.m., the same was taken up for consideration.

Senate Bill No. 510.—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, relating to the taxation of securities and solvent credits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 510 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## POINT OF PERSONAL PRIVILEGE.

Senator Duval rose to a point of personal privilege and stated that he had voted aye on passage of Senate Bill No. 510, relating to the taxation of securities and solvent credits, but that his vote had not been recorded by the secretary and requested same to be recorded.

## RULING BY PRESIDING SENATOR.

The presiding Senator ruled that, inasmuch as the roll had already been announced, it would be impossible to record Senator Duval's vote.

Whereupon the above statement was ordered printed in the Journal.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary school pupils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## ADJOURNMENT.

At three o'clock and forty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Thursday, February 28, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, February 28, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 27, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Lyon was, on motion of Senator West, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

Senator Rochester was, on motion of Senator Mueller, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas S. Louttit of Stockton, president of the State Board of Railroad Commissioners.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to O. E. Bremner, Sonoma County horticultural commissioner, of Santa Rosa; George R. Harrison, master of the State Grange of California, Sebastopol; John M. Laughlin, county assessor of Sonoma County, Santa Rosa.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. A. Weir, publisher, Solano Republican and the following: E. L. Dearborn, Solano County Title Company, Fairfield; Attorney K. I. Jones, Fairfield; Harry A. Barnes, manager Pittsburg Chamber of Commerce; V. L. Woolley, manager Byron Bethany Irrigation District; R. J. Trembatt, Contra Costa supervisor; Georald H. Jones, engineer and manager, East Contra Costa Irrigation District; Jas. D. Donlan, mayor of Antioch; Assemblyman R. P. Easley, Antioch; William Pierce, Suisun; Edward Dinkelspiel, mayor of Suisun; Otis Loveridge, Pittsburg; W. J. Buchanan, chairman Contra Costa Board of Supervisors; George E. Murray, president Pittsburg Chamber of Commerce; Harvey V. Miller, Martinez; P. M. Sanford, president Richmond Chamber of Commerce; C. W. Schedler, president Pittsburg Industrial Association; Armand



Stow, Pittsburg banker; L. E. Mullen, George J. Winkelman, Leopold Stinchfield, Edson D. Hale, M. L. Jones, George L. Eddy, George P. Keller and G. O. Meese of Martinez; W. W. Scott, Richmond; Wm. Myers, Fairfield, realtor; M. S. Bickford, Fairfield automobile dealer; E. B. Anderson, Walnut Creek; L. B. McKinnon, Concord; Wm. F. Robinson, Walnut Creek; J. J. Birmingham, Concord; J. E. Taylor, Oakley; O. M. Champin, Oakley; L. M. Buck, Antioch; M. B. Veale, Antioch; Roy V. Davis, Antioch.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for the day was unanimously extended to A. E. Bottel.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the eighth grade of Washington School, Ada Cochrane, teacher, and pupils as follows: Franklin Bennett, Henry Borgia, James Dallman, Rosie David, John Gail, Eletha Haburt, James Hillgrove, June Johnson, Lois Lord, Wayne Melquist, Mary Moriarity, Melvin Neeley, Albert Niles, Jack Pugh, Robert Richards, Kathryn Siddles, Robert Sullivan, Sentina Velardi, Bertha Vanderputten and Rose Mary Wirth.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, February 27, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants;

Also: Senate Bill No. 458—An act to amend section 3696 of the Penal Code, relating to shipping cattle without unloading or feeding them;

Also: Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations;

Also: Senate Bill No. 476—An act to amend section 156 of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations;

Also: Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California;

Also: Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 537—An act to amend sections 6, 7, 10, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, also to amend section 12 of said act as amended, said last named section referring to the powers of said districts, by amending subdivision fourth thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and ratifying sales and mortgages, by amending subdivision fifth thereof relating to works, property and facilities of said districts, by amending subdivision sixth thereof relating to the power of eminent domain and by amending subdivision eighth thereof relating to the indebtedness of such districts including any such indebtedness heretofore or hereafter incurred and declaring the urgency of the amendments to said section 12—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 3306, relating to gambling devices—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; noes—1.

COBB, Chairman.

Senate Bill No. 279 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred Senate Bill No. 774—An act fixing penalties for the illegal possession of intoxicating liquors and requiring prosecuting officers to plead prior convictions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to the committee.

Committee membership—5; committee vote: Ayes—5.

COBB, Chairman.

Senate Bill No. 774 ordered on file for second reading.

## ON RULES.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Slater to introduce a bill entitled "An act to amend section 6 of the 'Workmen's Compensation, Insurance and Safety Act of 1917' as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellam, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Slater: Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cleveland: Senate Joint Resolution No. 7—Relative to the protection of agricultural products.

Resolution referred to Committee on Federal Relations.

By Senator Nelson: Senate Concurrent Resolution No. 17—Approving a certain amendment to the charter of the city of Eureka ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of January, 1929.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER SEVENTEEN.

Senator Nelson asked unanimous consent for the consideration of Senate Concurrent Resolution No. 17, without reference to committee. Unanimous consent granted.

By Senator Nelson: Senate Concurrent Resolution No. 17—Approving a certain amendment to the charter of the city of Eureka, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of January, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 17 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 17 ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 528—An act to amend section 857 of the Civil Code of the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9; absent—6.

INMAN, Vice Chairman.

Senate Bill No. 528 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act;

Also: Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—9; absent—6.

INMAN, Vice Chairman.

Senate Bills Nos. 177 and 686 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 196—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under judgment of imprisonment rendered in a criminal action may be required to labor.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

The title of said bill is amended by inserting the word "final" before the word "judgment".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On line 3 of the printed bill, insert the word "final" after "a"

Amendment adopted.

## AMENDMENT NUMBER THREE.

On line 11 of the printed bill, commencing with the comma following the word "county", strike out all of the printed matter down to and including the word "deputies".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county jail under judgment of imprisonment in a criminal action or proceeding.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

The title of said bill is amended by inserting the words "or city" after the word "county".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In lines 4 and 5 of the printed bill, strike out all of the printed matter with the exception of the numerals "1614a".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 7 of the printed bill, after the word "jail", insert "or any city jail".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 170—An act to amend section 626d of the Penal Code, relating to the protection of game.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626u, relating to the protection of game.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as 'Bay Farm

Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS.

Senate Bill No. 537—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended.

Bill read third time.

##### URGENCY SECTION.

The amendment to section 12 of the above entitled act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article IV of the constitution of the State of California, and section 4 of this act amending such section 12 shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, health, safety and welfare of the citizens of various cities in this state situated within and comprising a part of certain existing municipal utility districts are dependent upon the immediate acquisition, construction and completion of an adequate and pure water supply for municipal and domestic uses therein and of means for conveying and distributing the same to said districts, cities and inhabitants thereof. That said cities, municipal utility districts and the inhabitants thereof are faced with an impending shortage of water for municipal and domestic needs and certain works and property must be immediately constructed and acquired to insure against said shortage and against a presently existing fire hazard. That said works, property and the funds necessary to construct and acquire the same can not now be secured without great loss and sacrifice to said cities, municipal utility districts and the inhabitants thereof but the effect of said amendment will facilitate said districts in the construction and acquisition of works and property for the useful and necessary purposes above mentioned and will enable said districts to secure funds therefor without loss or sacrifice to said districts.

Urgency section read.

The question being: Shall this section, setting forth the urgency features of this bill, be passed?

The roll was called, and the urgency features of the bill passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 537—An act to amend sections 6, 7, 10, 12, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones,

Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### DELIVERY OF ARTICLES OF IMPEACHMENT

There now appeared at the bar of the Senate Assemblymen Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin and delivered to the President of the Senate this twenty-eighth day of February, 1929, the following Articles of Impeachment of Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles. The President thereupon presented the same to the Senate.

#### COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

*To the Secretary of the Senate of the State of California.*

I hereby transmit to the Senate of the State of California Articles of Impeachment of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, which were this day presented at the bar of the Senate by Messrs. Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower, and Melvyn I. Cronin, Managers elected by the Assembly of the State of California, and delivered to me, the President of the Senate.

H. L. CARNAHAN,  
President of the Senate.

Dated: February 28, 1929.

ASSEMBLY CHAMBER, SACRAMENTO, CALIFORNIA, FEBRUARY 28, 1929.

MR. PRESIDENT: The Assembly of the forty-eighth session of the Legislature of the State of California, in their name, and in the name and by the authority of the State of California and the people thereof, do hereby present and exhibit Articles of Impeachment in the matter of the impeachment of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, and demand that said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, be required by your honorable body to answer each and every allegation contained in said Articles of Impeachment, and that such proceedings, trial and judgment may be had hereunder as are conformable with the constitution and laws of the State of California;

And you are hereby notified that the Assembly is ready to offer proof of the matters contained in said Articles of Impeachment, at such reasonable times as your honorable body, sitting as a Court of Impeachment, may appoint.

HARRY F. SEWELL,  
CLARE WOOLWINE,  
WILLIAM B. HORNBLOWER,  
MELVYN I. CRONIN,  
WALTER J. LITTLE.

Managers of the Assembly.

#### BEFORE THE SENATE OF THE STATE OF CALIFORNIA SITTING AS A COURT OF IMPEACHMENT.

In the Matter of the Impeachment of

CARLOS S. HARDY,

a Judge of the Superior Court of the State of California, in and for the County of Los Angeles.

} Articles of Impeachment.

The Assembly of the forty-eighth session of the Legislature of the State of California, in their name, and in the name and by the authority of the State of California and the people thereof, by and through the Honorable Walter J. Little, the Honorable Clare Woolwine, the Honorable Harry F. Sewell, the Honorable William B. Hornblower and the Honorable Melvyn I. Cronin, duly elected Managers of said Assembly of the State of California, do hereby present and exhibit Articles of Impeachment in the above entitled matter, and give the Honorable Senate to know and be informed:

That at all times mentioned in these Articles of Impeachment, the above named Carlos S. Hardy was, now is, and ever since has been, a judge of the superior court of the State of California, in and for the county of Los Angeles.



That the said Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, unmindful of the high duties of his office, is guilty of misconduct and misdemeanors in office, committed by him while in said office, and that the said Assembly of the State of California hereby exhibits and presents to the Honorable Senate, Articles of Impeachment against the said Carlos S. Hardy, as a judge of the superior court of the State of California in and for the county of Los Angeles, for the causes, upon the grounds and in the particulars as follows, to wit:

## ARTICLE I.

That at all times mentioned in this Article of Impeachment the Echo Park Evangelistic Association, Incorporated, was a corporation organized and existing under and by virtue of the laws of the State of California, and that at all times mentioned in this Article of Impeachment, Aimee Semple McPherson and one Minnie Kennedy were engaged in conducting a religious organization known as Angelus Temple, Church of the Four Square Gospel, and divers and other sundry names, and other divers and sundry names and organizations not known to the members of this Assembly.

That between the first day of February, 1923, and the first day of April, 1927, the said Carlos S. Hardy, while then and there acting as a judge of the superior court of the State of California, in and for the county of Los Angeles, was guilty of misdemeanors and misconduct in office in this, to wit:

That the said Carlos S. Hardy, while he was a judge of said superior court and between the dates in this Article of Impeachment above mentioned, did furnish legal counsel and advice and legal services, as an attorney and counselor at law, to one Minnie Kennedy and one Aimee Semple McPherson, and to an organization known as the Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, which said legal services, counsel and advice, so furnished by said Carlos S. Hardy, consisted among other things as follows:

(a) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the relation of church members to the church corporation, based upon an examination made by the said Carlos S. Hardy of the charter, by-laws, plan of organization, trust agreement and membership application and certificates and other documents.

(b) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, with respect to the membership certificates in use by them, and in assisting said persons and said corporation in revising the same.

(c) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the plans for the establishment and operation of branch churches and the relation of members of the main church, and upon questions concerning property of branch churches.

(d) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon questions and disputes between the branch churches and the Angelus Temple management, and in advising said persons concerning litigation between the branch church of Santa Ana and the temple management.

(e) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, concerning the disciplining of members, and advising them with respect to the disciplinary powers of their said organization.

(f) In examining a list of real estate belonging to said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and examining into the uses thereof, and advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, regarding certain transfers of said real estate, and the general plan of holding title to said real estate.

(g) In counseling and advising with said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, concerning disputes with, and claims of, former employees, contractors and others asserting claims against the church, and in settling, or attempting to settle, unadjusted claims and disputes amounting to many thousands of dollars arising out of the construction of the Angelus Temple building and the school building, and counseling with officers of the Angelus Temple, including the said Minnie Kennedy and Aimee Semple McPherson, and with architects and others claiming unadjusted accounts and claims against said temple, and performing such offices and duties in relation thereto, as an attorney-at-law would, or could perform.

(h) In giving advice to the said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, in regard to income tax returns, and in regard to claims and exemptions from taxation of certain pieces of real estate belonging to the said Minnie Kennedy, Aimee Semple McPherson and the said Echo Park Evangelistic Association, Incorporated, and in advising said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic

Association, Incorporated, and other persons connected therewith, with regard to the taxation of the Angelus Temple radio.

(i) In dictating to temple stenographers many letters and documents for use of and by the officers of the Angelus Temple.

(j) That between the month of May, 1926, and the first day of January, 1927, during which said time the said Aimee Semple McPherson had disappeared and again reappeared, claiming that she had been kidnaped and held for ransom, and during which time the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles were investigating the circumstances surrounding the alleged kidnaping and the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not said Aimee Semple McPherson and Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and the said Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California, and the said Carlos S. Hardy counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy, in connection with said investigations, and in furtherance of his said services as an attorney at law for said Aimee Semple McPherson and Minnie Kennedy, said Carlos S. Hardy advised, counseled and instructed and directed other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge, of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with jurors, members of the said panel about mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy, to create public opinion through the press favorable to said Aimee Semple McPherson, and that said Carlos S. Hardy, being the superior court judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion.

All of which services above specified, were performed by the said Carlos S. Hardy for a remuneration received by him, and by all of such acts, and during the year 1926, each and all of them were performed, the said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, and during the year 1926, was actually presiding in one of the most important of said superior court devoted to the trial of felony criminal cases, and in rooms of which said facts, such acts so performed by him brought disrepute, shame, and discredit to the superior court of the State of California, and by reason of all of which the said Carlos S. Hardy has been guilty of misconduct and misdemeanors committed in office.

#### ARTICLE II

That during the month of May, 1926, the said Aimee Semple McPherson mysteriously disappeared from the city of Los Angeles, State of California, and thereafter, on or about the twenty second day of June, 1926, the said Aimee Semple McPherson reappeared in the city of Los Angeles and publicly announced that she had been kidnaped, and during the time of her absence had been held for ransom, that thereupon the grand jury of the county of Los Angeles, the district attorney of the county of Los Angeles and the said Carlos S. Hardy instituted several investigations into the facts and circumstances surrounding the alleged kidnaping and the absence from the said city of the said Aimee Semple McPherson, and the said grand jury of the county of Los Angeles and the district attorney of Los Angeles caused further instituted investigations to determine the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not the said Aimee Semple McPherson and the said Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California, that within a few days subsequent to the reappearance of the said Aimee Semple McPherson, the said Carlos S. Hardy received reliable information that the said Aimee Semple McPherson had not been kidnaped or held for ransom, and that notwithstanding his knowledge of the facts, disclosed by such information, and the said investigations of the grand jury of Los Angeles County and the district attorney of Los Angeles County above mentioned, and during said investigations, the said Carlos S. Hardy committed and performed the following described acts:

He counseled, instructed and directed attorneys employed in behalf of the said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts pertinent to said investigations, or material to the question of whether or not the said Aimee Semple McPherson had been kidnaped and held for ransom.

Said Carlos S. Hardy further counseled, instructed and attempted to direct the action of grand jurors, members of the said panel above mentioned, and counseled, instructed and directed journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy, to create public opinion through the press, favorable to the said Aimee Semple McPherson, and substantiating in the public mind and in the minds of the said jurors her claim that she had been kidnaped and held for ransom; and that the said Carlos S. Hardy, with knowledge of the facts, as aforesaid, and using his position as a judge of the said superior court, and relying thereon, delivered public addresses over the radio and on the public platform, in character directly designed to create such favorable public opinion and to create sentiment favorable to the said Aimee Semple McPherson in the minds of the said jurors aforesaid, and in the minds of citizens of the said Los Angeles County who might be called as trial jurors in event the said Aimee Semple McPherson was made defendant in a criminal action prosecuted by the people of the State of California.

That each and all of the above acts and declarations of the said Carlos S. Hardy, done and made between the first day of May, 1926, and the first day of April, 1927, were committed with the intention of preventing and obstructing a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney, and with the intention of preventing and obstructing a proper, vigorous and diligent prosecution of the said Aimee Semple McPherson, in the event it was determined by the said grand jury or the said district attorney that the said Aimee Semple McPherson had committed a felony under the laws of the State of California.

That each and all of the acts above mentioned, had the effect of and did prevent and obstruct a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney; and each and all of said acts did obstruct the prosecution of the said Aimee Semple McPherson when she was later charged with a felony, and the said complaint charging the said Aimee Semple McPherson with the commission of a felony was dismissed upon motion of the district attorney of Los Angeles County, after preliminary examination and a holding by the committing magistrate that said Aimee Semple McPherson and others be held to answer in the superior court of the State of California, in and for the county of Los Angeles for a felony committed by said Aimee Semple McPherson and the other defendants in said action.

That during all of the times mentioned in this Article of Impeachment, the said Carlos S. Hardy was a judge of the superior court of the State of California, in and for the county of Los Angeles, and that each and all of the acts hereinabove mentioned and set forth, so done and performed by him, were and are misconduct and misdemeanors committed in office by the said Carlos S. Hardy and brought disrepute, obloquy and dishonor to the superior court of the State of California.

#### ARTICLE III.

That on or about the twelfth day of August, 1926, while said Carlos S. Hardy was acting as a judge of the superior court of the State of California in and for the county of Los Angeles, he received from one Minnie Kennedy and one Aimee Semple McPherson, the sum of twenty-five hundred dollars (\$2,500.00), by a check bearing date said twelfth day of August, 1926, in the sum of twenty-five hundred dollars (\$2,500.00) signed by the Echo Park Evangelistic Association, Incorporated, by Minnie Kennedy, which said check, the said Carlos S. Hardy did cash and receive therefor the sum of twenty-five hundred dollars (\$2,500.00), for his own use and benefit; and that prior to the time the said Carlos S. Hardy received said sum of twenty-five hundred dollars, and during the time while he was a judge of the superior court of the State of California in and for the county of Los Angeles, said Aimee Semple McPherson had, during the month of May, 1926, disappeared at a place known as Ocean Park, California, and that subsequently on or about the twenty-second day of June, 1926, reappeared and returned to the city of Los Angeles, claiming that she had been kidnaped and held for ransom, and that subsequent to the time of the reappearance of the said Aimee Semple McPherson, the district attorney of the county of Los Angeles, State of California, claimed to have discovered evidence that said Aimee Semple McPherson had not in truth or in fact been kidnaped, and that, subsequent to the return of the said Aimee Semple McPherson and prior to the time of the receipt of the said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, said Aimee Semple McPherson and said Minnie Kennedy were under investigation by the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles, to ascertain whether or not a felony had been committed by said Aimee Semple McPherson, or said Minnie Kennedy, or either or both of them, and that from the time of the disappearance of the said Aimee Semple McPherson, up to and including the date of the receipt of said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, the said Carlos S. Hardy had counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy in connection with said investigation, and in furtherance of his said services to said Aimee Semple McPherson and Minnie



Kennedy, said Carlos S. Hardy advised, counseled, instructed and directed with other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge, of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with grand jurors, members of the grand jury of Los Angeles County, above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create favorable public opinion through the press favorable to said Aimee Semple McPherson, and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion; and that the receipt and acceptance by said Carlos S. Hardy of the sum of twenty-five hundred dollars (\$2,500.00) from said Minnie Kennedy and Aimee Semple McPherson, while he was a judge of the superior court of the State of California, in and for the county of Los Angeles, was a wrongful act and brought disrepute, obloquy and dishonor to the superior court of the State of California, and that the receipt of said sum of money by the said Carlos S. Hardy, under the circumstances hereinabove set forth, was misconduct and a misdemeanor in office by said Carlos S. Hardy.

## ARTICLE IV.

That on or about the fifteenth day of August, 1928, while said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, said Carlos S. Hardy interviewed one Wallace Moore, who was subsequently called as a witness in the case of People of the State of California vs. Aimee Semple McPherson et al., and which said Wallace Moore had partially identified a woman in an automobile with one Kenneth G. Ormiston at or near the city of Santa Barbara during the time of the alleged disappearance of said Aimee Semple McPherson, as Aimee Semple McPherson, and that in said interview the said Carlos S. Hardy informed the said Wallace Moore concerning the crime of perjury and the danger of attempting to identify the woman he had seen as Aimee Semple McPherson and the difficulty of being certain of absolute identification, and citing a case that had been tried before him, the said Carlos S. Hardy, wherein the defendant, charged with burglary, had been convicted upon a mistaken identification, and further informed the said Wallace Moore that a person making a mistake in identification would be liable for damages to the person injured thereby, and that ten years thereafter, when he might have accumulated a fair fortune if he had been instrumental in convicting the wrong party he might be sued by such party at any time during his lifetime; all of which conversations on the part of the said Carlos S. Hardy was intended by him, the said Carlos S. Hardy, to intimidate the said Wallace Moore as a witness who might be called in the case of People of the State of California vs. Aimee Semple McPherson et al.; and that said conversation on the part of the said Carlos S. Hardy, was intended by him, the said Carlos S. Hardy, to suppress, modify, or render useless, the testimony of the said Wallace Moore as a witness in said case of People of the State of California vs. Aimee Semple McPherson et al., all of which was misconduct and misdemeanor committed in office by the said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles.

## ARTICLE V.

That during the month of January, 1928, the case of the People of the State of California vs. Edward Hickman had been set for trial in the department of the superior court of the State of California, in and for the county of Los Angeles, presided over by the said Carlos S. Hardy, and while he was a judge of the said court, he, the said Carlos S. Hardy, caused the seats provided for spectators in his court room in the hall of justice in the city of Los Angeles, county of Los Angeles, State of California, to be numbered and caused tickets to be printed and numbers endorsed thereon, said numbers corresponding to the numbers on the said seats, and which said tickets were dated for the various days during which it was contemplated that the case of People of the State of California vs. Edward Hickman would be on trial, and caused and permitted said tickets to be distributed to the friends of the said Carlos S. Hardy and of his wife, to the end that no persons except those provided with said tickets would be admitted to the court room during the trial of the case of the People of the State of California vs. Edward Hickman, contrary to a provision in the constitution of the United States of America, and of the State of California, guaranteeing to all defendants the right of a public trial; all of which said acts on the part of the said Carlos S. Hardy were, and are, misconduct and misdemeanors committed in office by the said Carlos S. Hardy, and brought disrepute, obloquy and dishonor to the superior court of the State of California.

WHEREFORE, The said Assembly of the State of California, saving to themselves by protestation the liberty of exhibiting any other Articles of Impeachment against the said Carlos S. Hardy, as aforesaid, and also of the reply to the answers which he may make to the impeachment aforesaid, and of offering proof of the said matters

of impeachment, do demand that said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, be put to answer all and every of the said matters, and that such proceedings, trial and judgment may be thereunder had and given as are conformable to the constitution and laws of the State of California; and the said Assembly is ready to offer proof of the said matters at such times as the honorable court for the trial of impeachment may order and appoint.

Dated in the city of Sacramento, State of California, this twenty-eighth day of February, A. D. 1929.

WALTER J. LITTLE,  
HARRY F. SEWELL,  
CLARE WOOLWINE,  
WILLIAM B. HORNBLOWER,  
MELVYN I. CRONIN,

Managers of the Assembly.

This is to certify that Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin are the duly elected Managers of the Assembly in the matter of the impeachment of Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, and that the foregoing are the Articles of Impeachment in said matter.

Dated this twenty-eighth day of February, 1929.

EDGAR C. LEVEY,

Speaker of the Assembly of the State of California.

Attest: ARTHUR A. OHNIMUS,  
Chief Clerk of the Assembly.

State of California, } ss.  
The Senate. }

The foregoing Articles of Impeachment were presented at the bar of the Senate by Messrs. Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin, Managers elected by the Assembly, and were delivered to me, the President of the Senate, this twenty-eighth day of February, 1929.

H. L. CARNAHAN, President of the Senate.

Dated: February 28, 1929.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:  
ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred the matter of preparing rules and regulations governing the impeachment trial of Judge Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, respectfully submits the following rules and regulations for said trial, as follows:

#### RULES OF THE SENATE.

For the trial of Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, impeached for misdemeanors in office, by the Assembly of the State of California, at its forty-eighth session, A. D. 1929, the following rules shall govern:

##### I.

Subpoenas shall be issued by the Secretary of the Senate for witnesses on the part of the State of California on application of the managers of the impeachment, upon the certificate of the President of the Senate that the same are necessary and proper witnesses upon the trial of said impeachment. Upon request of the party impeached or his representative or counsel, the Secretary shall issue subpoenas in blank.

##### II.

The hearing of the impeachment shall be held in the Senate Chamber of the State Capitol, and the President of the Senate shall direct all necessary preparations in the Senate Chamber and all proceedings while the Senate is sitting, for the purpose of trying said impeachment, except as otherwise specifically directed by the Senate.

##### III.

At the time fixed in the notice for the appearance of the person impeached, and proof of service as provided by law, the person impeached shall be called to appear and answer the Articles of Impeachment against him. If he appears, or any person appears for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded, and such proceedings taken as provided by law.

## IV.

At eleven o'clock of the day appointed for the trial of said impeachment, the legislative and executive business of the Senate shall be suspended, except as otherwise ordered by the Senate. The Secretary shall then administer the following oath or affirmation to the President:

"You do solemnly swear, that you will truly and impartially hear, try, and determine, the impeachment presented by the Assembly of the State of California against Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, and that you will true judgment render thereon according to the evidence given upon such trial, and according to law. So help you God."

And the President shall administer said oath to each and every Senator sitting as a member of the Court of Impeachment.

## V.

The Secretary shall then give notice to the Assembly, that the Senate is reorganized as a Court of Impeachment, and is ready to proceed upon the impeachment of Carlos S. Hardy, in the Senate Chamber.

## VI.

On trial of the impeachment, the State shall be represented by the Managers of Impeachment elected by the Assembly and such other counsel as they may select, and the person impeached may appear *in propria persona*, or by counsel.

## VII.

All motions or objections to evidence made by the parties or their counsel shall be addressed to the President of the Senate, and shall be decided by him. If any five Senators, or either party demand a decision of the Senate upon any motion or objection to evidence or any matter relating to the admission of evidence on proceeding, which shall arise, such decision shall be taken without further argument and decided by a majority of the members present.

## VIII.

All witnesses shall be examined by the party producing them, and then cross examined in the usual form. Any Senator desiring to ask a question of the witness shall submit the same to the presiding officer in writing, and if approved by him, he shall propound it to the witness.

## IX.

Before any witness shall give his testimony, the Secretary of the Senate, or his assistant, shall administer the following oath:

"You do solemnly swear that the evidence you shall give in the matter of the impeachment of Carlos S. Hardy, shall be the truth, the whole truth, and nothing but the truth, so help you God."

## X.

The law of evidence and rules of practice governing the trial of criminal cases in the superior court of the State of California shall govern the introduction and admission of evidence in the trial of the impeachment, except as otherwise provided herein.

## XI.

At all times while the Senate is sitting upon the trial of the impeachment, the doors of the Senate Chamber shall be kept open, provided, however, that no person not connected with said trial shall be admitted within the bar of the Senate during said trial except upon a card of admission issued by the President, and in no event shall any person be permitted to sit at the desk of any Senator while the hearing is in progress.

## XII.

No smoking shall be allowed within the Senate Chamber and gallery during said trial.

## XIII.

During the trial of the impeachment the Sergeant-at-Arms, or, in his absence, an assistant Sergeant-at-Arms to be designated by the President, shall serve as bailiff of the Court of Impeachment and shall perform the duties prescribed in Rule 19 of the Senate Rules.

## XIV.

No argument relating to the admission of evidence on behalf of the State or the impeached shall be allowed to exceed five minutes; provided, however, that the President may, in his discretion, extend the time.

## XV.

At the conclusion of the testimony the Court of Impeachment shall fix the time **limit for final argument** of the respective parties to the proceeding.



## XVI.

After commencement of the trial the Court of Impeachment shall be in session from nine a.m. to twelve m. and from two p.m. until six p.m. each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the court or Senate.

## XVII.

In the event of the absence or disability of the President of the Senate, the President pro tempore, or such member of the Senate as he or the President may designate, shall preside at all proceedings in the Court of Impeachment during the absence or inability of the President and shall have the same powers and authority as are conferred upon the President.

## XVIII.

Except as otherwise provided herein, the standing rules of the Senate shall govern.

## XIX.

The President of the Senate is hereby authorized to provide for a stenographic report of the proceedings, to be paid for out of the contingent fund of the Senate.

## XX.

The Secretary of the Senate, or in his absence, his assistant, shall serve as Clerk of the Court of Impeachment, and shall administer the oath to all witnesses and perform all other duties usually performed by the clerk of a court of record in this State. Before assuming his duties as such Clerk he shall be sworn in by the President of the Senate.

## XXI.

All witnesses for either party subpoenaed and actually in attendance at the trial of said impeachment, or appearing under the direct authorization of the President, shall be entitled to receive for each day so in attendance and while en route to attend, the sum of five dollars per day, together with the actual railroad fare of the witness from his or her place of residence to Sacramento and return, and Pullman fare when required. In the event any such witness shall travel other than by railroad, such witness shall be entitled to receive as mileage the equivalent of the railroad fare and Pullman fare when required. All such witness fees and mileage shall be paid out of the contingent fund of the Senate (except such as are paid out of the contingent fund of the Assembly) upon presentation to the State Controller of vouchers approved by the Senate Committee on Contingent Expenses, and the State Controller is hereby authorized to draw his warrant in favor of the claimant.

## XXII.

The law of evidence shall govern as to the introduction of the testimony of character witnesses and not more than five such witnesses shall be allowed on behalf of either party.

## XXIII.

At the conclusion of the testimony and following the argument of the counsel for the respective parties, the members of the court shall proceed to vote upon the Articles of Impeachment. In case that there is more than one Article of Impeachment the vote shall be taken upon the articles separately, in the order in which they appear in the Articles of Impeachment.

## XXIV.

All provisions of the constitution and the laws of this State relating to and governing the trial of impeachments are hereby made a part of these rules.

## XXV.

The foregoing rules shall govern all proceedings in the Court of Impeachment except as the same may be changed by a two-thirds vote of the members constituting the Court of Impeachment.

Respectfully submitted,

INMAN, Chairman.

## SPECIAL ORDER.

Senator Merriam moved, seconded by Senator Fellom, that the consideration of the rules and regulations governing the impeachment trial of Judge Carlos S. Hardy be a special order for this afternoon, February 28, 1929, at three o'clock.

Motion carried, and such was the order.

## THIRD READING OF SENATE BILLS—(RESUMED).

MINUTE CLERK HAROLD J. POWERS AT THE DESK.

Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 781 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE

On page 1, line 16, of the printed bill, after the comma following the word "state", add the following: "or to any municipality, county or political subdivision within the state,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 781, with instructions to amend, respectfully report the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 174 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SECRETARY JOSEPH A. BEEK AT THE DESK.

Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 325 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 575 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WEST IN THE CHAIR.

At twelve o'clock and ten minutes p.m., Senator West of the Fourteenth District was called to the chair.

Senate Bill No. 458—An act to amend section 369*b* of the Penal Code, relating to shipping cattle without unloading or feeding them.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Garrison, Gray, Handy, Hurley, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 474 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 476—An act to amend section 15*b* of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Maloney, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Bill read third time.

URGENCY SECTION.

Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency section read.

The question being: Shall this section, setting forth the urgency features of this bill, be passed?

The roll was called, and the urgency features of the bill passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tabbs, Wagy, Waller, West, and Young—29.

NOES—None.

Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 824 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tabbs, Wagy, Waller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 510—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, and repealing section 3627b of the Political Code, relating to the taxation of securities and solvent credits.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gross, Assistant Clerk.

Senate Bill No. 510 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 859—An act to amend section 190 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the probation officer and assistants in counties of the seventh class and the salaries thereof;

Also: Assembly Bill No. 845—An act to amend section 4014 of the Political Code, relating to township officers;

Also: Assembly Bill No. 556—An act to amend section 2322, 27 of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies, and employees, in counties of the twenty-seventh class;

Also: Assembly Bill No. 614—An act relating to the establishment and maintenance of dormitories at State teachers colleges;

Also: Assembly Bill No. 615—An act providing for the establishment and maintenance of cafeterias in State teachers colleges;

Also: Assembly Bill No. 843—An act providing for the disposition of profits resulting from the operation of cafeterias and dormitories at State teachers colleges;

Also: Assembly Bill No. 145—An act to amend section 1274b of the Code of Civil Procedure, relating to unclaimed money of missing persons;

Also: Assembly Bill No. 737—An act to amend section 12 of the Juvenile Court Law, approved June 5, 1915, relating to transfers of cases from one county to another;

Also: Assembly Bill No. 354—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 859, 345 and 556 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 614, 615 and 843 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bills Nos. 145, 737 and 354 read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 623—An act to amend section 394 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

TUBBS, Chairman.

Senate Bill No. 623 ordered on file for second reading.

##### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 8—Relative to the framing and ratifying of municipal charters and amendments thereto;

Also: Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative to taxation of marine insurers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—8; committee vote: Ayes—6; absent—2.

SWING, Chairman.

Senate Constitutional Amendments Nos. 8 and 17 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—8; committee vote: Ayes—6; absent—2.

SWING, Chairman.

Senate Constitutional Amendment No. 18 ordered on file.

##### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 146—An act to amend section 4153 of the Political Code, relating to the duties of the district attorney.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 146 read first time, and referred to Committee on Judiciary.

## RECESS.

On motion of Senator Breed, at twelve o'clock and thirty minutes p.m., the Presiding Senator declared recess until three o'clock p.m.

## RECONVENED.

At three o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

## COMMUNICATION.

The following communication was received, read, and on motion of Senator Nelson ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, February 28, 1929.

*Honorable H. C. Nelson, Building.*

DEAR SENATOR NELSON: I was astounded to read yesterday, in the columns of an afternoon paper, what purports to include the recommendations of the Tax Commission. Neither I nor any one in my office had ever before seen or heard of these recommendations, and I did not even know they were in existence.

This morning I talked with the chairman of the commission, and was informed that these recommendations had been worked out within the past week; that type-written copies had been prepared for the various members of the commission for correction and criticism before printing or submission to myself; and that some extra copy must have been obtained by the paper in question in some unknown and unauthorized manner. I am also told that this copy was evidently one in which changes and corrections made by members of the commission do not appear. Finally, I am told that the only copy of these recommendations ever delivered to the printer was first delivered at five o'clock last evening and not finally drafted until that time.

I am greatly displeased by this situation, partly because I have always endeavored to maintain absolute good faith as to various press correspondents, giving no story to one which is not given to all; partly because it is obviously due to members of the Legislature that any report should be placed in their hands before being given to the public; partly because I think it is due to myself that I should not first see in press columns that which has not as yet been submitted to me. The statement that the final report of the commission "is now in the hands of Governor C. C. Young" is absolutely without foundation.

I would reiterate that I had neither seen these recommendations, nor did I know that they were in existence. In fact, I had not expected to see them until they had been finally worked out, agreed upon by the commission, and submitted to me in type. I simply want you and the other members of the Senate to know the facts in this case; for any conception that either I or anyone in my office knew of this matter, or had anything to do with this premature publication, would involve a suggestion of absolutely inexcusable bad faith.

Yours very sincerely,

C. C. YOUNG, Governor.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Harry E. Huntington Library and Art Gallery—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—8; committee vote: Ayes—6; absent—2.

SWING, Chairman.

Senate Constitutional Amendment No. 9 ordered on file.

## ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Concurrent Resolution No. 8—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and



the Disabled American Veterans of the World War of the Department of California, respectively—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership: 8; committee vote: Ayes—3; absent—5.

CLEVELAND, Chairman

Senate Concurrent Resolution No. 8 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 526—An act to add a new section to the Political Code, to be numbered 2087, relating to exhibitions by the Adjutant General of equipment, animals and property of the National Guard;

Also: Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training, control and government of the National Guard of California;

Also: Senate Bill No. 689—An act to amend sections 1909, 1927, 1954, 1983, 2077, 2081 and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938 and 1939 of the Political Code, all relating to the National Guard;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 8; committee vote: Ayes—3; absent—5.

CLEVELAND, Chairman.

Senate Bills Nos. 526, 529 and 689 ordered on file for second reading.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the rules and regulations governing the impeachment trial of Judge Carlos S. Hardy, as presented by the Senate Committee on Judiciary, heretofore set as a special order for three o'clock p.m., the same was taken up for consideration.

#### RULES GOVERNING IMPEACHMENT.

The following are the rules governing the impeachment trial of Judge Carlos S. Hardy as presented by the Senate Committee on Judiciary:

##### RULES OF THE SENATE.

For the trial of Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, impeached for misdemeanors in office, by the Assembly of the State of California, at its forty-eighth session, A. D. 1929, the following rules shall govern:

1. Subpoenas shall be issued by the Secretary of the Senate for witnesses on the part of the State of California, on application of the Managers of the Impeachment, upon the certificate of the President of the Senate that the same are necessary and proper witnesses upon the trial of said impeachment. Upon request of the party impeached or his representative or counsel, the Secretary shall issue subpoenas in blank.

2. The hearing of the impeachment shall be held in the Senate Chamber of the State Capitol, and the President of the Senate shall direct all necessary preparations in the Senate Chamber and all proceedings while the Senate is sitting, for the purpose of trying said impeachment, except as otherwise specifically directed by the Senate.

3. At the time fixed in the notice for the appearance of the person impeached, and proof of service as provided by law, the person impeached shall be called to appear and answer the articles of impeachment against him. If he appears, or any person appears for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded, and such proceedings taken as provided by law.

4. At eleven o'clock of the day appointed for the trial of said impeachment, the legislative and executive business of the Senate shall be suspended, except as otherwise ordered by the Senate. The Secretary shall then administer the following oath or affirmation to the President:

"You do solemnly swear, that you will truly and impartially hear, try, and determine, the impeachment presented by the Assembly of the State of California against Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, and that you will to the judgment render thereon according to the evidence given upon such trial, and according to law. So help you God."

And the President shall administer said oath to each and every Senator sitting as a member of the Court of Impeachment.

5. The Secretary shall then give notice to the Assembly, that the Senate is organized as a Court of Impeachment, and is ready to proceed upon the impeachment of Carlos S. Hardy, in the Senate Chamber.

6. On trial of the impeachment, the State shall be represented by the Managers of Impeachment elected by the Assembly and such other counsel as they may select, and the person impeached may appear in *propria persona* or by counsel.

7. All motions or objections to evidence made by the parties or their counsel shall be addressed to the President of the Senate, and shall be decided by him. If any five Senators, or either party demand a decision of the Senate upon any motion or objection to evidence or any matter relating to the admission of evidence, or proceeding, which shall arise, such decision shall be taken without further argument and decided by a majority of the members present.

8. All witnesses shall be examined by the party producing them, and then cross-examined in the usual form. Any Senator desiring to ask a question of the witness shall submit the same to the presiding officer in writing, and if approved by him, he shall propound it to the witness.

9. Before any witness shall give his testimony, the Secretary of the Senate, or his assistant, shall administer the following oath:

"You do solemnly swear that the evidence you shall give in the matter of the impeachment of Carlos S. Hardy shall be the truth, the whole truth and nothing but the truth, so help you God."

10. The law of evidence and rules of practice governing the trial of criminal cases in the superior court of the State of California, shall govern the introduction and admission of evidence in the trial of the impeachment, except as otherwise provided herein.

11. At all times while the Senate is sitting upon the trial of the impeachment, the doors of the Senate Chamber shall be kept open; provided, however, that no person not connected with said trial shall be admitted within the bar of the Senate during said trial except upon a writ of admission issued by the President, and in no event shall any person be permitted to sit at the desk of any Senator while the hearing is in progress.

12. No smoking shall be allowed within the Senate Chamber and gallery during said trial.

13. During the trial of the impeachment the Sergeant-at-Arms, or in his absence, an Assistant Sergeant-at-Arms to be designated by the President, shall serve as bailiff of the Court of Impeachment and shall perform the duties prescribed in Rule 19 of the Senate rules.

14. No argument relating to the admission of evidence on behalf of the State or the impeached shall be allowed to exceed five minutes, provided, however, that the President may, in his discretion, extend the time.

15. At the conclusion of the testimony the Court of Impeachment shall fix the time limit for final argument of the respective parties to the proceeding.

16. After commencement of the trial the Court of Impeachment shall be in session from nine a.m. to twelve m. and from two p.m. until six p.m. each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the court or Senate.

17. In the event of the absence or disability of the President of the Senate, the President pro tempore, or such member of the Senate as he or the President may designate, shall preside at all proceedings in the Court of Impeachment during the absence or inability of the President and shall have the same powers and authority as are conferred upon the President.

18. Except as otherwise provided herein, the standing rules of the Senate shall govern.

19. The President of the Senate is hereby authorized to provide for a stenographic report of the proceedings, to be paid for out of the contingent fund of the Senate.

20. The Secretary of Senate, or in his absence his assistant, shall serve as Clerk of the Court of Impeachment, and shall administer the oath to all witnesses and perform all other duties usually performed by the clerk of a court of record in this State. Before assuming his duties as such Clerk he shall be sworn in by the President of the Senate.

21. All witnesses for either party subpoenaed and actually in attendance at the trial of said impeachment, or appearing under the direct authorization of the President, shall be entitled to receive for each day so in attendance and while en route to attend, the sum of five dollars per day, together with the actual railroad fare of the witness from his or her place of residence to Sacramento and return, and Pullman fare when required. In the event any such witness shall travel other than by railroad, such witness shall be entitled to receive as mileage the equivalent of the railroad fare and Pullman fare when required. All such witness fees and mileage shall be paid out of the contingent fund of the Senate (except such as are paid out of the contingent fund of the Assembly) upon presentation to the State Controller of vouchers approved by the Senate Committee on Contingent Expenses,

and the State Controller is hereby authorized to draw his warrant in favor of the claimant.

22. The law of evidence shall govern as to the introduction of the testimony of character witnesses and not more than five such witnesses shall be allowed on behalf of either party.

23. At the conclusion of the testimony and following the argument of the counsel for the respective parties, the members of the Court shall proceed to vote upon the Articles of Impeachment. In case that there is more than one Article of Impeachment the vote shall be taken upon the articles separately, in the order in which they appear in the Articles of Impeachment.

24. All provisions of the constitution and the laws of this State relating to and governing the trial of impeachments are hereby made a part of these rules.

25. The foregoing rules shall govern all proceedings in the Court of Impeachment except as the same may be changed by a two-thirds vote of the members constituting the Court of Impeachment.

Respectfully submitted.

J. M. INMAN, Vice Chairman.

#### MOTION TO ADOPT RULES.

Senator Inman moved, seconded by Senator Tubbs, that the rules governing the impeachment trial of Judge Carlos S. Hardy, as read by the Secretary, be adopted.

#### DEMAND FOR THE DIVISION OF THE QUESTION.

Senator Fellom demanded that the question be divided and that Rule 7 in the rules as presented by the Committee on Judiciary be considered.

#### WITHDRAWAL OF DEMAND.

On motion of Senator Fellom, his demand on division of the question was ordered withdrawn.

#### DEMAND FOR THE DIVISION OF THE QUESTION.

Senator Fellom demanded that the question be divided and that Rule 8 of the rules as presented by the Committee on Judiciary be considered

#### WITHDRAWAL OF DEMAND.

On motion of Senator Fellom, his demand on division of the question was ordered withdrawn.

#### DEMAND FOR THE DIVISION OF THE QUESTION.

Senator West demanded that the question be divided and that Rule 23 of the rules as presented by the Committee on Judiciary be considered.

#### WITHDRAWAL OF DEMAND.

On motion of Senator West, his demand on division of the question was ordered withdrawn.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Carter, McKinley and Inman.

The question being on the adoption of the rules by the Senate governing the impeachment trial of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles.

The roll was called, and the rules adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, West, and Young 32.

NOES—None.

#### MOTION.

Senator Inman moved that the date of the hearing of the impeachment trial of Carlos S. Hardy, a judge of the superior court of the State of



California in and for the county of Los Angeles, be set for the eighteenth day of March, 1929, at eleven o'clock a.m.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Tubbs, Breed and Nelson.

The question being on the date of the hearing of the impeachment trial of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles.

The roll was called, and Senator Inman's motion was carried by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hervey, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—27.

NOES—None.

#### MOTION.

Senator Inman moved, seconded by Senator Breed, that the President appoint a committee of three to notify the Assembly that the Articles of Impeachment of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, had been presented at the bar of the Senate, delivered to the President of the Senate and in turn presented to the Senate, and that the date of trial had been set for eleven o'clock a.m., March 18, 1929.

Motion carried.

#### APPOINTMENT OF COMMITTEE.

In accordance with the motion of Senator Inman, the President announced the appointment of Senators Inman, Tubbs and Crowley as such committee.

#### MOTION.

Senator Inman moved that the subcommittee of the Committee on Judiciary of the Senate, consisting of Senators Carter, Weller and McKinley, notify the Governor that the Articles of Impeachment of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, had been presented at the bar of the Senate, delivered to the President of the Senate and in turn presented to the Senate, and that the date of trial had been set for eleven o'clock a.m., March 18, 1929.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

##### ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 824—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 824 ordered to enrollment.

Also:

##### ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 545—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing

for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof;

Also: Assembly Bill No. 142—An act to amend section 4041 of the Political Code, relating to the general powers of boards of supervisors;

Also: Assembly Bill No. 877—An act to amend section 4266 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-seventh class;

Also: Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTYRE, Assistant Clerk.

Assembly Bill No. 545 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 142 and 877 read first time, and referred to Committee on County Government.

Assembly Bill No. 332 read first time, and referred to Committee on Governmental Efficiency.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Garrison:

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to provide an appropriation therefor,'" approved March 18, 1899, as amended.

Request referred to Committee on Rules.

#### REPORT OF COMMITTEE.

The committee appointed by the President of the Senate to notify the Governor that the Articles of Impeachment of Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, had been presented at the bar of the Senate, delivered to the President of the Senate and in turn presented to the Senate, and that the date of trial had been set for eleven o'clock a.m., March 18, 1929, appeared before the bar of the Senate and reported that they had notified the Governor as per instructions.

#### ADJOURNMENT.

At five o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Friday, March 1, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, March 1, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Sensors Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Iman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Padrotti, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 28, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator McKinley was, on motion of Senator Evans, granted leave of absence for this day.

Senator Allen was, on motion of Senator Cobb, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayer Henshaw of Signal Hill, California.

On request of Senator Cobb, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Anna A. Pellit, State president of Woman's Christian Temperance Union of California.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. C. Baker, president, East Side Organization of Los Angeles.

On request of Senator Wag, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. A. Chase, attorney-at-law, Visalia, California.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. John H. Ellis of Sacramento, and Mr. Jack Crowley of San Francisco.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John Bernard Ahlgren of San Jose.

## PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Lyon:

WHEREAS, California cities, towns and sanitary districts are being faced with problems of disposing of their sewage and industrial wastes under peculiar seasonal and climatic conditions which complicate the problems or make them unique, thus rendering inapplicable or of doubtful value, methods and standards developed elsewhere; and

WHEREAS, These pressing problems are of vital concern to all communities, large and small, and their separate investigations would involve, in some cases, prohibitive expense and in many cases, wasteful duplication of money and effort; and

WHEREAS, The State is the logical agency to undertake the solution of common problems, particularly those affecting the health of its citizens; now therefore, be it



*Resolved*, That the city council of the city of El Segundo, California, does hereby endorse and approve the action of the League of California Municipalities, taken at its last meeting, requesting the appropriation by the State of not less than \$65,000, for the establishment and maintenance during the next biennium of the proper and necessary facilities for investigations and research in methods of sewage and wastes disposal and treatment, and this council does hereby respectfully urge the Legislature of the State of California to adopt suitable legislation to accomplish these purposes; and be it further

*Resolved*, That the members of the Legislature from the district in which this city is situated, are hereby requested to lend special efforts to the furtherance of the purposes herein expressed and the adoption of the necessary legislation to accomplish the same; and be it further

*Resolved*, That the city clerk be and he is hereby directed to transmit certified copies of this resolution to the Honorable C. C. Young, Governor of the State of California; to Honorable Walter J. Little, Assemblyman, and Honorable Charles W. Lyon, Senator, our representatives at the Legislature, and to the League of California Municipalities, at 706 Chancery Building, San Francisco, California.

I, Victor D. McCarthy, city clerk of the city of El Segundo, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution, which was unanimously passed and adopted by the city council of the city of El Segundo, California, at an adjourned regular meeting of said council, held on the twenty-first day of February, 1929.

VICTOR D. MCCARTHY,

City Clerk of the City of El Segundo, California.

[SEAL]

By Senator McCormack:

WHEREAS, California cities, towns and sanitary districts are being faced with problems of disposing of their sewage and industrial wastes under peculiar seasonal and climatic conditions which complicate the problems or make them unique, thus rendering inapplicable or of doubtful value methods and standards developed elsewhere; and

WHEREAS, These pressing problems are of vital concern to all communities, large and small, and their separate investigations would involve, in some cases, prohibitive expense and in many cases wasteful duplication of money and effort; and

WHEREAS, The State is the logical agency to undertake the solution of common problems, particularly those affecting the health of its citizens; now, therefore, it is hereby

*Resolved by the council of the city of Vallejo*, That the action of the League of California Municipalities at its last meeting, requesting the appropriation by the State of not less than \$65,000 for the establishment and maintenance during the next biennium of the proper and necessary facilities for investigations and research in methods of sewage and wastes disposal and treatment, be and the same is hereby endorsed and approved and this council does hereby respectfully urge the Legislature of the State of California to adopt suitable legislation to accomplish these purposes.

*Resolved, further*, That the members of the Legislature from the district in which this city is situated, are hereby requested to lend special effort to the furtherance of the purposes herein expressed and the adoption of the necessary legislation to accomplish the same.

*Resolved, further*, That the city clerk be and he is hereby directed to transmit certified copies of this resolution to the Honorable C. C. Young, Governor of the State of California; to Honorable Thomas McCormack, and Ernest C. Crowley, our representatives at the Legislature, and to the League of California Municipalities at 706 Chancery Building, San Francisco, California.

I hereby certify that the above is a full, true and correct copy of Resolution No. 14026 N. S. duly adopted by the council of the city of Vallejo on the thirty-first day of December, 1928.

[SEAL]

ALF. E. EDGUMBE, City Clerk.

By Senator Lyon:

WHEREAS, There has been introduced in the State Legislature of the State of California, in its 1929 session, amendments to the State Motor Vehicle Act of the said State of California, providing for the abolition of local traffic police and motorcycle officers in cities of the sixth class; and

WHEREAS, The city of Culver City is a city of the sixth class; and

WHEREAS, By reason of its particular location bordering on a main boulevard and arterial highway in the county of Los Angeles, the said city of Culver City has to exercise strict discipline in the control and supervision of motor vehicles on said Washington boulevard for the safety of the pedestrians, traffic and citizens of said city of Culver City; and

WHEREAS, That no State agency is able to cooperate with this situation to the same extent that the same can be governed and controlled by the said city of Culver City;

Now, therefore, the said board of trustees and city council of the city of Culver City, California, do resolve as follows:

Section 1. That the proposed amendment to the State Motor Vehicle Act abolishing traffic police and motorcycle officers for cities of the sixth class be and the same is hereby denounced and condemned and that this board use all means within its power to oppose the ratification of said amendment.

Sec. 2. That a copy of this resolution be forwarded to the State Senator and State representatives from this district.

Adopted and approved this nineteenth day of February, 1929.

R. E. HOUCK,  
Mayor of the City Council and President of the Board  
of Trustees, City of Culver City, California.

Attest: PAUL H. JARRETT, City Clerk.

Also:

WHEREAS, California cities, towns and sanitary districts are being faced with problems of disposing of their sewage and industrial wastes under peculiar seasonal and climatic conditions which complicate the problems or make them unique, thus rendering inapplicable or of doubtful value methods and standards developed elsewhere; and

WHEREAS, These pressing problems are of vital concern to all communities, large and small, and their separate investigations would involve in some cases prohibitive expense and in many cases wasteful duplication of money and effort; and

WHEREAS, The State is the logical agency to undertake the solution of common problems, particularly those affecting the health of its citizens; now, therefore, it is hereby

*Resolved*, By the council of the city of Whittier that the action of the League of California Municipalities, at its last meeting, requested the appropriation by the State of not less than \$65,000 for the establishment and maintenance during the next biennium of the proper and necessary facilities for investigations and research in methods of sewage and wastes disposal and treatment, be and the same is hereby endorsed and approved and this council does hereby respectfully urge the Legislature of the State of California to adopt suitable legislation to accomplish these purposes.

*Resolved, further*, that the members of the Legislature from the district in which this city is situated, are hereby requested to lend special effort to the furtherance of the purposes herein expressed and the adoption of the necessary legislation to accomplish the same.

*Resolved, further*, that the city clerk be and he is hereby directed to transmit certified copies of this resolution to the Hon. C. C. Young, Governor of the State of California, to our representatives at the Legislature, and to the League of California Municipalities at 706 Chancery Building, San Francisco, California.

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted by the council of the city of Whittier at a regular meeting thereof held on the eighteenth day of February, 1929, by the following vote:

Ayes—Councilmen O. S. Coppock, W. G. Rich, W. D. Stockdale, E. C. Siewert, Albert N. Chamness.

Noes—None.

Attest:

PAUL GILMORE, Clerk.

[SEAL]

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class:

Also, Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class: Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that they do pass as amended.

Committee membership—9, committee vote—Ayes—6, absence—3.

CLEVELAND, Chairman.

Senate Bills Nos. 218 and 219 ordered on file for second reading.

##### ON UNIVERSITIES AND TEACHERS' COLLEGES.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman memorial—has had the

same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—9; committee vote, Ayes—8; absent—1.

WEST, Chairman.

Senate Bill No. 665 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Senate Bill No. 226—An act remising, releasing and quitclaiming to the Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State normal school,' approved March 14, 1881, abolishing the branch of the State normal school at Los Angeles, transferring its properties to the Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

WEST, Chairman.

Senate Bill No. 226 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor;

Also: Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended;

Also: Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

CLEVELAND, Chairman.

Senate Bills Nos. 227, 798 and 823 ordered on file for second reading.

#### ON UNIVERSITIES AND TEACHERS' COLLEGES.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by the regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the chairman of the Department of Finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; *provided*, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said the regents, the chairman of the Department of Finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said regents shall thereupon be discharged of every duty and requirement in the premises—has had the same under consideration, and respectfully



reports the same back with amendments, and recommends that it do pass as amended, and be re-referred to the Committee on Progress.

Committee membership—9; committee vote: Ayes—8; absent—1.

WHEELER, Chairman.

Senate Bill No. 565 ordered on file for second reading.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1928; relating to the powers and duties of the commissioner and providing penalties for violation of the said section—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

MURPHY, Chairman.

Senate Bill No. 167 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 20—An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or in a factory, or in a workshop, or in a business establishment or office, or by any express or transportation company, commission agent, employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to perform the duties for all female employees and to permit them to use such means as they may not engaged in the active duties of their employment," and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other officer of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties:

Also: Senate Bill No. 121—An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to permits and records of employment and certificates of age of minors.

Also: Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any system of bookkeeping unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

MURPHY, Chairman.

Senate Bills Nos. 20, 121 and 172 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical businesses—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 8 ordered on file for second reading.

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Concurrent Resolution No. 2 Relative to Henry Meade Bland being given the honorary title of The Laurel Crowned Poet of California—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Concurrent Resolution No. 2 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions:

Also: Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that they do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bills Nos. 810 and 355 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 784—An act relating to the finances of the State Board of Education:

Also: Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education;

Also: Senate Bill No. 491—An act relating to courses of study for special day and evening classes in high schools; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bills Nos. 784, 785 and 491 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 786—An act relating to the administration of the State Department of Education—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—7; absent—4; not voting—2.

SLATER, Chairman.

Senate Bill No. 786 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; noes—1; absent—4.

SLATER, Chairman.

Senate Bill No. 771 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended, and be referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 225 ordered on file for second reading.

## ON ELECTIONS

SENATE CHAMBER, SACRAMENTO, February 28, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 17—An act to amend section 1293 of the Penal Code, relating to elections, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote, Ayes—11.

MERRIAM, Chairman.

Senate Bill No. 17 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 247—An act to amend section 1188 of the Political Code, relating to independent nominations, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote, Ayes—10, absent—1.

MERRIAM, Chairman.

Senate Bill No. 247 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing for the election of the delegates for political parties to State conventions, and for the election of the President and Vice President of the United States, and providing for the election of party county caucus committees," and to repeal the act approved August 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 29, 1914, and amended and approved May 29, 1917, and amended and approved August 8, 1919, and amended and approved May 31, 1927, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote, Ayes—10, absent—1.

MERRIAM, Chairman.

Senate Bill No. 542 ordered on file for second reading.

## ON PUBLIC HEALTH AND QUARANTINE

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of eating drinking houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote, Ayes—6, absent—1.

CROWLEY, Chairman.

Senate Bill No. 379 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 170—An act to amend section 626d of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game;

Also: Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as Bay Farm Island Reclamation District," providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921;



Also: Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson; And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 509—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes—and reports that the same has been correctly enrolled, and presented to the Governor on the first day of March, 1929, at eleven o'clock a.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 8—Relative to the framing and ratifying of municipal charters and amendments thereto—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Garrison to introduce a bill entitled—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to provide an appropriation therefor,' approved March 18, 1899," as amended—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Garrison: Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to provide an appropriation therefor,' approved March 18, 1899," as amended.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Lyon: Senate Joint Resolution No. 8—Relating to the Federal Income Tax Law.

Resolution referred to Committee on Federal Relations.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At eleven o'clock and thirty minutes a.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 336b, relating to grandlarceny.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 774—An act fixing penalties for the illegal possession of intoxicating liquors and requiring prosecuting officers to plead prior convictions.

COMMITTEE AMENDMENTS

During second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE

On page 1 of the printed bill, amend the title by striking out all after the word "illegal" and inserting in lieu thereof the following: "Sale and the (joint) possession of intoxicating liquors."

Amendment adopted.

AMENDMENT NUMBER TWO

On page 1, line 1, of the printed bill, strike out all before the word following the figure 1 after the word "Section," and insert in lieu thereof the following: "Any person who sells intoxicating liquors in violation of any act of the Legislature of California entitled 'An act to amend the provisions of section 857 of the Penal Code relating to the possession of two (2) ounces of spirituous liquors by any person prohibited by the Alcoholic Beverage Control Act of 1927, prohibiting all such persons, sheriffs and other officers and expelling them from jails, and standing for the reposition of lines and forfeitures,' approved March 1, 1921, and commonly known as the Wright act, shall for a first offense be fined not more than five hundred dollars, or imprisoned not more than six months, or both, but not exceeding one hundred dollars, and imprisoned not exceeding six months, or both, but not exceeding one hundred dollars, and be fined not less than two hundred dollars and more than five hundred dollars, and be imprisoned not less than one month nor more than five years."

Any person who possesses intoxicating liquors in violation of said act shall for a first offense be fined not more than five hundred dollars, or imprisoned not more than six months, or both, but not exceeding one hundred dollars, and imprisoned not exceeding six months, or both, but not exceeding one hundred dollars, and be fined not less than two hundred dollars and more than five hundred dollars, and be imprisoned not more than one year, or a third or subsequent offense he shall be fined not less than one thousand dollars and more than five hundred dollars and be imprisoned not less than one year nor more than five years."

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and so referred to Committee on Public Morals.

Senate Bill No. 528—An act to amend section 857 of the Penal Code of the State of California.

COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE

Strike out all of lines 3 to 23, inclusive, of the printed bill, and insert in lieu thereof the following:

"857. Express trusts in relation to mail and express delivered on either of them, may be created for any purpose or purposes for which a modified duty is made."

Amendment adopted.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections

to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 5, line 27, of the printed bill, strike out the word "nineteenth".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 5, line 38, of the printed bill, strike out the word "nineteenth".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 39, of the printed bill, strike out the word "class", and insert in lieu thereof the word "classes".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 44, of the printed bill, strike out the word "nineteenth".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 6, line 24, of the printed bill, after the word "no" insert the word "stock".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 526—An act to add a new section to the Political Code to be numbered 2087, relating to exhibitions by the Adjutant General of equipment, animals and property of the National Guard.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training, control and government of the National Guard of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081, and to repeal sections 1913 1928a, 1928b, 1928c, 1928d, 1929,



1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code, all relating to the National Guard.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS  
SENATOR CROWLEY IN THE CHAIR

At eleven o'clock and forty minutes a. m., Senator Crowley of the Twenty-second District was called to the chair.

Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a, and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crawford, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Padgett, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 317 passed by the following vote:

AYES—Senators Boggs, Breed, Cassidy, Cleveland, Cobb, Crawford, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Padgett, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—Canepa—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as 'Bay Farm Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATE CONSTITUTIONAL AMENDMENT No. 8.

Relative to the framing and ratifying of municipal charters and amendments thereto.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its forty-eighth regular session beginning on the seventh day of January, 1929, two-thirds of all the members elected to each of the houses voting in favor thereof, proposed to the people of the State that section 8 of article XI of the constitution of the State be amended to read as follows:

Sec. 8. Any city or city and county containing a population of more than 3500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of California, may frame a charter for its own government consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of 15 freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than 15 per cent of the registered electors of such city, the legislative body shall call such election at any time not less than 30 or more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within 120 days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of 120 days may, with the consent of the legislative body of such city be extended by such board not exceeding a total of 60 days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall, within 15 days after such filing, cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of said city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than 60 days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said 60 days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by a concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by 15 per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than 60 days prior to the election. The signatures on such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city, not less than 40 nor more than 60 days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for

the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be acted on by the electors separately, and, as between those so related, if more than one requires a majority of votes, the proposition receiving the larger number of votes shall prevail as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal officers, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to general laws. It shall be competent in any such charter, or amendment thereof, to provide for the creation or bringing in, all or any part of the territory of the city or city and county governed thereby, and to provide that each such borough may exercise such powers as municipal corporations, and to be administered in such manner, as may be provided for any such borough in such charter, *provided, however*, that after the creation of any such borough, the powers thereof shall not be modified, extended or abridged in any manner without the consent of a majority of the qualified electors of such borough voting at a regular or special election.

The percentages of the registered electors hereby required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of each city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

#### Amendment read

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 8 adopted by the following vote:

**AYES**—Senators Boggs, Breed, Campa, Carter, Cassidy, Cleveland, Fells, Chandler, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Harty, Larkin, Jones, Rice, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Padgett, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

**NOES**—None.

#### Title read and approved.

Senate Constitutional Amendment No. 8 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section, to be numbered 18, relative to taxation of marine insurers.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Constitutional Amendment No. 17 to Senator Boggs, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the word, and insert in lieu thereof a comma and the following: "and such other taxes as may be levied or levied against such insurer on account of any other class of insurance written by it."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MARCH 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 17, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Senate Constitutional Amendment No. 17 ordered to print, and re-engrossment.

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution



of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation.

#### COMMITTEE AMENDMENTS.

During the reading of the amendment the following committee amendments were offered.

##### AMENDMENT NUMBER ONE.

On page 1 of the printed constitutional amendment, strike out lines 9 and 10, and insert in lieu thereof the following: "The taxes levied upon property for any current tax year where the".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed constitutional amendment, strike out the word "personal".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1 of the printed constitutional amendment, strike out lines 16 to 28, inclusive, and insert in lieu thereof the following:

"The Legislature may provide for the collection of a license or fee on motor vehicles in lieu of all personal property taxes assessed, levied, or collected by the state, counties, cities and counties, cities, or any political subdivisions of the state. Not less than ninety-five per cent of the proceeds of such license or fee shall be distributed to the counties, cities and counties, cities, or political subdivisions of the state in such manner as shall be determined by the Legislature. Nothing in this section shall be construed to apply to properties taxed under the provisions of sections 14 and 15 of this article. The acts of the forty-ninth session of the Legislature passed pursuant to this section shall be effective immediately upon their passage."

Amendment adopted.

Senate Constitutional Amendment No. 18 read, ordered to print, engrossment, and re-referred to Committee on Constitutional Amendments.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

##### ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 49—An act to amend section 873 of the Code of Civil Procedure, relating to the time of trial in justices' courts;

Also: Assembly Bill No. 234—An act to amend section 357½ of the Penal Code, relating to altering or defacing marks or brands on domestic animals and turkeys;

Also: Assembly Bill No. 236—An act to provide for the adoption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof;

Also: Assembly Bill No. 341—An act to amend section 2 of an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California, gifts or donations of lands for forest and watershed purposes," approved April 5, 1927, relating to gifts or donations of land to the State of California;

Also: Assembly Bill No. 922—An act to amend an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 4, 1899, as amended, by adding a new section to be entitled section 17, and making said act inapplicable to cities of the fifth and sixth class;

Also: Assembly Bill No. 923—An act providing for the creation, maintenance and operation of police relief, life insurance and pension funds in the cities and towns of the fifth and sixth class.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 49 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 234 and 236 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 341 read first time, and referred to Committee on Conservation.

Assembly Bills Nos. 922 and 923 read first time, and referred to Committee on Municipal Corporations.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Inman:

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act for the establishment in the city of Sacramento, county of Sacramento, State of California, of a technical school to be known as the "California State College" and making an appropriation therefor, and authorizing the use of Sacramento City Junior College buildings and grounds for such college.

Request referred to Committee on Rules.

#### REPORT OF COMMITTEE.

The committee appointed by the President of the Senate to inform the Assembly that the Articles of Impeachment of Charles S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, had been presented at the bar of the Senate, delivered to the President of the Senate and in turn presented to the Senate, and that the date of trial had been assigned for eleven o'clock a.m., March 18, 1929, appeared before the bar of the Senate and reported that they had notified the Assembly as per instructions.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 582—An act to amend an act entitled "An act relating to the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, motor buses, motor trucks, stages and auto stages, defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission, providing for the enforcement of the provisions of this act and for the punishment of violations thereof, and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, by amending the title and sections 1, 2, 4, 5, 6, 14, 16 and 74 thereof, relating to the definition of transportation companies and the granting of certificates of public convenience and necessity to transportation companies engaged in the business of transporting property for compensation by motor-powered vehicles on any public highway, and by adding three new sections thereto, to be numbered 54, 55, 56, relating to the transportation of agricultural, horticultural and viticultural products, repairing transportation companies to obtain insurance and creating the "auto truck transportation fund" and appropriating the moneys thereon to carry out the provisions of this act, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and it be referred to this committee.

Committee membership—11; committee vote: Ayes—10, absent—1.

WAGY, Chairman.

Senate Bill No. 583 ordered on file for second reading.

##### ON PUBLIC CHARITIES AND CORRECTIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Senate Bill No. 578—An act to amend section 199 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Prosser School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing

the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

HURLEY, Chairman.

Senate Bill No. 578 ordered on file for second reading.

#### ADJOURNMENT.

At twelve o'clock and fifteen minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Monday, March 4, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

##### SENATE CHAMBER,

SACRAMENTO, Monday, March 4, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 1, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads;

Also: Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and certificates;

Also: Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 330b, relating to gambling devices;

Also: Senate Bill No. 526—An act to add a new section to the Political Code to be numbered 2087, relating to exhibitions by the Adjutant General of equipment, animals and property of the National Guard;

Also: Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training, control and government of the National Guard of California;

Also: Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses



of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lands of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925.

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Inman to introduce a bill entitled—An act for the establishment in the city of Sacramento, county of Sacramento, State of California, of a technical school to be known as the "California State College" and making an appropriation therefor, and authorizing the use of Sacramento City Junior College buildings and grounds for such college—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Beggs, Breed, Canepa, Cansley, Christian, Cobb, Crowley, Duval, Edwards, Evans, Feltom, Gray, Handy, Harley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Podrecca, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator Inman—Senate Bill No. 830—An act for the establishment in the city of Sacramento, county of Sacramento, State of California, of a technical school to be known as the "California State College" and making an appropriation therefor, and authorizing the use of Sacramento City Junior College buildings and grounds for such college.

Bill read first time, and referred to Committee on Education.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$800 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

Senator Maloney moved the adoption of the resolution.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Beggs, Breed, Canepa, Christian, Cobb, Crowley, Duval, Edwards, Evans, Feltom, Gray, Handy, Harley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Podrecca, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 510—An act to amend section 3627a of the Political Code, carrying into effect section 16 of article XIII of the constitution of the State of California, and repealing section 3627b of the Political Code, relating to

the taxation of securities and solvent credits—and reports that the same has been correctly enrolled, and presented to the Governor on the second day of March, 1929, at five o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale of lands for colonization or subdivision purposes; broker's bonds; relating to sale or lease of land for colonization purposes or farm land subdivision; providing penalties for the violations of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9; absent—6.

INMAN, Vice Chairman.

Senate Bill No. 176 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In section 1, subdivision 2, on page 2, line 6, of the printed bill, after the word "thousand", strike out the word "five", and substitute the word "eight".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In section 1, subdivision 3, on page 2, line 19, of the printed bill, after the word "paid" strike out the words "not more than five cents per copy for all work done by said copyist", and substitute the words "twelve hundred dollars per annum".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

In section 1, subdivision 4, on page 2, line 26, of the printed bill, after the word "thousand", strike out the word "five", and substitute the word "two".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

In section 1, subdivision 5, on page 2, line 49, of the printed bill, after the word "of", strike out the words "one thousand five", and substitute the word "nine".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

In section 1, subdivision 6, on page 3, line 7, of the printed bill, after the word "collector", strike out the word "three", and substitute "two".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

In section 1, subdivision 6, on page 3, line 7, of the printed bill, after the word "thousand", insert the words "four hundred".

Amendment adopted.

## AMENDMENT NUMBER SEVEN

In section 1, subdivision 6, page 3, line 10, of the printed bill, after the word "thousand", strike out "five", and substitute "two".

Amendment adopted.

## AMENDMENT NUMBER EIGHT

In section 1, subdivision 7, page 3, line 27, of the printed bill, after the word "thousand", strike out "five", and substitute "two".

Amendment adopted.

## AMENDMENT NUMBER NINE

In section 1, subdivision 7, page 3, line 32, of the printed bill, after the word "appoint", strike out "five", and substitute "seven".

Amendment adopted.

## AMENDMENT NUMBER TEN

In section 1, subdivision 7, page 3, line 36, of the printed bill, after the word "of", strike out "five" and substitute "seven".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN

In section 1, subdivision 7, page 3, line 36, of the printed bill, after the word "dollars", insert the words "and fifty cents".

Amendment adopted.

## AMENDMENT NUMBER TWELVE

In section 1, subdivision 8, page 4, line 8, of the printed bill, after the word "hundred", strike out "five", and substitute "two".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN

In section 1, subdivision 11, page 4, line 29, of the printed bill, after the word "of", strike out "one thousand five", and substitute "nine".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

## COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

In subdivision 4 of section 1, on page 2, line 26, of the printed bill, after the word "thousand", strike out the word "four", and substitute the word "eight".

Amendment adopted.

## AMENDMENT NUMBER TWO

In same section and subdivision, on page 2, line 27, of the printed bill, after the word "annum", insert the words "which shall include compensation for the compilation of the annual financial report and classified annual pay roll of counties of this class, which reports are hereby made the duty of the auditor to compile."

Amendment adopted.

## AMENDMENT NUMBER THREE

In same section and subdivision on page 2, line 27, of the printed bill, after the word "allowed", strike out the words "one deputy", and substitute the words "two deputies".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

In same section and subdivision on page 2, line 28, of the printed bill, after the word "him", strike out the words "who shall" and the words "one to".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

In same section and subdivision on page 2, line 29, of the printed bill, after the word "annum", strike out the words "whose salary", and substitute the words "and the other to receive one thousand two hundred dollars per annum, said salaries".

Amendment adopted.

## AMENDMENT NUMBER SIX.

In same section and subdivision on page 2 of the printed bill, and beginning at the word "provided" on line 31, after the word "paid", strike out all the remainder of said line 31, and all of lines 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 6 of the printed bill, after the word "building", add "or additional wing to an existing building".

Amendment adopted.

## AMENDMENT NUMBER TWO.

Strike out all of section 2 of the printed bill, and substitute the following:

"SEC. 2. The John M. Eshleman memorial shall be used to house the publishing, literary and related activities of the Associated Students of the University of California and such other activities as shall be designated by the regents, and shall be appropriately adorned and equipped suitably to serve the purpose of commemorating and honoring the services to California of John M. Eshleman."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Finance.

Senate Bill No. 226—An act remising, releasing and quitclaiming to the Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State normal school,' approved March 11, 1881, abolishing the branch of the State normal school at Los Angeles, transferring its properties to the Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act.



supervisors respecting the abandonment of certain roads and providing the method therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1880, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; *provided*, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with the approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents obligations have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 2 to 4, inclusive, and insert in lieu thereof the following: "fornia in payment in whole or in part of the cost of the construction of any building or buildings for the use of the University of California, upon the site of the University of California at Los Angeles, for which a contract or contracts have been or shall hereafter be let and entered into by said the regents of the University of California."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 15, of page 2, of the printed bill, strike out the parentheses and the included word "(Description)", and insert in lieu thereof the following:

"All those certain lots, pieces or parcels of land situate, lying and being in the city of Los Angeles, county of Los Angeles, State of California, more particularly described as follows:

Lots twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty (30), thirty-one (31), thirty-two (32),



thirty-seven (37), thirty-eight (38), forty (40), forty-two (42), forty-three (43), forty-four (44), forty-six (46), forty-eight (48), fifty-five (55), sixty-six (66), sixty-seven (67), sixty-eight (68), seventy-five (75), one hundred (100), one hundred one (101), one hundred two (102), one hundred four (104), one hundred six (106), one hundred seven (107), one hundred eight (108), one hundred nine (109), one hundred ten (110), one hundred eleven (111), one hundred twelve (112), one hundred fourteen (114), one hundred fifteen (115), one hundred sixteen (116), one hundred seventeen (117), one hundred eighteen (118), one hundred nineteen (119), one hundred twenty (120), one hundred twenty-one (121), one hundred twenty-two (122), all in trust together one thousand two hundred six as said tract is shown on map recorded in book eighteen, page one of maps, in the office of the county recorder of Los Angeles county, excepting a strip ten feet wide along the easterly edge of lots twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty (30), thirty-one (31), and thirty-two (32)."

Amendment adopted.

Bill read second time, ordered to print, and referred to Committee on Finance.

Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the Commissioner and providing penalties for violation of the said section.

#### COMMITTEE AMENDMENT

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE

On page 2 of the printed bill, strike out all of lines 28 to 44, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 121—An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children, providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to permits and records of employment and certificates of age of minors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed, and providing penalties for violation of the provisions of the act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 20—An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any

express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, after the period insert the following: "2.1399. The state board of education shall have power:".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, strike out the figures "2.1399", and insert in lieu thereof the figures "2.1400".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the period, and insert in lieu thereof a semicolon.

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 10, of the printed bill, strike out the figures "2.1400", and insert in lieu thereof the figures "2.1401".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Following the word "education" in the title of the printed bill, insert the following: "or to the regents of the University of California".

Amendment adopted.

## AMENDMENT NUMBER TWO

In line 4 of the printed bill, strike out the word "three", and insert in lieu thereof the word "four".

Amendment adopted.

## AMENDMENT NUMBER THREE

In line 8 of the printed bill, strike out the word "three", and insert in lieu thereof the word "four".

Amendment adopted.

## AMENDMENT NUMBER FOUR

In line 14 of the printed bill, following the word "admission", insert "to the regents of the University of California".

Amendment adopted.

## AMENDMENT NUMBER FIVE

In line 16 of the printed bill, following the word "admission", insert "to the regents of the University of California".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 784—An act relating to the finances of the State Board of Education.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 491—An act relating to courses of study for special day and evening classes in high schools.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 786—An act relating to the administration of the State Department of Education.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter.

## COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

On page 1, line 6, of the printed bill, after the period insert the following: "As used in this act the term 'this code' means the School Code as adopted at the forty-eighth session of the Legislature."

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 1, line 18, of the printed bill, strike out the word "by", and insert in lieu thereof the word "of".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, strike out the words "and in all grades of any "said", and in line 3 strike out the words "school and in all classes during the entire school course".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 247—An act to amend section 1188 of the Political Code, relating to independent nominations.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, beginning in said line 16, strike out the words "of the voters of such district who did not vote", and insert in lieu thereof the words "of the entire vote cast".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the Direct Primary Law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919; and amended and approved May 31, 1927.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as

amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 23, of the printed bill, after the word "constitutions" insert the following: "or under and in accordance with a treaty, treaty, ordinance."

#### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 583—An act to amend an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages, defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, by amending the title and sections 1, 2, 4, 5, 6, 6a, 6c and 74 thereof, relating to the definition of transportation companies and the granting of certificates of public convenience and necessity to transportation companies engaged in the business of transporting property for compensation by motor propelled vehicles on any public highway, and by adding three new sections thereto, to be numbered 5d, 5e and 5f, relating to the transportation of agricultural, horticultural and viticultural products, requiring transportation companies to obtain insurance and creating the "auto truck transportation fund" and appropriating the moneys therein to carry out the provisions of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Amend the title by striking out the following words contained in the last three lines of the title and reading as follows: "and creating the 'auto truck transportation fund'" and appropriating the moneys therein to carry out the provisions of the act," and insert in lieu thereof the words "and providing for the collection of certain fees."

#### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out the clause commencing on line 11, after the semicolon with the word "creating" and ending on line 13, with the words "of this act" before the semicolon, and substitute therefor the words "providing for the collection of certain fees."

#### Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 35, of the printed bill, after the word "company" strike out the period and add the following: "or contiguous cities, but such term shall not include any mutual or nonprofit corporation or association in so far as the same shall, in the course of the business in which it is engaged, transport in motor propelled vehicles owned or leased by it, property belonging to it or to any of its stockholders or members; nor shall such term include transportation by the owner or lessee of any motor propelled vehicle incidentally rendered as an accommodation service only.

provided such accommodation service does not exceed a period of fifteen continuous days."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4, line 34, of the printed bill, after the word "county" strike out the period, and add the following: "or contiguous cities."

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 6, line 39, of the printed bill, strike out all of the balance of page 6, beginning with the words "For the purpose," after "Sec. 5 $\frac{1}{2}$ ". Also all that part of page 7, beginning with line 1, and ending with the words "provisions of this act", on line 14.

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 7, line 15, of the printed bill, strike out the word "also."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Public Utilities.

Senate Bill No. 578 -An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

STATEMENT BY SENATOR SLATER.

The following statement was presented, and on motion of Senator Slater ordered printed in the Journal:

*Mr. President, Gentlemen of the Senate.*

As chairman of the special legislative committee, appointed 1927, to report on the educational facilities for the deaf in California, including the institution at Berkeley, I wish to present the report of that committee, and would ask that the Secretary of the Senate make mention of the official presentation of the findings of the committee in the minutes of this day's proceedings.

I hope that every member of the Senate and Assembly will read this report; the committee believes that it is worthy of approval.

The committee has endeavored to participate in every phase of the important work intrusted to it.

At this time, I wish to express my thanks for the fine cooperation of the committee members, Senators Breal and Maloney and Assemblymen Parkman, Roland and Fry, and to especially thank the State Department of Education, the Department of Finance, the Divisions of Architecture and School Planning, and others who have given the committee their invaluable cooperation.

This report not only presents to the Legislature a review of existing conditions at the time the committee began its investigation, but the changes that have since taken place and which are promised for the future.

The subject of the education of the deaf in California is most important.



CONSIDERATION OF DAILY FILE.  
THIRD READING OF SENATE BILLS.

Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 6267, relating to cats in fish and game districts designated by law as game refuges.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Senate Bill No. 49 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 3 to 12 inclusive, and insert in lieu thereof the following:

"6267. All cats found within the limits of any fish and game refuge shall be considered and classed as predatory."

AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, after the word "section" insert a comma.

AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed bill, strike out the word "and" and insert a semicolon and the following: "penalty, however, that the commission of this section may not constitute a felony and shall be subject to the punishment of the prison or upon the grounds of the same subject to jury trial."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 49, with instructions to amend, respectfully submits the same here attached as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 284—An act to amend section 1278 of the Civil Code, relating to homesteads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 284 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassady, Christian, Cobb, Duval, Edwards, Evans, Follon, Gray, Handy, Harbo, Isaacs, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Padonati, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 5945, relating to burial contracts and certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Duval, Edwards, Evans, Follon, Gray, Handy, Harbo, Isaacs, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Padonati, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170—An act to amend section 626*d* of the Penal Code, relating to the protection of game.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Canepa moved to refer Senate Bill No. 170 to Senator Edwards, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the word "fifteen", and insert in lieu thereof "twenty-five".

AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, strike out the word "thirty", and insert in lieu thereof "twenty-five".

DEMAND FOR PREVIOUS QUESTION.

Senator Christian demanded the previous question.

The question being put: Shall the main question be now put?

Demand denied.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Canepa, Inman and Hurley.

The question being on Senator Canepa's motion to refer Senate Bill No. 170 to Senator Edwards, as a Special Committee of One, for amendment.

The roll was called, and Senator Canepa's motion lost by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Crowley, Gray, Inman, Maloney, Murphy, Pedrotti, and Tubbs—10.

NOES—Senators Allen, Boggs, Carter, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—27.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 170 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—30.

NOES—Senators Breed, Canepa, Crowley, Gray, Inman, Maloney, Murphy, and Tubbs—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1069—An act to waive certain provisions of the Colorado River compact approved by California, January 10, 1929 (Stats. 1929, chapter 1), and to make said compact effective on a six-state basis, and to direct that notice be given;

Also: Assembly Bill No. 1070—An act to limit the use by California of the waters of the Colorado River in compliance with the act of Congress known as the "Boulder Canyon Project Act" approved December 21, 1928, in the event the Colorado River compact is not approved by all of the states signatory thereto.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY BILLS NUMBERS ONE THOUSAND SIXTY NINE  
AND ONE THOUSAND SEVENTY.

Senator Swing asked unanimous consent for the consideration of  
Assembly Bills Nos. 1069 and 1070, without reference to committee.

Unanimous consent granted.

RESOLUTION.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 1069 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three successive days, by every Senate, is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution,

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Beggs, Broad, Canessa, Carter, Christman, Cobb, Crowley, Duval, Edwards, Evans, Faison, Garrison, Gray, Harby, James, Jones, Ray, Lyon, Maloney, McKelvey, Merriam, Mueller, Murphy, Nelson, Pedroni, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weiler, West, and Young—35.  
NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1069.

SECOND READING OF ASSEMBLY BILL NUMBER ONE THOUSAND SIXTY NINE.

Assembly Bill No. 1069—An act to waive certain provisions of the Colorado River compact approved by California January 10, 1929 (Statutes 1929, chapter 1), and to make said compact effective on a six-state basis, and to direct that notice be given.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILL NUMBER ONE THOUSAND SIXTY NINE.

Assembly Bill No. 1069—An act to waive certain provisions of the Colorado River compact approved by California January 10, 1929 (Statutes 1929, chapter 1), and to make said compact effective on a six-state basis, and to direct that notice be given.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1069 passed by the following vote:

AYES—Senators Allen, Baker, Beggs, Broad, Canessa, Carter, Christman, Cobb, Crowley, Duval, Edwards, Evans, Faison, Garrison, Gray, Harby, James, Jones, Ray, Lyon, Maloney, McKelvey, Merriam, Mueller, Murphy, Nelson, Pedroni, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weiler, West, and Young—36.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered.

By Senator Swing:

*Resolved*, That Assembly Bill No. 1070 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section



requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1070.

SECOND READING OF ASSEMBLY BILL NUMBER ONE THOUSAND SEVENTY.

Assembly Bill No. 1070—An act to limit the use by California of the waters of the Colorado River in compliance with the act of Congress known as the "Boulder Canyon Project Act," approved December 21, 1928, in the event the Colorado River compact is not approved by all of the states signatory thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILL NUMBER ONE THOUSAND SEVENTY.

Assembly Bill No. 1070—An act to limit the use by California of the waters of the Colorado River in compliance with the act of Congress known as the "Boulder Canyon Project Act," approved December 21, 1928, in the event the Colorado River compact is not approved by all of the states signatory thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1070 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

HOOR OF RECESS EXTENDED.

At one o'clock p.m., the hour of recess was extended until one o'clock and fifteen minutes p.m.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency, Assembly Bill No. 1068—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses for the Assembly for the seventy-ninth and eightieth fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 1068 read first time, and referred to Committee on Contingent Expenses.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 4, 1929.

MR. PRESIDENT: I am directed by Arthur J. Lee, Secretary of the State of California, on this day passed Assembly Bill No. 793. An act to amend sections 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the state of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McFERRIS, Assistant Clerk.

Assembly Bill No. 793 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 4, 1929.

MR. PRESIDENT: I am directed by Arthur J. Lee, Secretary of the State of California, on this day passed Senate Concurrent Resolution No. 5—Relative to reports of the department of encouragement of the Coast Range of the Republic.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GROSS, Assistant Clerk.

Senate Concurrent Resolution No. 5 ordered to enrollment.

#### INAUGURAL ADDRESS.

Senator Sharkey asked unanimous consent to have the inaugural address of President Herbert Hoover printed in the *Journal* of this day.

Unanimous consent granted.

The following is the inaugural address as delivered by President Herbert Hoover:

MY COUNTRYMEN: This occasion is not alone the inauguration of the great chief of state under which can be assumed by an American citizen. It is a dedication and consecration to God to the highest office of our people. I assume this trust in the humility of knowledge that only through the guidance of Almighty Providence can I hope to discharge its great, demanding business.

It is in keeping with tradition to declare that I should express simply and directly the opinions which I hold concerning some of the matters of public importance.

If we survey the situation of our nation both at home and abroad, we find many satisfactions, we find some causes for concern. We have emerged from the flames of the great war and the reconstruction following it with increased unity and strength.

From this strength we have contributed to the security and progress of the world. What America has done has given the world hope and courage in all their basic faith in government by the people. In the large view, we have provided a larger degree of comfort and security than ever existed before in the history of the world.

Through liberation from widespread poverty we have reached a higher degree of individual freedom than ever before. Our devotion to and concern for our institutions are deep and sincere. We are steadily turning a new page in our civilization great in its own attainments.

The influence and high purposes of our nation are respected among the peoples of the world. We aspire to distinction in the world, but to a distinction based upon confidence in our sense of justice as well as our great estimate within our own borders and in our own lives. For wise guidance in this great period of recovery the nation is deeply indebted to Calvin Coolidge.

But all this majestic advance should not obscure the constant dangers from which self-government must be safeguarded. The strong man must at all times be alert to the attack of insidious disease.

The most malign of all these dangers today is disregard and disobedience of law. Crime is increasing. Confidence in rigid and speedy justice is diminishing. I am not prepared to believe that this indicates any decay in the moral fiber of the American people. I am not prepared to believe that it indicates an impotence of the federal government to enforce its laws.

It is only in part due to the additional burdens imposed upon our judicial system by the eighteenth amendment. The problem is much worse than that. Many influences had increasingly complicated and weakened our law enforcement organization long before the adoption of the eighteenth amendment.

To re-establish the vigor and effectiveness of law enforcement we must critically consider the entire federal machinery of justice, the subordination of its functions, the simplification of its procedure, the provision of additional judicial tribunals, the better selection of jurors, and the more effective organization of our agencies of investigation and prosecution that justice may be sure and that it may be swift. While the authority of the federal government extends to but part of our vast system

of national, state and local justice, yet the standards which the federal government establishes have the most profound influence upon the whole structure.

We are fortunate in the ability and integrity of our federal judges and attorneys. But the system which these officers are called upon to administer is in many respects ill-adapted to present day conditions. Its intricate and involved rules of procedure have become the refuge of both big and little criminals. There is a belief abroad that by invoking technicalities, subtleties and delay the ends of justice may be thwarted by those who can pay the cost.

Reform, reorganization and strengthening of our whole judicial and enforcement system both in civil and criminal sides have been advocated for years by statesmen, judges and bar associations. First steps toward that end should not longer be delayed. Rigid and expeditious justice is the first safeguard of freedom, the basis of all ordered liberty, the vital force of progress.

It must not come to be in our republic that it can be defeated by the indifference of the citizen, by exploitation of the delays and entanglements of the law, or by combinations of criminals. Justice must not fail because the agencies of enforcement are either delinquent or inefficiently organized. To consider these evils, to find their remedy, is the most sore necessity of our times.

Of the undoubted abuses which have grown up under the eighteenth amendment, part are due to the causes I have just mentioned, but part are due to the failure of some states to accept their share of responsibility for concurrent enforcement and to the failure of many states and local officials to accept the obligation under their oath of office zealously to enforce the laws. With the failures from these many causes, has come a dangerous expansion in the criminal elements who have found enlarged opportunities in leading in illegal liquor.

But a large responsibility rests directly upon our citizens. There would be little traffic in illegal liquor if only criminals patronized it. We must awake to the fact that this patronage from large numbers of law-abiding citizens is supplying the rewards and stimulating crime.

I have been selected by you to execute and enforce the laws of the country. I propose to do so to the extent of my own abilities, but the measure of success that the government shall attain will depend upon the moral support which you, as citizens extend. The duty of citizens to support the laws of the land is co-equal with the duty of their government to enforce the laws which exist.

No greater national service can be given by men and women of good will—who, I know, are not unmindful of the responsibilities of citizenship—than that they should, by their example, assist in stamping out crime and outlawry by refusing participation in and condemning all transactions with illegal liquor.

Our whole system of self government will crumble either if officials elect what laws they will enforce or citizens elect what laws they will support. The worst evil of disregard for some law is that it deserves respect for all law. For our citizens to patronize the violation of a particular law on the ground that they are opposed to it is destructive of the very basis of all that protection of life, of homes and property which they rightly claim under other laws. If citizens do not like a law, their duty as honest men and women is to discourage its violation; their right is openly to work for its repeal.

To those of criminal mind there can be no appeal but vigorous enforcement of the law. Fortunately they are but a small percentage of our people. Their activities must be stopped.

I propose to appoint a national commission for a searching investigation of the whole structure of our federal system of jurisprudence to include the method of enforcement of the eighteenth amendment and the causes of abuse under it. Its purpose will be to make such recommendations for reorganization of the administration of federal laws and court procedure as may be found desirable. In the meantime it is essential that a large part of the enforcement activities be transferred from the treasury department to the department of justice as a beginning of more effective organization.

The election has again confirmed the determination of the American people that regulation of private enterprise and not government ownership or operation is the course rightly to be pursued in our relation to business. In recent years we have established a differentiation in the whole method of business regulation between the industries which produce and distribute commodities on the one hand, and public utilities on the other.

In the former, our laws insist upon effective competition; in the latter, because we substantially confer a monopoly by limiting competition, we must regulate their services and rates.

The rigid enforcement of the laws applicable to both groups is the very base of equal opportunity and freedom from domination for all our people and it is just as essential for the stability and prosperity of business itself as for the protection of the public at large.

Such regulation should be extended by the federal government within the limitations of the constitution and only when the individual states are without power to protect their citizens through their own authority. On the other hand, we should be fearless when the authority rests only in the federal government.

The larger purpose of our economic policy should be to establish more firmly stability and security of business and employment, and thereby remove poverty still further from our borders. Our people have in recent years developed a new found



capacity for cooperation among the peoples to carry out high purposes in public welfare. It is an incentive toward the highest social progress in world civilization.

Self-government does not mean isolation and makes the use of national resources alone. Progress is based on cooperation in the economic and social life of the world. The government should assist and encourage these enterprises of nations to help by itself cooperating with them. It should use its influence to help the people progress in the advancement of science, art, literature, industry, and security of employment and in the creation of its own progress. Such progress, however, can be made only so long as business maintains its respect for law.

There is an equally important field of cooperation by the United States government with the multitude of agricultural, State, municipal and foreign or non-economic development of these processes which naturally should produce better, more rapid, abundant, and the home. We have used further to protect the business world government can be adapted to human service.

Although education is possible a responsibility of the state and local communities, and rightly so, for the nation as a whole. It is already concerned in development even where the highest standards and the highest standards. Such government can succeed only through an extended education. Our country is not simply to overcome adversity. The nation must be able to defend itself. The more complex the problems of the nation become, the greater the need for more and more advanced institutions. Moreover, as the nation's resources and its life expands with science and invention, we must discover more and more means for every walk of life.

We can not hope to succeed in directing this increasing complex civilization unless we can draw all the forces of civilization from the same people. Our civilization after another has been won upon the attempt to control civilization by force from a single group or class. If we would prevent growth of these institutions and would constantly defend our liberty, we will be unable to do so. We must show consistently from the government. The first responsibility of the state is to rise through the selective processes of civilization and to rise to this leadership.

In public health the department of health has been created in this leadership of our country and many groups of our nation have shared a new one. Many millions of which are more nations, are now working and working together. Public health services should be as free as possible and the different departments of the governmental system should be a public institution. The nation is a thousand and a economic benefits, and infinitely more in reduction of suffering and promotion of human happiness.

The United States fully realizes the profound truth that our own progress, prosperity and peace are inseparable with the progress, prosperity and peace of all humanity. The world is a single peace. Our thought is a recognition of this peace today are largely the best and wisest, while still there is a world. No suspicion of fear can be rightly conceived toward any nation.

Those who have a true understanding of America know that we have no room for territorial expansion, for we are not a nation of other peoples. Such purposes are irrelevant to our values of human freedom.

Our form of government is all adjusted to the progress of a nation, recently follow permanent limitation of the interference of other peoples. Something observes seem to find no lasting for our country's progress in civilization. It is not power except that it is a power. The fact is that the American people are engrossed in the building for themselves of a new economic system, a new social system, a new political system, all of which are characterized by aspirations of freedom of opportunity and thereby by the liberation of individualism.

They fail to realize that because of our changing conditions our people are progressing more and more into our institutions of learning, that our people are seeking a larger vision through art, literature, science and travel; that they are moving toward stronger moral and spiritual ideas; that from these things our expectations are broadening beyond the bounds of our nation and now toward their true expansion in a real brotherhood of man.

They fail to see that the idealism of America will lead it to no narrow or selfish channel, but inspire it to do its full share as a nation toward the advancement of civilization.

It will do that not by mere declaration but by taking a neutral part in settling all useful international understandings. We not only desire peace with the world but to see peace maintained throughout the world. We wish to advance the reign of justice and reason toward the extinction of force.

The recent treaty for the renunciation of war as an instrument of national policy sets an advanced standard in our conception of the relations of nations. Its acceptance should pave the way to greater limitation of armament, the offer of which we sincerely extend to the world.

But its full realization also implies a greater and greater perfection in the instrumentalities for pacific settlement of controversies between nations. In the creation and use of these instrumentalities we should support every sound method of conciliation, arbitration and individual settlement.

American statesmen were among the first to propose and they have constantly urged upon the world the establishment of a tribunal for the settlement of controversies of a justiciable character. The permanent court of international justice in its major purpose is thus peculiarly identified with American ideals and with

American statesmanship. No more potent instrumentality for this purpose has ever been conceived and no other is practicable of establishment. The reservations placed upon our adherence should not be misinterpreted.

The United States seeks by these reservations no special privilege or advantage but only to clarify our relation to advisory opinions and other matters which are subsidiary to the major purpose of the court. The way should, and I believe will, be found by which we may take our proper place in a movement so fundamental to the progress of peace.

Our people have determined that we should make no political engagements such as membership in the League of Nations, which may commit us in advance as a nation to become involved in the settlements of controversies between other countries. They adhere to the belief that the independence of America from such obligations, increases its ability and availability for service in all fields of human progress.

I have lately returned from a journey among our sister republics of the western hemisphere. I have received unbounded hospitality and courtesy as their expression of friendliness to our country. We are held by particular bonds of sympathy and common interest with them.

They are each of them building a racial character and a culture which is an impressive contribution to human progress. We wish only for the maintenance of their independence, the growth of their stability and their prosperity. While we have had wars in the western hemisphere yet on the whole the record is in encouraging contrast with that of other parts of the world. Fortunately the new world is largely free from the inheritances of fear and distrust which have so troubled the old world. We should keep it so.

It is impossible, my countrymen, to speak of peace without profound emotion. In thousands of homes in America, in millions of homes around the world, there are vacant chairs. It would be a shameful confession of our unworthiness if it should develop that we have abandoned the hope for which all these men died.

Surely civilization is old enough, surely mankind is mature enough so that we ought in our own lifetime to find a way to permanent peace. Abroad, to west and east, are nations whose sons mingled their blood with the blood of our sons on the battlefields. Most of these nations have contributed to our race, to our culture, our knowledge and our progress. From one of them we derive our very language and from many of them much of the genius of our institutions. Their desire for peace is as deep and sincere as our own.

Peace can be contributed to by respect for our ability in defense. Peace can be promoted by the limitation of arms and by the creation of the instrumentalities for peaceful settlement of controversies. But it will become a reality only through self-restraint and active effort in friendliness and helpfulness. I covet for this administration a record of having further contributed to advance the cause of peace.

In our form of democracy the expression of the popular will can be effected only through the instrumentality of political parties. We maintain party government not to promote intolerant partisanship but because opportunity must be given for expression of the popular will, and organization provided for the execution of its mandates and for accountability of government to the people.

It follows that the government both in the executive and legislative branches must carry out in good faith the platforms upon which the party was entrusted with power. But the government is that of the whole people; the party is the instrument through which policies are determined and men chosen to bring them into being. The animosities of elections should have no place in our government for government must concern itself alone with the common weal.

Action upon some of the proposals upon which the Republican party was returned to power, particularly further agricultural relief and limited changes in the tariff, can not in justice to our farmers, our labor and our manufacturers be postponed. I shall therefore request a special session of Congress for the consideration of these two questions. I shall deal with each of them upon the assembly of the Congress.

It appears to me that the more important further mandates from the recent election were the maintenance of the integrity of the constitution; the vigorous enforcement of the laws; the continuance of economy in public expenditures; the continued regulation of business to prevent domination in the community; the denial of ownership of operation of business by the government in competition with its citizens; the avoidance of policies which would involve us in the controversies of foreign nations; the more effective reorganization of the departments of the federal government; the expansion of the public works; and the promotion of welfare activities affecting education and the home.

These were the more tangible determinations of the election, but beyond them was the confidence and belief of the people that we would not neglect the support of the embedded ideals and aspirations of America.

These ideals and aspirations are the touch-stones upon which the day to day administration and legislative acts of government must be tested. More than this, the government must, so far as lies within its proper powers, give leadership to the realization of these ideals and to the fruition of these aspirations. No one can adequately reduce these things to the spirit, to phrases or to a catalogue of

definitions. We do know what the attainments of these people desire to be: The preservation of self-government and its full functioning in each government; the perfection of justice wherever it is wanted; in its widest fields, the maintenance of ordered liberty; the demand of democracy for new ground in peace, the breaking up and preservation of wealth of concentration; the securing of family and individuality; absolute integrity in public affairs; the maintenance of ability for office; the direction of economic progress without pauperism and the further lessening of poverty; the triumph of public spirit; the increasing of education and of the advancement of knowledge; the growth of religion and the realization of all faiths; the strengthening of the home; the attainment of peace.

There is no short road to the realization of these aspirations. There is a progressive people, but with a determination that progress must be based upon the foundation of experience. He considered possible for you future being only possible after them. But if we have the truth of the fact, in our progress, you will realize these ideals, we shall have more brightness and illumination for our children.

This is not the time and place for extensive promises. But we must believe our country are problems of progress to higher standards. There are the problems of degeneration. They demand thought and they are to overcome the temptation and enlist our sense of responsibility for their attainment. And that responsibility rests upon you, my countrymen, as much as upon those of us who have been selected for office.

Ours is a land rich in resources, attracting to its glorious beauty, fifty million millions of happy homes, blessed with wealth and opportunity. In the nation are the institutions of progress made possible. In no nation are the friends of government more secure. In no nation is the government more worthy of respect. No country is more loved by its people. I have an abiding faith in their industry, integrity and high purpose. I have no hope for the future of our country. It is bright with hope.

In the presence of my countrymen, witness of the progress of this nation, knowing what the task means and the responsibility which it brings, I ask your tolerance, your aid and your cooperation. I call the help of Almighty God in this service to my country to which you have called me.

#### ADJOURNMENT.

At one o'clock and fifteen minutes p.m., on motion of Senator Brand the President declared the Senate adjourned until eleven o'clock a.m. Tuesday, March 5, 1929.

HAROLD J. POWERS, Minutes Clerk.

#### IN SENATE.

##### SENATE CHAMBER.

SACRAMENTO, Tuesday, March 5, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Brand, Canipe, Carter, Cassady, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fallon, Harbo, Harbo, James, Jones, Ray, Lyon, Maloney, McCormack, McKelvey, Morrison, Mueller, Murray, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swain, Talbot, Wagon, Weber, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 4, 1929, the further reading was dispensed with, on motion of Senator Slater.



## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the College of the Holy Names civil government class of Oakland as follows: Amalia Astorga, Patricia Bradshaw, Mary Bruzzzone, Dorothy Caig, Monica Calderwood, Kathleen Cassidy, Margaret Conneau, Mary Louise Dunn, Harriett Griggs, Beth Hearn, Betty Kane, Helen Libbey, Alice McAllister, Lucinda Mills, Mary Minton, Alice Mulhern, Helen O'Brien, Louise O'Donnell, Marguerite Oliva, May Oliva, Miriam Phillips, Marguerite Phillips, Muriel Phillips, Grace Primrose, Amy Reynolds, Angela Sallamid, Grade Selby, Antoinette Skelly, Dorothy Walsh, Irene Allair, Mary Louise Breier, Margaret Callahan, Ruth Chamberlain, Helen Clark, Aileen Cox, Jean Daly, Lorianae Emerson, Rose Enea, Josephine Garcia, Mary Gartland, Helen Graff, Cecile Guichard, Clarice Hennings, Marguerite Keller, Beryl Kelly, Stephanie Lieber, Virginia Lyons, Monica McCarthy, Helen McDonnell, Margaret McHale, Elinor Moran, Ursula Moran, Mary O'Neill, Margaret Probert, Edith Parker, Ann Railton, Marie Strehl, Barbara Telfer, Marian White, Kathleen Whitty, Sister Miriam Dolores, Sister Catherine, Sister Mary Clare and Sister Teresa Marie.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Allen G. Davenport and Walter L. Bowers of Los Angeles.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leigh G. Garnesy.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. Bruce Philips of Berkeley and Dr. C. L. Wrinkle of Modesto.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy Walsh of Oakland.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. G. Backus of Berkeley.

On request of Senator Rochester, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel O. C. Wyman of Los Angeles.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert G. Sproul, vice president and comptroller, University of California.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Morin, president, Pasadena Bar Association, Pasadena.

On request of Senator Hurley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dick Pratt and W. D. McCulloch of Oakland.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. Haussels of Long Beach, Robert Brenman of Los Angeles, and Andrew R. Schotlky, grand chancellor of Knights of Pythias of California, Merced; A. E. Isham of Redlands, and Chas. J. Creller, grand secretary of the Knights of Pythias, San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. R. Schottky, Merced, California.

#### MESSAGES FROM THE ASSEMBLY

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 673. An act to amend section 2225 of the Political Code, relating to salaries of county boardmasters, commissioners, inspectors and clerks in counties of the fifth class.

Also: Assembly Bill No. 675. An act to amend section 1954 of the "Legal Court Law," approved June 5, 1915, as amended, relating to salaries of probate officers in counties of the fifth class.

ARTHUR A. OHNIMI'S, Clerk of Court.  
By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bills Nos. 673 and 675 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 540. An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers or members of the thirty-fourth class.

Also: Assembly Bill No. 542. An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers or members of the thirty-first class.

Also: Assembly Bill No. 579. An act to amend section 4270 of the Political Code, relating to the salaries and fees of county officers in counties of the seventh class.

Also: Assembly Bill No. 652. An act granting certain submerged lands, ponds, lands, tideflats, and submerged lands of the State of California to the Central Sanitary District.

Also: Assembly Bill No. 653. An act relating to the compensation of election officers of school elections.

Also: Assembly Bill No. 603. An act relating to granting tenure of teachers to members of faculties of State teachers colleges and normal schools controlled by the Department of Education.

Also: Assembly Bill No. 94. An act providing to grant to the city and county of San Francisco the interest of the State (in and to and the property and management of the harbor of San Francisco as described in the act) authorizing the expenditure of revenues derived from the operation of said harbor, including for the sale of bonds authorized but not sold, providing for the payment of interest on bonds and for the redemption of bonds, fixing the terms and conditions of the grant, providing for the issuance of a proclamation by the Governor.

Also: Assembly Bill No. 51. An act granting certain submerged and submerged lands of the State of California to the city of Laguna Beach upon certain terms and conditions.

ARTHUR A. OHNIMI'S, Clerk of Court.  
By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bills Nos. 540, 542, and 579 read first time, and referred to Committee on County Government.

Assembly Bill No. 652 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 653 and 603 read first time, and referred to Committee on Education.

Assembly Bills Nos. 94 and 51 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 66. An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Also: Assembly Bill No. 197—An act to provide for the extermination of rats by mosquito abatement districts;

Also: Assembly Bill No. 271—An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class;

Also: Assembly Bill No. 273—An act to amend section 4282 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-third class;

Also: Assembly Bill No. 285—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this act to a vote of the people," approved March 24, 1909;

Also: Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventh class;

Also: Assembly Bill No. 334—An act to amend section 4268 of the Political Code, relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class;

Also: Assembly Bill No. 450—An act to amend sections 4236b, 4236c, 4236d, 4236f, 4236g, 4236h, 4236i, 4236j, inclusive, of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies, and other employees.

ARTHUR A. O'HINIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 66, 271, 273, 302, 334 and 450 read first time, and referred to Committee on County Government.

Assembly Bill No. 197 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 285 read first time, and referred to Committee on Commerce and Navigation.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same—and reports that the same has been correctly engrossed.

Also:

JONES, RAY, Chairman.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses—and reports that the same has been correctly re-engrossed.

Also:

JONES, RAY, Chairman.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act;

Also: Senate Bill No. 528—An act to amend section 857 of the Civil Code of the State of California;

Also: Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081 and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932a, 1933, 1934a, 1962 and 1968 of the Political Code, all relating to the National Guard;

Also: Senate Concurrent Resolution No. 2—Relative to Henry Meade Bland being given the honorary title of The Laurel-Crowned Poet of California;



Also: Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as section 1934a providing for credits for good behavior to persons confined in a county jail and under judgment of imprisonment in a criminal action as provided.

Also: Senate Bill No. 196—An act to amend section 1914 of the Penal Code, providing that persons confined in the county jail under final judgment of imprisonment rendered in a criminal action may be required to labor.

And reports that the same have been correctly engrossed.

JONES RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrolling and Printing has examined Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Henry L. Huntington Library and art gallery.

Also: Senate Concurrent Resolution No. 8, Relating to reports of the Department of Engraving and the annual convention of the United Spanish American War Veterans and the Disabled American Veterans of the World War of the State of California, respectively.

Also: Senate Bill No. 22—An act to provide for the establishment, improvement, maintenance and operation of the public school system of the State of California. And reports that the same have been correctly engrossed.

JONES RAY, Chairman.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 233—An act to amend sections 4, 5, 6, 7, 8, 37, 48, 49, 53, 58 and 60, of the "State Housing Act," approved June 15, 1923, as amended, relating to an infested, unwholesome, filthy building and houses and apartments, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; Nays—1.

CROWLEY, Chairman.

Senate Bill No. 233 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 487—An act to provide for the establishment and maintenance of an infectious diseases department in the State Department, defining the powers and duties of the Department of Public Health and Welfare, of Tuberculosis in relation thereto, and seeking an appropriation therefor, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be committed to the Committee on Finance.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bill No. 487 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 234—An act to amend section 19 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be transferred to this committee.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bill No. 234 ordered on file for second reading.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor:

Also: Senate Bill No. 417—An act providing for an investigation into methods of sewage and wastes disposal and treatment, and providing an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—7.

EVANS, Chairman.

Senate Bills Nos. 415 and 417 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 51—An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs and plants—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

EVANS, Chairman.

Senate Bill No. 51 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 341—An act to amend section 2 of an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California, gifts or donations of lands for forest and watershed purposes," approved April 5, 1927, relating to gifts or donations of land to the State of California;

Also: Assembly Bill No. 342—An act to transfer and set over certain State land known as Mount Zion in Amador County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof;

Also: Assembly Bill No. 343—An act to transfer and set over certain State land known as Iron Mountain in Mendocino County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

EVANS, Chairman.

Assembly Bills Nos. 341, 342 and 343 ordered on file for second reading.

#### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 521—An act to amend sections 2319a, 2319b and 2319c of the Political Code, relating to the duties of the State Commissioner of Horticulture—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 521 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 527—An act to amend section 2322a of the Political Code, relating to county horticultural commissioners—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 527 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 750—An act to regulate and control the operation of aircraft; to provide for the licensing thereof and of the operators thereof; to provide rules and regulations for the conduct thereof; to fix fees, fines and forfeitures in connection

therewith and provide for the disposition thereof; has had the same read and reported, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 15; committee vote: Ayes: 10; nays: 5.

SHARKEY, Chairman.

Senate Bill No. 750 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 725, "An act to amend section 41 of the California Vehicle Act," relating to certificates of registration and stamping of certificates of registration, approved May 30, 1923, as amended; has had the same read and reported, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 15; committee vote: Ayes: 10; nays: 5.

SHARKEY, Chairman.

Senate Bill No. 525 ordered on file for second reading.

#### ON RULES

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following resolution:

WHEREAS, Senator Herbert C. Jones is unavoidably absent and is unable to perform his duties due to illness; and

WHEREAS, His absence is regretted by the Senate of the State of California; and

WHEREAS, The committees of the Senate of the State of California, of which he is a member, are laboring at a great disadvantage due to his absence, and request that the vacancy thus created be filled in order to facilitate and expedite their respective businesses and duties; therefore, be it

*Resolved*, That the President of the Senate appoint a member to serve as an alternate committeeman on his respective committees during his absence and until he shall again be able to return to resume his duties and affairs in the Senate.

Has had the same read and reported, and respectfully reports the same back with amendment, and recommends that it be adopted as amended.

Committee membership: 5; committee vote: Ayes: 5.

BREED, Chairman.

#### COMMITTEE AMENDMENT.

During the reading of the resolution the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

Insert after the word "committees" in line 11 of the typed resolution the following: "except Judiciary Committee".

Amendment adopted.

#### CONSIDERATION OF SENATE RESOLUTION.

Senator Breed asked unanimous consent for the consideration of the following resolution at this time for purpose of adoption.

Motion carried.

#### RESOLUTION

By Senator Rochester:

WHEREAS, Senator Herbert C. Jones is unavoidably absent and is unable to perform his duties due to illness; and

WHEREAS, His absence is regretted by the Senate of the State of California; and

WHEREAS, The committees of the Senate of the State of California, of which he is a member, are laboring at a great disadvantage due to his absence, and request that the vacancy thus created be filled in order to facilitate and expedite their respective businesses and duties; therefore, be it

*Resolved*, That the President of the Senate appoint a member to serve as an alternate committeeman on his respective committees, except Judiciary Committee, during his absence and until he shall again be able to return to resume his duties and affairs in the Senate.

Resolution read, and on motion of Senator Breed adopted.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At eleven o'clock and thirty minutes a.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

## ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 577—An act to amend section 159 of an act entitled "California Vehicle Act," approved May 30, 1923, relating to the distribution and expenditures of funds provided by said act, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

SHARKEY, Chairman.

Senate Bill No. 577 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 450—An act to add a new section, to be known as section 17a to the "California Vehicle Act," approved May 30, 1923, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

SHARKEY, Chairman.

Senate Bill No. 450 ordered on file for second reading.

## ON BUILDING AND LOAN ASSOCIATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act:

Also: Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act;

Also: Senate Bill No. 485—An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

DUVAL, Chairman.

Senate Bills Nos. 773, 486, and 485 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations:

Also: Senate Bill No. 472—An act to amend section 637 of the Civil Code, relating to the making of loans by building and loan associations;

Also: Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent non-withdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

DUVAL, Chairman.

Senate Bills Nos. 471, 472, and 475 ordered on file for second reading.

## MOTION TO WITHDRAW SENATE BILL.

Senator Fellom moved that Senate Bill No. 31 be withdrawn from the Committee on Commerce and Navigation and placed on file.

## MOTION WITHDRAWN

At the request of Senator Fellom his motion was withdrawn.

## RESOLUTION

The following resolution was offered:

By Senators Sharkey and Hurley:

WHEREAS, The Senate on February 27, 1929, adopted a resolution providing that certain publishers and others be subpoenaed to appear before the Senate Fish and Game Committee on Tuesday, the fifth day of March, 1929, for the purpose of explaining statements disseminated to the Legislature; and

WHEREAS, It is desirable that a strong and able counsel be heard at the proceedings of the Fish and Game Committee, and that counsel are accordingly sent;

WHEREAS, The Sergeant at Arms of the Senate has been put to some expense in the subpoenaing of witnesses; therefore be it

*Resolved*, That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Senate to the sum of \$1000 in favor of the Senators of the Senate to pay such incidental expenses of that committee as may be certified to the Secretary by the chairman of the committee at the Sergeant at Arms of the Senate, and the Treasurer is hereby directed to pay the same. The Senators are hereby instructed to file with the Controller vouchers covering such items as may be expended.

## UNANIMOUS CONSENT GRANTED

Senator Hurley asked unanimous consent to consider the above resolution, without reference to committee, for purpose of adoption.

Resolution read.

Senator Hurley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Bond, Clegg, Coffer, Cramer, Cramer, Cramer, Bond, Edwards, Evans, Fellom, Gerson, Gray, Hasty, Hurley, Jones, Jones, Ray, Lane, Maloney, McCormack, McKelvey, Morrison, Munroe, Murphy, Nelson, Phillips, Rochester, Sharkey, Slater, Swag, Tallas, Wagg, Wells, West, and Young, 25.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

The following constitutional amendment was offered:

By Senator Young: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof a new section to be numbered 31a, relating to the indemnification of owners of condemned cattle.

Amendment referred to Committee on Constitutional Amendments.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

Senate Bill No. 176.—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act." approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale

of lands for colonization or subdivision purposes; broker's bonds; providing penalties for the violation of the provisions thereof.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Amend the title by striking out from the fifth and fourth lines from the bottom the following: "sale of lands for colonization or subdivision purposes:".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

Amend the title to the act by adding after the words on the third line from end "purposes or" the words "agricultural, rural acreage, or".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

Amend section 2, page 2, line 8, by adding a comma after the word "lists", and by adding the word "for" after the word "solicits", and by striking out the word "for" at the end of said line 8.

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

Amend section 2, page 2, line 25, by striking out the word "salaried".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

Amend section 2, page 2, line 27, by inserting after the word "their", "to wit, said corporations",.

Amendment adopted.

##### AMENDMENT NUMBER SIX.

Amend section 5, page 4, commencing on line 13, by striking out the last two words in said line, "and shall", to and including the rest of the sentence ending on line 14 with the words "of the state".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

Amend section 8, page 4, lines 41 and 42, by striking out the last word on line 41, to wit: the word "or", and the first word on line 42, to wit: the word "agents".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

Amend section 8, page 4, lines 44 and 45, by striking out the last word on line 44, to wit: the word "and", and the first word on line 45, to wit: the word "agents".

Amendment adopted.

##### AMENDMENT NUMBER NINE.

Amend section 8, page 4, line 50, by striking out the last two words thereof, to wit: the words "and agent".

Amendment adopted.

##### AMENDMENT NUMBER TEN.

Amend section 8, page 5, line 5, by striking out the word "agents".

Amendment adopted.

##### AMENDMENT NUMBER ELEVEN.

Amend section 9, page 6, line 17, by adding after the first word "applicant", the words "for a broker's license".

Amendment adopted.

##### AMENDMENT NUMBER TWELVE.

Amend section 9, page 6, line 20, by adding after the syllable "ship" the words "and may waive the examination of any applicant for a salesman's license who held



an unrevoked or unsuspended salesman's license on December 31 of the preceding year, and who had previously qualified by passing written examination."

Amendment adopted.

#### AMENDMENT NUMBER FOURTEEN

Amend section 18, page 11, line 48, by striking out the words "a commission" and inserting in lieu thereof the words "any compensation".

Amendment adopted.

#### AMENDMENT NUMBER FIFTEEN

On page 11, line 49, of the printed bill amend section 18 by striking out the word "license" where it appears as the last word of the line.

Amendment adopted.

#### AMENDMENT NUMBER SIXTEEN

On page 11, line 50, of the printed bill amend section 18 by inserting after the first word thereof, to wit: after the word "salesman," the words "Armed under the broker paying the compensation."

Amendment adopted.

#### AMENDMENT NUMBER SEVENTEEN

On page 12, line 1, of the printed bill amend section 18 by striking out the words "a commission" and inserting in lieu thereof the words "any compensation."

Amendment adopted.

#### AMENDMENT NUMBER EIGHTEEN

On page 12, line 3, of the printed bill amend section 18 by striking out the words "or other person."

Amendment adopted.

#### AMENDMENT NUMBER NINETEEN

On page 12, line 4, of the printed bill amend section 18 by adding at the end of line 4 the following:

"It shall be a misdemeanor for any person, firm or corporation, whether obligor, escrow holder or otherwise, to pay or deliver to anyone a compensation for authorizing any of the acts specified in section 2 thereof who shall not be bound to him, or present evidence to such payer that he is a regularly licensed real estate broker at the time such compensation is obtained. Punishment for said misdemeanor shall be a fine not exceeding fifty dollars for any one offense."

Amendment adopted.

#### AMENDMENT NUMBER TWENTY

On page 12, commencing line 7, of the printed bill amend section 20a by striking out the first two paragraphs of said section commencing on line 7 and ending on line 52, page 12, and inserting in lieu thereof the following:

"Prior to the time when subdivided lands shall be offered for sale or lease, as for agricultural or rural acreage subdivisions, or for other similar purposes, or for poultry raising or animal husbandry, the owner, his agent, or subdivider, shall notify the real estate commissioner in writing of his intention to sell or lease such offering. Such notice of intention shall contain the following information: The name and address of the owner; name and address of subdivider, legal description and area of land; and such other information as the owner or subdivider may desire to present.

After receiving such a statement the real estate commissioner may require such additional information concerning the project as he deems necessary, and for which purpose he shall be empowered to prepare a questionnaire for the owner, his agent, or subdivider, to answer. The commissioner shall be empowered to employ such expert and technical assistants as may be necessary to a proper examination of the project. The cost of such examination shall be borne by the owner or subdivider of the project on the basis of actual cost to the real estate department. An initial fee of \$25.00 shall accompany the answered questionnaire. The additional cost shall not exceed the rate of fifteen cents (.15c) per acre if the project is situated in this state, nor more than twenty-five cents (.25c) per acre if the project is situated outside of this state, which cost shall be payable upon demand of the commissioner. If the department decides to make an examination of the project the commissioner shall make a public report thereon and is hereby authorized to publish said report. Said fees shall not be a lien upon said land, nor shall the failure to comply with the provisions of this section affect in any way the title to any of said land. It shall be

unlawful for the owner or subdivider of the project, after it is submitted to the commissioner, to materially change the set-up of such offering without first notifying the commissioner in writing of such intended change."

Amendment adopted.

AMENDMENT NUMBER TWENTY.

On page 13, line 7, of the printed bill, amend section 20a by striking out the paragraph commencing on line 7 with the words "for the purpose" and ending with the word "parcels" on line 10, and insert in lieu thereof the following:

"For the purpose of this act the words "subdivided lands" and "subdivision" are hereby defined as land or lands divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels."

Amendment adopted.

AMENDMENT NUMBER TWENTY-ONE.

On page 13, line 16, of the printed bill, amend section 20b by striking out the word "written" after the word "false".

Amendment adopted.

AMENDMENT NUMBER TWENTY-TWO.

On page 4, line 31, of the printed bill, strike out "thirty-first day of December", and substitute therefor the words "thirtieth day of June", and on line 33, strike out the word "January", and substitute therefor the word "month".

Amendment adopted.

AMENDMENT NUMBER TWENTY-THREE.

On page 5, line 26, of the printed bill, strike out the word "duplicate", and substitute therefor the word "additional", and in line 31, strike out the word "duplicate".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 6, line 29, of the printed bill, beginning with the word "No", strike out the remainder of that sentence ending on line 36.

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 13, section 23, line 44, of the printed bill, strike out the word "department".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

SENATOR SWING IN THE CHAIR.

At twelve o'clock and fifteen minutes p.m., Senator Swing of the Thirtieth District was called to the chair.

Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 781 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKelby, Morrow, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATOR CHRISTIAN IN THE CHAIR.

At twelve o'clock and twenty-two minutes p.m., Senator Christian of the Thirteenth District was called to the chair.

Senate Bill No. 22.—An act to provide for the establishment, government, maintenance and operation of the public school system of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES.—Senators Allen, Bagg, Board, Cawsey, Carter, Cawley, Christian, Cobb, Duval, Edwards, Evans, Fallon, Garrison, Gillet, Handy, Jones, Ray, McConmick, McKinley, Merritt, Murphy, Nelson, Padgett, Slater, Slatyer, Tubb, Wags, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under judgment of imprisonment rendered in a criminal action may be required to labor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 196 passed by the following vote:

AYES.—Senators Allen, Baker, Bagg, Board, Cawsey, Carter, Cawley, Christian, Cleveland, Cobb, Cawley, Duval, Edwards, Evans, Fallon, Garrison, Gray, Handy, Jones, Ray, Lyon, Mahoney, McConmick, McKinley, Merritt, Murphy, Nelson, Padgett, Sharkey, Slater, Tubb, Wags, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 197.—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county jail under judgment of imprisonment in a criminal action or proceeding.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 197 passed by the following vote:

AYES.—Senators Allen, Baker, Bagg, Board, Cawsey, Carter, Cawley, Christian, Cleveland, Cobb, Cawley, Edwards, Evans, Fallon, Garrison, Gray, Handy, Jones, Ray, Lyon, Mahoney, McConmick, McKinley, Merritt, Murphy, Nelson, Padgett, Rochester, Slater, Tubb, Wags, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 8.—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

Resolution read.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator West moved to refer Senate Concurrent Resolution No. 8 to Senator Lyon, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, strike out the figures "1927" and insert in lieu thereof the figures "1929."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Concurrent Resolution No. 8, with instructions to report, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator West adopted.

Senate Concurrent Resolution No. 8 ordered to print, and re-engrossment.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

## SENATE CONSTITUTIONAL AMENDMENT No. 9.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Henry E. Huntington Library and Art Gallery.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its forty-eighth regular session, beginning on the seventh day of January, 1929, two-thirds of all members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, an amendment to the constitution of said State by adding to article IX thereof a new section to be numbered 15 and to read as follows:

Sec. 15. The trusts and estates created for the founding, endowment and maintenance of the Henry E. Huntington Library and Art Gallery, under and in accordance with an act of the Legislature approved March 10, 1885, chapter 47 of the Statutes of California of 1885, by the endowment grant executed by Henry E. Huntington and Arabella D. Huntington on the thirtieth day of August, 1919, and recorded in book 6937, page 97 of deeds, records of Los Angeles, California, on the fifteenth day of September, 1919, and by the amendments of such grant and by gifts and grants supplementary thereto and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Henry E. Huntington Library and Art Gallery, as such, or in the name of the institution, or by other intelligible designation of the trustees, or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, and such property, unless otherwise provided, shall be held by the trustees of the Henry E. Huntington Library and Art Gallery upon the trusts provided for in the grant founding the institution, and amendments thereof and grants supplementary thereto. All property now or hereafter held in trust for the founding, maintenance or benefit of the Henry E. Huntington Library and Art Gallery shall be exempt from taxation. The Legislature may modify, suspend and revive at will the exemption from taxation herein given. The trustees of said institution shall annually report their proceedings to the person who for the time being shall fill the office of Secretary of State of the State of California, and said trustees shall accompany said report with a full account of their financial operations for the preceding year and with a statement of the financial affairs of the institution.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 9 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Felton, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 9 ordered transmitted to the Assembly.

## SENATE CONCURRENT RESOLUTION No. 2

Relative to Henry Meade Board of State Lands, California, and the County of California.

WHEREAS Henry Meade Board of State Lands, California, has brought prominently to the attention of the world the history, scenery and beauty of California, and its traditions and aspirations through his prose and poetry, and has contributed to the high standard of our literature thereby enhancing the pride and admiration of Californians, and meriting special recognition, therefore, be it

Resolved by the Senate, the Assembly concurring, That Henry Meade Board be hereby recognized and given the title of The Laurel Crowned Poet of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES: Senators Allen, Boggs, Broad, Canipe, Cassady, Christian, Clark, Duval, Edwards, Evans, Felton, Gaffney, Gray, Hardy, Isaac, Jones, Rice, Ross, Maloney, McCormack, McKinley, Morrison, Mullen, Murphy, Nelson, Padgett, Sharkey, Slater, Strong, Waller and Young—29.

NOES: Senator West—1.

Title read and approved.

Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:  
ON CONCURRENT RESOLUTION.

SENATE CONCURRENT RESOLUTION No. 2, 1929.

MR. PRESIDENT: Your Committee on Concurrent Resolutions to which were referred Assembly Bill No. 1068—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years—has the same under consideration, and respectfully reports the same back, and recommends that it do pass.

CARTER, Chairman.

## RESOLUTION.

The following resolution was offered:

By Senator Breed:

Resolved, That Assembly Bill No. 1068 presented in case of emergency, as that term is used in section 15 of article IV of the constitution, and the granting of that section requiring that the bill shall be read on three several days by each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Boggs, Broad, Canipe, Carter, Cassady, Christian, Clark, Crowley, Duval, Edwards, Evans, Felton, Gaffney, Gray, Hardy, Isaac, Jones, Rice, Ross, Maloney, McCormack, McKinley, Morrison, Murphy, Padgett, Sharkey, Slater, Strong, Tubbs, and Young—29.

NOES: None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1068.

SECOND READING OF ASSEMBLY BILL NUMBER ONE THOUSAND SIXTY-EIGHT.

Assembly Bill No. 1068—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Boock, Cannon, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fulton, Garrison, Gray, Handy, Imeson, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tabbs, Weller, and West—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1068 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Boock, Cannon, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fulton, Garrison, Gray, Handy, Imeson, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tabbs, Weller, and West—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1065 ordered transmitted to the Assembly.

## HOUR OF RECESS EXTENDED.

At one o'clock and five minutes p.m., the hour of recess was extended until one o'clock and twenty minutes p.m.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 578—An act to amend section 196 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers; and a probation committee to deal with such persons; establishing probation officers; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Senate Bill No. 784—An act relating to the finances of the State Board of Education;

Also: Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education;

Also: Senate Bill No. 786—An act relating to the administration of the State Department of Education;

Also: Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended;

And reports that the same have been correctly engrossed.

Also:

JONES, RAY, Chairman.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 824—An act making an appropriation to meet the



deficiency in the appropriation for contingent expenses of the Senate for the months of March and April of the present year, and for the months of March and April of the year 1928, and presented to the Governor on the 10th day of March, 1929, at 10 o'clock and forty five minutes past.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined Senate Bill No. 7. An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children," approved May 10, 1919, as amended, relating to the provisions of this act in the enforcement of the provisions of the act, providing penalties for the violation of the provisions of the act, and for acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, horticultural or mechanical establishments.

Also: Senate Bill No. 7. An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children," approved May 10, 1919, as amended, relating to children employed at agricultural, horticultural or mechanical establishments, by providing that each employer in any agricultural, horticultural or mechanical establishment, hotel or restaurant, or in any other establishment, shall be liable for the payment of a fine of not more than five hundred dollars for each violation of the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such establishment to violate the provisions of the act, approved March 22, 1911, as amended.

Also: Senate Bill No. 121—An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act," approved May 10, 1919, as amended, relating to the provisions of this act in the enforcement of the provisions of the act, providing penalties for the violation of the provisions of the act, and for acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, horticultural or mechanical establishments.

Also: Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance of paychecks to minors, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can be cashed and providing penalties for the violation of the provisions of the act;

Also: Senate Bill No. 243—An act to add a new section to the Political Code, to be numbered section 2943, relating to the issuance and payment of paychecks to minors, and providing that the same must be payable upon demand, approved March 1, 1911, as amended.

Also: Senate Bill No. 231—An act to amend the provisions of an act entitled "An act to provide for and regulate primary elections, and providing for the choosing of the delegates for political parties to State Conventions and for electing electors of President and Vice President of the United States, and providing for the election of party county central committees, and to amend the act approved April 7, 1911, known as the Direct Primary Law, and also to amend the act approved December 21, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law; and also to amend the act approved June 16, 1913, and amended and approved May 29, 1917, and amended and approved April 8, 1919; and amended and approved May 31, 1927.

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined Senate Constitutional Amendment No. 17. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative

to taxation of marine insurers—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 220. An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities or public corporations and agencies;

Also: Senate Bill No. 371. An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining advocates, and advocating, requiring the filing of statements of money received and expended by such persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violation hereof;

Also: Senate Bill No. 747. An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain final injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Senate Bills Nos. 165, 220, 371 and 747 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 146. An act to amend the Code of Civil Procedure by adding a new section numbered 549a, providing for the release from attachment of real property owned by any person not a party to the action;

Also: Senate Bill No. 168. An act to amend section 689 of the Code of Civil Procedure, relating to the claims of third parties and indemnities to the sheriff, by providing for trial within ten days as to the ownership of property whenever a third party claim is filed under an attachment or execution;

Also: Senate Bill No. 409. An act to add a new section to be numbered section 1576a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange;

Also: Senate Bill No. 553. An act to amend section 537 of the Code of Civil Procedure, relating to attachment;

Also: Senate Bill No. 556. An act to amend the Political Code by adding thereto a new section to be numbered 2168a, providing for the arrest, without a warrant upon probable cause of alleged insane persons;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Senate Bills Nos. 146, 168, 409, 553 and 556, ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 524—An act to amend section 84 of the Civil Code, relating to children of

annulled marriages, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote—Ayes—9; noes—1; absent—5.

INMAN, Vice Chairman.

Assembly Bill No. 524 ordered on file for second reading.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Lyon:

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to add a new section to the Penal Code to be numbered 628a, relating to the protection of sardines.

Request referred to Committee on Rules.

#### ADJOURNMENT.

At one o'clock and twenty minutes p.m., on motion of Senator Ewood, the Presiding Senator declared the Senate adjourned until eleven o'clock a.m., Wednesday, March 6, 1929.

HAROLD J. POWERS, Minute Clerk.

### IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, March 6, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Brod, Carter, Cossady, Cresswell, Curren, Ewood, Crowley, Duval, Edwards, Evans, Fulton, Gifford, Gray, Harbo, Harbo, Johnson, Jones, Ray, Lyon, Maloney, McGowan, McKee, McLean, Miller, Muller, Nelson, Pedotti, Rochester, Sharkey, Slater, Swank, Tamm, Wagy, Weller, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 5, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Bryan from council of San Carlos.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Geo. W. Ashley of Stockton.



On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John T. Nourse, Associate Justice, District Court of Appeal.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert Chamness, mayor of Whittier; George W. C. Baker, president East Organization; Nowland M. Reid, city attorney, Long Beach, and Geo. L. Buck, city manager, Long Beach.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the pupils of the Sierra School of Sacramento as follows: Raymond Williamson, Roger Daniels, Billy Mayfield, Verla Beck, Herdis Young, Tessie Chacon, Victoria L. Eby, Dorothy Trebileox, Leone M. Arnold, Emily L. Williamson, Howard Topping, Robert Coe, Alderine Jennings, Fern Smith, Barbara Lillard, Harold Kibby, Bill Roland, Bill O'Neal, Betty Turner, Jane Hopkins, Louise Torgerson, Lucille Brown, Ruth Murphy, Evelyn Callisch, Betty Raynor, Dorothy Grisell, Barbara Haley, Robert Thrall, Fred Bryant, John Thomas, Natale Alberti, Betty Adams, Fonda Forbes, Jackson Rhoden, Alec Chappell, Margaret Gonzales, Esther Quinn, Laverne Doer, Opal Crutcher, Adeline Domingo, Thelma Warren, Beatrice Ward, Frances Latina, Mary Gilardi, Emily Baldwin, Catherine Moore, Margaret Burdick, Edith Wells, Louis Little, Paul Quinn, Franklin Kinsey, Earl Cart, Charles Weidenmar, Daniel Gonzales, Billy Weaid, Clayton Cash, Howard Escher, Joe Coffey, Jack Jurich, Raymond Arnold, Paul Rohrer, Gladys Neuman, Henry White, Walter Brandt, Bobby Turner, Eugene Murray, Elmore Zapffe, Robert Lefebure, Barbara Williams, Edna Kinman, Elizabeth Vilardi, Edna Stead and Gertrude Johnson.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gunther Grumm, 2702 Donner Way, Sierra School.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Coroner Aubrey Wilson of Contra Costa County, Mrs. Wilson, Miss Audra Wilson, and Miss Etta Shell of Richmond.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jacobs, principal of the Rio Vista Grammar School, and his pupils as follows: Geraldine Brown, Lloyd Schmidt, Gerald Brown, Thelma Nelson, Lucille Wood, Richard Braun, Franklin DeWitt, Joseph Macedo, Alzina Azevedo, Jean Bennett, Margaret Goodloe, Urzilla Garfield, Vaudine Smithers, Eugene Bishop, Arthur Vierra, Hart Kayabough, Muriel Jeffery, Gwendolyn Caffey, Inez Silva, Herbert Marrs, Edwin Emigh, Clyde Martin, Emery Church, Emmett Corbin, Robert Turney, Fred Williams, George Preston, Stanley Bennett, Alfred Williams, Betty Stewart, Mitsuko Nakahara, Martha Mayhood, Florence McCormack, Catherine Kellerman, Helen Hitchcock, Elaine Brown, Charlotte Kerr, Wilma Gover, Carolyn Gover and Dorothy Schmidt.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 17—Approving a certain

amendment to the charter of the city of Turlock entitled by the jointed action of said city at a special municipal election held pursuant to the general law of January, 1929.

ARTHUR A. OHNIMUS, Chief Clerk  
By HOWARD S. McINERRE, Assistant Clerk.

Senate Concurrent Resolution No. 17 ordered to engrossment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 497. An act to amend Section 740 of the Civil Code, relating to the termination of contracts.

Also: Assembly Bill No. 505. An act to amend Section 5 and to add an act entitled "An act to allow unincorporated cities and towns to accept and maintain a fire department," approved March 4, 1881, as amended, relating to the support thereof.

Also: Assembly Bill No. 608. An act relating to the termination of contracts in schools for the blind, schools for the deaf and the provision of education for the deaf, the blind or hearing the blind or the deaf-blind.

Also: Assembly Bill No. 633. An act to amend Section 927 of the Penal Code, relative to the grand jury.

Also: Assembly Bill No. 697. An act to amend Section 2246 of the Political Code, relating to county health control commissions.

Also: Assembly Bill No. 720. An act to amend Section 2 of an act entitled "An act to provide for the establishment of a board of county commissioners, the establishment hereof in the State District of Agriculture and the county boundaries, commissioners and defining their powers and duties in relation to the jurisdiction imposed from permitting the propagation of weeds and grasses, and the jurisdiction has been declared to be permanently free, hereby annulling the relation based on repealing "An act to prevent the propagation of certain weeds, enacted June 3, 1921," approved April 28, 1927.

Also: Assembly Bill No. 878. An act to amend Section 11 of an act entitled "An act to provide for the formation, construction, maintenance, strengthening, alteration and alteration of boundaries of sanitary districts in any part of the State, or the construction of sewers, septic tanks and cesspools, the establishment of districts, the acquisition of property therein, the rating and assessing of districts in such districts; the assessment, levying, collection, credits and adjustment of taxes thereon; the insurance, disposal and retention of the board of health, and the determination of their validity and making provision for the payment of any bonds, and the disposal of their proceeds," approved May 25, 1919, be amended.

ARTHUR A. OHNIMUS, Chief Clerk  
By HOWARD S. McINERRE, Assistant Clerk.

Assembly Bill No. 467 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 505 read first time, and referred to Committee on County Government.

Assembly Bill No. 608 read first time, and referred to Committee on Education.

Assembly Bill No. 633 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 697 and 720 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 878 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1004. An act to add a new section to the Political Code, to be numbered 2524b, relating to the property over which the Board of State Harbor Commissioners have possession and control and relating to the powers of said board.

Also: Assembly Bill No. 1012. An act to add a new section to the Penal Code, to be numbered 531a, relating to fraudulent conveyances.

ARTHUR A. OHNIMUS, Chief Clerk  
By HOWARD S. McINERRE, Assistant Clerk.

Assembly Bill No. 1004 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1012 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 13. An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee districts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts;

Also: Assembly Bill No. 23—An act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto to be numbered 1a, relating to the powers and duties of the State Board of Prison Directors;

Also: Assembly Bill No. 46—An act to amend section 1168 of the Penal Code, relating to sentences under the indeterminate sentence law and prescribing minimum terms of imprisonment to be served in certain cases where parole is granted;

Also: Assembly Bill No. 61—An act to amend section 636 of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 91—An act to amend section 1576 of the Penal Code, relating to salaries of prison employees;

Also: Assembly Bill No. 127—An act to add a new section to the Political Code, to be numbered 10417, relating to county jails;

Also: Assembly Bill No. 149—An act to amend section 737a of the Political Code, relating to the salary of the judge of the superior court of San Benito county;

Also: Assembly Bill No. 286—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad spurs, coastguards, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco, to create a sinking fund for the payment of said fund; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913.

ARTHUR A. GUNIMUS, Chief Clerk.

By HOWARD S. McVORRE, Assistant Clerk.

Assembly Bill No. 13 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 23 and 46 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 61 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 91 and 149 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 127 read first time, and referred to Committee on County Government.

Assembly Bill No. 286 read first time, and referred to Committee on Commerce and Navigation.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and ordered printed in the Journal:

*To the Members of the Senate and Assembly.*

In accordance with the provisions of section 34, article IV, of the State constitution, I propose at this time certain amendments to the budget and the budget bill as originally presented to you on January 8, 1929. The changes are few in number and except for two or three items are chiefly of a minor nature.

The items providing for the larger increases deserve some comment. In presenting the budget to the Legislature no provision was made for permanent improvements at the California School for the Deaf at Berkeley. This was purposely omitted until the legislative committee appointed to report upon the



needs of future development of the school had made its report. The report then calls for a careful study of the problems and a conference with the Department of Finance regarding the funding needs of this institution from the estimated tax sum of \$300,000 in the next biennium for beginning the reconstruction program. Therefore, an item of \$200,000 has been recommended for permanent improvement for this school.

The University of California has presented to us the situation existing for an increase in the budget appropriations for the support of the University because of unusual expenses which will have to be met during the next biennium in connection with the removal of the university to Los Angeles by the end of the next session. For this reason an increase of \$100,000 has been recommended for the support of the university.

Upon the recommendation of the Department of Public Works the special levy for acquiring and construction of additional lands for irrigation, water, flood control, irrigation, reclamation, and power is presented to the Senate and the San Francisco and Feather rivers has been reduced by \$200,000 and the special levy for drainage, reclamation, operation and emergency protection of the Sacramento flood control project has been increased \$50,000. This does not result in any increase in the budget.

At the House for the Adult Blind Commission action is taken on the basis of the shop of that institution is situated in an old building frame building in which the blind are working on the second floor. There is much of danger of fire which might result in a serious loss of life if the condition is not immediately remedied. An item of \$10,000 for the construction of a frame of building with workshop on the ground floor is recommended.

A deduction of \$11,800 is recommended from the support appropriation for the State Board of Equalization. A letter has been received from the Board of Equalization stating that this amount can be saved from their direct expenses in making the general franchise tax assessments under the new law and would be deducted from their budget.

In the original budget request of the Board of Equalization approximately \$100,000 additional was requested to provide for the additional work required for the contemplated new form of taxation. This amount added to the sum of \$11,800, which the Board of Equalization stated would be saved, would have amounted to \$120,000. It is believed, with the contribution made by the Board of Equalization and the Controller that expenses in connection with the new form of tax can be kept within \$100,000 and an item of \$100,000 is recommended for the support of the Tax Commissioner's office.

An opportunity has been presented by the county of Sacramento whereby the State may acquire approximately 6000 acres of land adjoining the State Fair grounds in Sacramento. This land has been appraised by valuers at approximately \$1500 per acre, but through an agreement with the Sacramento County Board of Supervisors the land is offered to the State at the price of \$1000 per acre. We believe that this land should be acquired and have recommended an increase of \$14,250 for this purpose.

At the request of the Department of Institutions the entire appropriation item for the Norwalk State Hospital have been decreased \$15,000 and the same amount item for Patton State Hospital increased \$15,000. Since the budget was completed it has been found that funds are available to the present biennium for completion of certain work at the Norwalk State Hospital which had been contemplated for the ensuing biennium. At the request of the Department of Institutions these changes in the budget items have been made. The changes do not result in any increase in the total budget.

An increase of \$14,000 is recommended for the support of The Adjutant General and the National Guard to provide for two new National Guard units. The Adjutant General of the State has presented a statement of the need of such units and we believe the increased amount should be provided to take advantage of corresponding provision made by the United States government.

The Department of Natural Resources has presented to us the fact that by the acquisition of park sites under the recent bond issue, the cost of investigation and survey of available sites is provided for only in case that the State requires title to contemplated sites. If the sites are rejected, no provision is made to pay the cost of investigation. An item of \$40,000 has therefore been recommended to provide for the expenses in connection with the investigation of those sites.

An opportunity presents itself to the State to acquire at a very reasonable price three parcels of land needed to provide additional area for the San Quentin Prison. The acreage now owned by the State has long been recognized as inadequate but heretofore there has been no additional land available at a satisfactory price. We believe that advantage should be taken of the present opportunity and have recommended an item of \$54,000 for the purchase of the land.

I submit herewith a detailed list of the amendments at this time recommended to you. Amendments which modify the language of the budget bill without changing the amounts appropriated have not been included in this tabulation. The proposed amendments to the budget bill are presented in a special document herewith.

## INCREASES.

Page		
3	Supreme Court: Support	\$5,800 00
4	First District Court of Appeal: Support	1,500 00
6	Third District Court of Appeal: Support	600 00
10	Controller: Support	2,400 00
52	State Agricultural Society: Purchase of land	14,250 00
56	Department of Industrial Relations: Support	6,000 00
92	Patton State Hospital: Minor construction, improvements and equipment	15,000 00
114	Industrial Home for the Adult Blind: Construction of broom shop	40,000 00
115	California National Guard and Adjutant General's office: Support	14,000 00
136	Department of Natural Resources, Division of Parks: Expenses connection with acquisition and survey of park sites	40,000 00
148	San Quentin Prison: Purchase of land	54,000 00
160	Department of Public Health: Aid to mosquito abatement districts	10,000 00
164	Department of Public Works: Completion of John Muir Trail	10,000 00
173	Department of Public Works: Special appropriation for maintenance, operation and emergency protection of the Sacramento flood control project	50,000 00
207	University of California: Support	150,000 00
220	San Jose State Teachers College: Minor construction, improvements and equipment	4,000 00
222	Santa Barbara State Teachers College: Minor construction, improvements and equipment	4,000 00
229	California School for the Deaf at Berkeley: Major construction, including boys' dormitory, girls' dormitory, dining room, kitchen and commissary building and installation of new boiler	300,000 00
	Tax Commission: Support	100,000 00
		<hr/> \$821,550 00

## DECREASES.

12	State Board of Equalization	\$11,800 00
89	Norwalk State Hospital: Minor construction, improvements and equipment	15,000 00
		1,800 00
114	Industrial Home for the Adult Blind	
173	Department of Public Works: Special appropriation for acquiring and constructing additional works in connection with flood control, irrigation, reclamation and power development on the Sacramento, San Joaquin and Feather rivers	50,000 00
		<hr/> 78,600 00

Net increase

\$742,950 00

Respectfully submitted.

C. C. YOUNG, Governor.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Lyon to introduce a bill entitled—An act to add a new section to the Penal Code to be numbered 628m, relating to the protection of sardines—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership 5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young 36.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

The following bill was introduced:

By Senator Lyon: Senate Bill No. 811—An act to add a new section to the Penal Code to be numbered 628*m*, relating to the protection of sardines.

Bill read first time, and referred to Committee on Fish and Game.

## REPORTS OF STANDING COMMITTEES—RESUMED

The following reports of standing committees were received and read:

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred Senate Bill No. 294—An act providing for the parole of prisoners confined to prison, creating boards of parole conditional release, to hold the inmates and others, dividing the duties and duties of such boards, and reporting with your gifts of money under the authority.

Also: Senate Bill No. 675—An act to amend section 331 of the Penal Code relating to pawnbrokers;

Also: Senate Bill No. 677—An act to amend section 331 of the Penal Code, relating to pawnbrokers;

Has had the same under consideration, and recommends that the same be passed with amendments, and recommends that the amendments be passed, and be transmitted in this manner:

Committee membership—15; committee vote—Ayes—10; yeas—5.

LYMAN, Vice Chairman.

Senate Bills Nos. 294, 675, and 677 ordered on file for second reading.

ON DRAINAGE, SWAMP AND RECLAMATION LAWS.

SENATE CHAMBER, SACRAMENTO, March 5, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamps and Reclamation Laws, to which was referred Assembly Bill No. 545—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as the Reclamation District No. 1500, in California, and the subsequent amendments thereto, and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500, providing for the liquidation and winding up of said district districts and continuing same, and levee district, swamp land district and reclamation district, and providing for the liquidation of said Reclamation District No. 1500, approved April 30, 1917, as amended, relating to the creation of said district, and the duties of the trustees of said district, and to the other and providing for the liquidation of the said district, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote—Ayes—3; yeas—2.

MCCORMACK, Chairman.

Assembly Bill No. 545 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tridelands heretofore made to the city of Newport Beach—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote—Ayes—9.

FELLOM, Chairman.

Senate Bill No. 315 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 189—An act to define private or individual game hunting clubs, to regulate their operation and maintenance, and to clothe the Fish and Game Commission with



power to exercise jurisdiction thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—15.

YOUNG, Chairman.

Senate Bill No. 189 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended;

Also: Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish;

Also: Senate Bill No. 287—An act to add a new section to the Penal Code, to be numbered 637a, relating to trapping of game;

Also: Senate Bill No. 285—An act to amend section 626o of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 411—An act to amend section 7 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," approved May 27, 1927;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bills be re-referred to the committee;

Committee membership—15; committee vote: Ayes—15.

YOUNG, Chairman.

Senate Bills Nos. 453, 251, 287, 285 and 411 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections;

Also: Senate Bill No. 226—An act remising, releasing and quitclaiming to The Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said The Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State Normal School,' approved March 14, 1881, abolishing the branch of the State Normal School at Los Angeles, transferring its properties to The Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said The Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act;

Also: Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education or to The Regents of the University of California;

Also: Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value;

Also: Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section;

Also: Senate Bill No. 247—An act to amend section 1188 of the Political Code, relating to independent nominations;

Also: Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter.

Also: Senate Bill No. 219—An act to amend section 4264 of the Political Code relating to the salaries of county officers of counties of the thirty-fifth class.

Also: Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions.

Also: Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class. And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### REPRESENTATIVE OF SENATE BILL.

Senator Inman asked unanimous consent to withdraw Senate Bill No. 548 from Committee on Finance, and transfer to Committee on Drainage, Swamp and Overflowed Lands.

Unanimous consent granted, and such was the order.

#### REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Nelsen

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation.

Request referred to Committee on Rules.

Also:

By Senator Merriam:

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 5 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines dying without having sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties.

Request referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 233—An act to amend sections 5, 26, 31, 36, 45, 48, 49, 56, 58 and 60 of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, cooling devices, gas heaters and ventilation.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the comma following the figure "5" and before the figures "26", add "11."

Amendment adopted.

#### AMENDMENT NUMBER TWO.

In the last line of the title of the printed bill, after the word "gas" and before the word "heaters" in said line, insert the word "water".

Amendment adopted.

#### AMENDMENT NUMBER THREE.

In the last line of the title of the printed bill, after the word "heaters" and before the word "ventilation", strike out the word "and", and insert in lieu thereof "gas stoves."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In the last line of the title of the printed bill, after the word "ventilation", strike out the period, and insert in lieu thereof "porches in dwellings and yards."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 9, of the printed bill, after the period and before the word "Sec.", in line 10 thereof, add the following:

"SEC. 2. Section 11 of said act is hereby amended to read as follows:

Sec. 11. A building shall not be erected behind another building or structure and there shall not be placed a building or structure in the front of a building unless the rear building shall have left an open, clear and unobstructed space not less than ten feet in width, extending from the front of the rear building to the front line of the lot bordering on the street, and if said front building or structure is more than two stories in height such open and unoccupied space shall be increased two feet in width open, clear and unobstructed to the sky for each additional story thereof; *provided, however*, that if such rear building is to be designed, built or used as a dwelling, or an apartment house not more than two stories in height, accommodating not more than two families on the second story thereof, such passageway need not be maintained if the rear building has unobstructed access to a street other than the street fronting the lot, or to an alley not less than ten feet in width; *provided, however*, that where there are only two buildings on the same lot and both of said buildings are one story dwellings accommodating not more than two families in each dwelling, such passageway may be reduced to five feet."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 10, of the printed bill, after the period after the word "Sec.", strike out the figure "2", and in lieu thereof insert the figure "3".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 41, of the printed bill, after the word "ducts" and before the word "be", strike out the word "may", and insert in lieu thereof the word "shall".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 46, of the printed bill, after the word "than", strike out the words "thirteen sixteenths", and insert in lieu thereof "twenty-five thirty-seconds (25/32)".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 48, of the printed bill, after the word "intake" and before the word "be", strike out the word "may", and insert in lieu thereof the word "shall".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 4, of the printed bill, strike out the period after "ments", and insert in lieu thereof the words "or rooms".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 5, of the printed bill, after the period after the word "Sec.", strike out the figure "3", and in lieu thereof insert the figure "4".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 52, of the printed bill, after the period following the word "feet", add: "Windows required by this act for rooms in dwellings hereafter erected shall not open through a roofed porch unless such roofed porch about a street, yard, or court, and such roofed porch shall be designed and constructed with one side or end open and unobstructed except the usual rails and balustrades and similar necessary structural features, and such open and unobstructed portion shall be at least fifty per cent open and unobstructed measured between the floor and underside of roof, and every such porch shall have a ceiling height of not less than seven feet."

Amendment adopted.



## AMENDMENT NUMBER SEVENTEEN

On page 4, line 9, of the printed bill, after the period following the word "Sec.", strike out the figure "4", and in lieu thereof insert the figure "5".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN

On page 4, line 32, of the printed bill, after the word "and" and before the word "and", insert the word "and".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN

On page 4, line 32, of the printed bill, after the words "water closet" and before the word "for", strike out the words "and sink".

Amendment adopted.

## AMENDMENT NUMBER TWENTY

On page 4, line 32, of the printed bill, strike out the period after the word "therein", and insert in lieu thereof "and access thereto to every such dwelling shall be provided with a kitchen sink."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE

On page 4, line 35, of the printed bill, after the word "house", strike out the words "or hotel", and insert in lieu thereof "or hotel, or dwelling".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO

On page 5, line 1, of the printed bill, after the period following the word "Sec.", strike out the figure "5", and insert in lieu thereof the figure "6".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE

On page 5, line 3, of the printed bill, after the word "every" and before the word "apartment", add "apartment house hereafter erected three or more stories in height, and every".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR

On page 5, line 6, of the printed bill, after the word "every" and before the word "hotel", insert "hotel hereafter erected three or more stories in height, and every".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE

On page 5, line 6, of the printed bill, after the word "two" and before the word "stories", strike out the words "or more".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX

On page 5, line 9, of the printed bill, after the word "apartment", beginning with the word "in", strike out the balance of line 9 and all of lines 10, 11 and 12, and insert in lieu thereof "and no guest room shall have not less than two means of egress to the floor next below and to a street or to a yard or court having unobstructed access to a street or public alley. Such means of egress shall be either stairways or fire escapes constructed in accordance with the provisions of this act."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN

On page 5, line 17, of the printed bill, strike out the paragraph beginning with the word "Access" and including the period after the word "times" in line 21.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT

On page 5, line 35, of the printed bill, after the period following the word "Sec.", strike out the figure "6", and insert in lieu thereof the figure "7".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 5, line 37, of the printed bill, after the word "house" and beginning with word "hereafter" strike out the rest of line 37 and lines 38 and 39 to and including the word "every" before the word "hotel" in line 39, and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 5, line 52, of the printed bill, after the word "ladder" and before the word "leading" add the words "not less than twenty inches wide and rungs not more than twelve inches apart".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 6, line 25, of the printed bill, after the period following the word "See" strike out the figure "7", and insert in lieu thereof the figure "8".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 6, line 35, of the printed bill, after the period following the word "See" strike out the figure "8", and insert in lieu thereof the figure "9".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 6, line 48, of the printed bill, after the word "than" and before the word "of" in line 49, strike out "(thirteen-sixteenths (13/16))", and insert in lieu thereof "twenty-five thirty-seconds (25/32)".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 7, line 20, of the printed bill, after the word "walk" and before the word "or" strike out the word "in", and in lieu thereof insert the word "into".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 7, line 31, of the printed bill, before the word "inch" strike out the word "one", and insert in lieu thereof "one-half".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 7, line 48, of the printed bill, after the period following the word "See" strike out the figure "9", and insert in lieu thereof the figures "10".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 8, line 16, of the printed bill, after the word "of" and before the word "inch" strike out "(thirteen-sixteenths (13/16))", and insert in lieu thereof "twenty-five thirty-seconds (25/32)".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 8, line 17, of the printed bill, after the word "matched" and before the word "boards" strike out the word "redwood".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 8, line 23, of the printed bill, after the word "metal" strike out the words "or metal covered sash", and insert in lieu thereof "and or metal or metal covered frames. Wherever wired glass is required it shall be retained in place by metal covered stops or metal glazing angles."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 8, line 29, of the printed bill, after the period add "No combustible materials shall be used in hanging the door or its fittings."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN

On page 8, line 39, of the printed bill, after the word "kitchen" strike out the rest of line 39 and lines 40 to 47, so read including the word "kitchen" on line 47, and insert in lieu thereof "and be provided with a gas pipe which may be connected with a gas supply from the main gas supply in the building, and the gas pipe shall be connected to a suitable vent, chimney, or flue for gas outlet, and the gas outlet shall be either a terra cotta patent chimney or equivalent of masonry, for 104 inches minimum, and be provided with a suitable cap, and shall be so constructed as to prevent any draft of wind therefrom which will interfere with the proper functioning of the chimney."

## Amendment adopted.

## AMENDMENT NUMBER THIRTY-EIGHT

After line 53, page 8, of the printed bill, and before line 1, page 9, of the printed bill, add the following:

"In the kitchen of every building hereafter erected there shall be provided a flue vent, or chimney similar to that in the case of a gas pipe, and the gas outlet shall be connected to the kitchen adjacent to the gas outlet, and the flue of the gas outlet shall be connected to such flue vent, or chimney, and shall be so constructed as to prevent a draft of wind from the flue vent, or chimney, and the flue vent, or chimney, shall be either a terra cotta patent chimney or equivalent of masonry, for 104 inches minimum, and be provided with a suitable cap, and shall be so constructed as to prevent any draft of wind therefrom which will interfere with the proper functioning of the chimney."

## Amendment adopted.

## AMENDMENT NUMBER THIRTY-NINE

On page 9, line 1, of the printed bill, after the word "kitchen" strike out the figures "10", and insert in lieu thereof the figures "11".

## Amendment adopted.

Bill read second time, ordered to print and referred to Committee on Public Health and Quarantine.

Senate Bill No. 487—An act to provide for the establishment and maintenance of convalescent tuberculosis department or division and preventorium, defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor.

Bill read second time, ordered engrossed, and re-referred to Committee on Finance.

Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages.

## COMMITTEE AMENDMENT

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE

On page 1, line 4, of the printed bill, after the period following the figure "50" strike out the rest of page 1 and all of page 2, and insert in lieu thereof:

"No automobile or other motor vehicle shall be placed or stored in an apartment house or hotel hereafter erected except under the following conditions:

When the total space of any floor to be used for such purpose is one thousand (1000) square feet or less the enclosing walls of such space shall be of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or any 10 or not less than four (4) inches thick or may be of wood studs covered on the outside with side by not less than twenty five (25) second (25-32) inch boards with one thickness of asbestos paper and one thickness of 1/2 inch lath and plaster, and one thickness of 1/2 inch metal lath and plaster. The ceiling of such space shall be lathed only with metal lath and shall be well plastered not less than one and one-half (1 1/2) inch thick, or such ceiling may be of masonry. The floor of such space shall be of reinforced concrete or masonry not less than two (2) inches thick. Every door, window, or other opening in the walls of such space opening in any other portion of the building shall be protected in the same manner as required by this act for doors, windows, or other openings in a boiler room.



When the total space of any such floor to be used for such purpose exceeds one thousand (1000) square feet and does not exceed four thousand (4000) square feet no compartment in such space shall exceed two thousand (2000) square feet, unless such space conforms to the requirements for spaces exceeding four thousand (4000) square feet. The partitions and enclosing walls of such space shall be constructed as in this section provided for a space not exceeding one thousand (1000) square feet. The ceilings thereof shall be constructed of a double ceiling and each such ceiling shall be lathed only with metal lath and plastered not less than three-quarters ( $\frac{3}{4}$ ) inch thick and shall have a space between the two ceilings of not less than six (6) inches measured vertically and the lower ceiling shall be suspended with metal; or in lieu of the metal lath and plastered ceilings such ceiling may be constructed of masonry not less than three (3) inches thick. The floor of every such space shall be of masonry not less than three (3) inches thick. Every door in any wall of such space opening to any other portion of the building and every door in any partition shall be self-closing. Every door, window, or other opening in any partition and any door, window, or other opening in any wall opening into any other portion of the building shall be protected in the same manner as required in this act for openings in a boiler room.

When the total space on any floor to be used for such purpose exceeds four thousand (4000) square feet the partitions and enclosing walls of such space shall be built of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than eight (8) inches thick. The ceiling of every such space shall be of masonry not less than three (3) inches thick. The floor of every such space shall be of masonry not less than three (3) inches thick. No door or other opening leading from such storage space to any other portion of the building shall be allowed unless there is provided a vestibule with enclosed walls continuous with and of the same construction and thickness as the enclosing walls of the storage space, and the vestibule openings from the interior of the building shall be equipped with metal lined doors.

Every space in a building hereafter erected in which automobiles or other motor vehicles are placed or stored shall be provided with ventilation as follows:

When the total space on any floor to be used for such purpose is four thousand (4000) square feet or less, such space shall be provided with ventilation outlets in the walls thereof.

The total areas of such ventilating outlets shall be as follows: For a space of one thousand (1000) square feet or less, two hundred (200) square inches. For each additional space of two hundred (200) square feet over one thousand (1000) square feet this area shall be increased fifty (50) square inches until the total area becomes five hundred twenty-five (525) square inches, which shall be the maximum required for a space of not more than four thousand (4000) square feet.

The top of the ventilating outlets shall be not more than eighteen (18) inches above the floor. Such outlets shall be protected with galvanized wire or rods not less than three-eighths ( $\frac{3}{8}$ ) inch in diameter so as to provide openings of one-half ( $\frac{1}{2}$ ) inch mesh.

Protections of ornamental design may be used provided they are galvanized and have a strength equal to that of the rods. All protections shall be firmly anchored in or secured to their supports. All ventilating outlets shall lead directly to a free and unobstructed circulation of air; but shall not lead into inner courts.

All natural ventilating outlets shall be arranged so that there will be at least one outlet in each of two opposite walls of said garage and not less than one-half ( $\frac{1}{2}$ ) of the total area of outlets required shall be provided in each of such walls. The free circulation of air between ventilating outlets shall be maintained.

When the total space on any floor to be used for such purpose has a floor area of over four thousand (4000) square feet, a mechanical exhaust ventilation system shall be provided. This system shall consist of power-driven exhaust fan or fans of the positive centrifugal type and shall have sufficient capacity to exhaust a quantity of air equal to not less than six times the cubic contents of such space each hour. This mechanical exhaust shall be drawn from a point not more than eighteen (18) inches above the floor line and shall be evenly distributed over the entire area in which automobiles are stored. The fan discharge shall be taken to a point above the roof of the building or to the outer air at a point not less than twenty (20) feet from any window in the building or any adjoining building.

No portion of any apartment house or hotel hereafter erected shall be used as an auto repair shop or machine shop, auto sales room, auto top and upholstering shop, accessory shop, or battery repair shop unless such space conforms to the requirements for a motor vehicle storage space in excess of four thousand (4000) square feet as provided in this section.

No portion of any apartment house or hotel hereafter erected shall be used as a paint shop or store, gasoline or oil service station or store, or vulcanizing shop."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 415—An act providing for the protection of water sheds against forest fire, and providing an appropriation therefor.

Bill read second time, and re-referred to Committee on Finance.

Senate Bill No. 417—An act providing for an investigation into methods of sewage and wastes disposal and treatment, and providing an appropriation therefor.

Bill read second time, and re-referred to Committee on Finance.

Senate Bill No. 51—An act to amend section 284a of the Penal Code, relating to the protection of native trees, shrubs and plants.

#### COMMITTEE AMENDMENT

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE

In the second line of the title of the printed bill, after the word "and" strike out the word "plants", and insert in lieu thereof the words "trees". In line 2 strike out after the letter "a" following the digits 284a, beginning with the word "Every" all of page 1 of the printed bill and insert in lieu thereof the following:

"Every person who within the State of California, willfully or maliciously destroys, mutilates, or removes any native tree, shrub, or portion of any native tree or shrub, or any fern, growing upon state or county lands, or government land, or every person who for commercial purposes, wilfully or maliciously destroys, mutilates or removes any native tree, shrub, or portion of any native tree or shrub, or any fern, growing upon land not his own, without a written permit from the owner of the land signed by such owner to be lawfully made, and every person who knowingly sells, offers, or exposes for sale any native tree or shrub, or portion of any tree or shrub, or any fern, so cut or removed from state or county lands or rights of way, or removed from land not owned by the person who cut or removed the same without a written permit from the owner of the land signed by such owner or his authorized agent, shall be guilty of a misdemeanor, and every violation thereof shall be punished by a fine of not more than two hundred dollars or by imprisonment in a county jail for not more than six months, or by both such fine and imprisonment.

Any county or state fire warden, or any peace officer of the State of California, shall have full power to enforce the provisions hereof, and to remove, cut and sell such shrubs, trees, or parts thereof, or any fern, wilfully cut or removed or knowingly sold, offered or exposed for sale as hereinafter provided.

The provisions of this act shall not be construed to apply to any native tree or shrub which is declared by law to be a public nuisance."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Senate Bill No. 521—An act to amend sections 2419a, 2419b and 2419c of the Political Code, relating to the duties of the State Commissioner of Horticulture.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 1, line 13, of the printed bill, strike out the words "statistics and other", and insert in lieu thereof the following: "and prepare statistics, charts, films, photographs and other illustrative or exhibit material and".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 26, of the printed bill, strike out the word "or", and insert in lieu thereof the following: "; charts, photographs or other illustrative material or".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 28, of the printed bill, strike out the period in said line and insert in lieu thereof the following: "; and may broadcast by radio such portions

thereof as are adapted to give effect to the provisions of this section and may exhibit or display such data and material as have been collected or prepared."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 22, of the printed bill, strike out the word "which" and all following lines down to and including line 31 on page 2, and insert in lieu thereof the following: "and may enter into cooperative agreements with associations, boards of supervisors of counties or cities and counties, and with other departments, divisions, bureaus, boards or commissions of the State of California, and with the United States department of agriculture or with other departments of the United States government for the purpose of eradicating, controlling or destroying within this state any infectious disease, insect or other animal pest or noxious weed, dangerous to any article or to the interests of the agricultural industry of this state."

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 52, of the printed bill, strike out the word "state".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3, line 1, of the printed bill, strike out the word "state".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 3, line 5, of the printed bill, strike out the word "state".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 4 of the printed bill, after line 31, insert the following:  
"SEC. 4. Inasmuch as this act concerns, and is necessary to the immediate protection of the public health and safety, for the reason that it is important that at the earliest possible date the state department of agriculture initiate and carry on the work of destroying injurious agricultural pests, which at present are endangering the agricultural industry in certain sections of the state, this act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Senate Bill No. 527—An act to amend section 2322a of the Political Code, relating to county horticultural commissioners.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"An act to amend sections 2322a, 2322b, and 2322c of the Political Code, relating to county horticultural commissioners."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, strike out the words "injurious to fruits, plants, vegetables, trees, or vines,".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 4, lines 28 and 29, of the printed bill, strike out the consecutive words "known to be injurious and a menace to the agricultural industry of this state".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 5 and following line 11, of the printed bill add the following:

"Sec. 2. Section 23224 of the Political Code of the State of California is hereby amended to read as follows:

23224. (1) This act shall in no wise affect any other act or acts providing for the destruction of ground squirrels or other animal pests, or applying to the proceedings thereunder, but it is intended to and does provide the alternative system of proceedings for the extermination or control of ground squirrels or other animal pests referred to in this act, and it shall be within the discretion of the governing body of each county, city and county, city or town, to provide for the extermination or control of ground squirrels or other animal pests, whether under the provisions of this act or under the provisions of such other act or acts; but when such proceedings are commenced under this act, the provisions of this act and of such amendments may hereafter be adopted and no other shall apply to all such proceedings, and any provision contained in any other act or acts in conflict with the provisions of this act shall be void and of no effect as to the proceedings commenced under the provisions of this act.

Sec. 3. Section 23222 of the Political Code of the State of California is hereby amended to read as follows:

23222. Said county, city and each legally incorporated horticultural commission and each duly authorized county commissioner shall, in and to the said county, perform all the duties delegated to a quarantine guard as in an act entitled "An act to provide for the prevention of insects, plants and fungi, and the introduction into the state of insects or diseases, or animals, reptiles or birds, in fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty," providing that said act shall be a misdemeanor, and shall be amended by adding and repealing that certain act entitled "An act for the prevention of horticultural insects and to prevent the introduction of insects, plants and fungi, and to provide for a quarantine for the enforcement of this act," approved March 31, 1912, and January 2, 1912, and amendments thereto, and each such county, city, horticultural commissioner and duly qualified horticultural inspector shall, in his county, be the enforcing officer of such quarantine and commission, and shall plant quarantine and to the prevention of the introduction or spread of injurious insect or animal pests or plant diseases or noxious weeds as mentioned in or promulgated pursuant to the provisions of section 23224, and such county, city, horticultural commissioner and duly qualified horticultural inspector shall be under the supervision, control and direction of the director of agriculture.

The director of agriculture shall and he is hereby authorized and empowered to exercise supervision and control over the quarantine guards in the various counties of the state in the performance of their duties pertaining to the introduction of fruits, vegetables and other plant products, and to the prevention of insect introduction into the state, and dissemination within the state of such insects, plants and other animal pests, and noxious weeds; and the director of agriculture shall be and is hereby empowered to remove upon appeal all such of the said quarantine guards which the said director of agriculture is authorized to remove and remove them from this section for participation in any such violation of such duties, and the commissioners shall carry out their respective duties of such matters under the direction of the director of agriculture as the chief executive officer under the provisions of this act, which officer is hereby created without additional compensation.

In all cases arising under the provisions of this section, any interested party aggrieved thereby may appeal in writing from the said commissioner to the director of agriculture within five days after notice of action is given and received. The director of agriculture shall hear such appeal within ten days after appeal is filed upon due notice to all interested parties and his decision shall be final. Pending appeal, action by said commissioner on case under appeal shall be suspended to said director. The refusal of any commissioner to carry out his duties and obligations of the director of agriculture, in reference to such matters, shall be deemed neglect of duty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 750—An act to regulate and control the operation of aircraft; to provide for the licensing thereof and of the operators thereof; to provide rules and regulations for the conduct thereof; to fix fees, fines and forfeitures in connection therewith and provide for the disposition thereof.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out that portion of line 1, beginning with the word "every", all the balance of the line and all of lines 2 to 5, inclusive, and insert in lieu thereof the following: "Whenever used in this act the following terms shall have the meanings herein set forth:

(a) The term "aircraft" shall mean any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(b) The term "air navigation facility" shall include any airport, emergency landing field, light or other signal structure, radio direction finding facility, radio or other electrical communication facility used as an aid to air navigation.

(c) The term "airport" shall mean any locality, either of water or land, which is adapted for the landing or taking off of aircraft and which provides facilities for shelter, supplies and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

(d) The term "airman" shall mean any individual, including the person in command, and any pilot, mechanic, or other member of the crew, who engages in the navigation of any aircraft while in motion, and any individual inspecting, overhauling or repairing any aircraft.

(e) The term "federal license" shall mean, as the case may be, a valid, unrevoked and unsuspended aircraft certificate or airman certificate issued by the secretary of commerce, or other officer of the United States under the authority of any act of the congress thereof and of any lawful rules or regulations now or hereafter issued thereunder.

(f) The term "division" shall mean the division of motor vehicles of the department of public works of the State of California.

(g) The term "person" shall mean every natural person, firm, copartnership, association or corporation.

SEC. 2. Sovereignty in the space above the lands and waters of this state is hereby declared by the Legislature to rest in the state except where granted to and assumed by the United States, pursuant to a grant from the people of this state.

SEC. 3. The ownership of the space above the lands and waters of this state is hereby declared to be vested in the several owners of the surface beneath, subject to the right of flight thereover as in this act described.

SEC. 4. Flight in aircraft over the lands and waters of this state is hereby declared to be lawful unless at such a low altitude as to interfere with the then existing uses to which the lands or waters, or the space over the lands or waters, are put by the owner thereof, or unless so conducted as to be imminently dangerous to owners of property lawfully on the land or waters beneath.

SEC. 5. It shall be lawful for any person to navigate any aircraft within the State of California if it is licensed and registered under the laws of the United States or any regulations made pursuant thereto, but it shall be unlawful for any person to navigate any aircraft within the State of California unless it is so licensed and registered.

SEC. 6. It shall be lawful for any person to operate or participate in the operation of any aircraft within the State of California or to act as an airman in connection therewith if such person is licensed and registered under the laws of the United States, or any regulations made pursuant thereto, but it shall be unlawful for any person to act as an airman in any capacity except that for which he is licensed under the laws of the United States, or any regulation adopted pursuant thereto.

SEC. 7. Any person or any city, city and county, county, or other political subdivision of the state, having management or control of any airport or air navigation facility, may establish rules or regulations governing the use of the same, but shall not establish any rule or regulation, whether by law, regulation or otherwise, inconsistent with or contrary to the provisions of this act, or of any act of the United States, or any regulation established pursuant thereto.

SEC. 8. It shall be the duty of the division and all officers thereof to enforce the provisions of this act.

SEC. 9. The chief of the division shall have the power and duty to make and enforce all necessary and proper regulations to carry into effect the provisions of this act.

SEC. 10. All officers appointed by the chief of the division under the provisions of the California vehicle act, approved May 30, 1923, as amended, having police powers, and such other persons as may from time to time be appointed by the chief of the division, shall have the powers of peace officers for the purpose of enforcing the provisions of this act.

SEC. 11. Any person violating any of the provisions of this act hereinbefore set forth shall be guilty of a misdemeanor and upon conviction thereof shall be fined not

more than one thousand dollars (\$1,000.00), or be imprisoned for not more than six (6) months, or be punished by both such fine and imprisonment.

SEC. 12. It shall be unlawful for any person who is an authorized user of narcotic drugs, or who is under the influence of intoxicating liquor, or of any narcotic drug, to navigate any aircraft in this state. Any person violating the provisions of this section shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for not less than one (1) year, and more than five (5) years.

SEC. 13. Except as otherwise provided in this act, no city, county, city and county, or other subdivision of this state, shall lawfully construct, regulate, maintain, or otherwise, license a craft or aircraft, or provide for the registration thereof, or prescribe any air traffic rules to govern the operation of aircraft in flight on the use of airports, emergency or other landing fields, or on any other manner, incident to or incident the operation of aircraft, the Legislature hereby declaring that the government of the State of California has, to the exclusion of all political subdivisions thereof, complete sovereignty of the air space over all lands and waters in the State of California, hereby reserving complete and exclusive legislative jurisdiction concerning the same, and hereby declaring that it has, by the adoption of this act, intended to fill and has filled completely the field of legislation relative to the navigation of aircraft.

SEC. 14. The act entitled "An act concerning the registration, licensing and use of aircraft, and licenses of operators thereof," approved June 3, 1925, as amended, is hereby repealed.

SEC. 15. If any section, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases, be declared unconstitutional.

SEC. 16. This act shall be known and cited as the "California air navigation act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 525.—An act to amend section 41 of "The California Vehicle Act," relating to certificates of registration and display of certificate of registration, approved May 30, 1924, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, after the words, insert the following: "or data as contained on the certificate of registration."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 18, of the printed bill, strike out the word "and."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed bill, strike out the word, and insert in lieu thereof a comma and the following language: "On 14 has placed the data as contained on the certificate of registration."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 25, of the printed bill, beginning with the word "whenever", strike out all of lines 25, 26 and 27 and all of lines 1, 2, 3, 4, 5, 6 and 7 on page 2, and insert in lieu thereof, the following: "Whenever a vehicle is first registered hereunder the division shall issue a suitable certificate along with the certificate of registration, which is to be placed in such container and a metal seal, which shall contain the serial number assigned to the owner or the data contained in the certificate of registration, and said seal shall be securely fastened to the vehicle. In the case of a motorcycle, trailer or semitrailer, it shall be fastened in plain sight on the vehicle or carried in the tool bag or other convenient receptacle. When the



container is not sealed to the vehicle, motorcycle, trailer or semitrailer, the metal seal shall be wrapped around the frame or securely locked to some permanent part."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 577—An act to amend section 159 of an act entitled "California Vehicle Act," approved May 30, 1923, relating to the distribution and expenditure of funds provided by said act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the word "person", and insert in lieu thereof "firm."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the words "in blocks".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 26, of the printed bill, after the word "him" insert the following: "having a name raising the presumption hereinafter mentioned".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out that part of line 33 following the semicolon, all of line 34 and that part of line 35 to the word "provided".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 6 to 8, inclusive, and insert in lieu thereof "or any officer or director thereof, shall establish, open, or conduct a branch, or agency other than its principal place of business in this state, without first having obtained the written".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, strike out the words following the word "branch" and the following: "which system, however, may be given or declined at his discretion, and shall not be given by any state or territory or by any nation, in fact that the public convenience and advantage will be promoted by the opening of such branch", and insert in lieu thereof the following: "of agency".

## Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 11 of the printed bill, after the word "commenced" insert the following: "with a greater or equal stock, or a permanent non-redeemable common stock".

## Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 22, of the printed bill, after the initial to which has been the following sentence: "Provided, further, nothing in this act shall prevent a mutual building and loan association without government charter, or without non-redeemable capital stock from acquiring, constructing and conducting a branch with the written consent of the building and loan association here and obtained, providing such mutual building and loan association shall thereafter annually set by its trustees fund out a part of its net profits in addition to the amount required by section 641 of the Civil Code."

## Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 27, of the printed bill, strike out the word at the end of the line, and insert in lieu thereof a comma and the following: "and said branch shall continue in force and effect until success by the building and loan association for same."

## Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 2 of the printed bill, strike out the words following the word "office" and the following: "within three hundred miles of the principal place of business and loan association", and insert in lieu thereof the following: "opened, maintained or conducted by a building and loan association other than at its principal place of business".

## Amendment adopted.

Bill read second time, ordered to print engrossment, and on file for third reading.

Senate Bill No. 485.—An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, beginning with line 17, strike out all of that paragraph to and including line 36.

## Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 471.—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund: selection of directors and fees chargeable by such association.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 472—An act to amend section 637 of the Civil Code, relating to the making of loans by building and loan associations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act.

Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Bill read second time, ordered engrossed, and on file for third reading.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, after the period following the number "683", strike out all of the bill, and insert in lieu thereon the following:

"A joint interest is one owned by several persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself and others, or from tenants in common to themselves, or to themselves and others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants. No joint tenancy shall be created except as herein provided."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 220—An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities or public corporations and agencies.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, at the beginning of the line insert the following:

"Sec. 33. The following terms, as used in sections 33 and 54, inclusive, of this act, shall unless a different meaning is plainly required by the context, be construed as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 371—An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining advocates, and advocating, requiring the filing of statements of money received and expended by such persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violation hereof.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, after the word "national", strike out the word "or" and after the word "the", insert "constitution as by law".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 6, of the printed bill, after the word "appear", strike out the balance of line 6; also strike out lines 7, 8, 9, 10, 11, 12 and 13.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 14, of the printed bill, after the word "bearing the figure '4'", strike out balance of line and go to line 15, 16, 17, 18, 19, 20, 21, 22 and 23, and insert: "When and as required by either the Senate or the Assembly, every person engaged in investigating or defining in this act shall give with the report prepared by it a true and correct statement of all sources received and expended in doing so, and shall furnish such other information as may be required."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 38, of the printed bill after the word "provisions", strike out "of sections 1, 2, 3 and 4".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 47, of the printed bill, strike out the word "deemed".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, following line 10, of the printed bill, insert the following: "Sec. 13. Nothing herein contained shall be construed to limit or restrict the power of either the Senate or Assembly, acting singly or jointly, to make or adopt rules not in conflict herewith relating to the subject matter of this act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases, providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "Subsequent Injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "Subsequent Injuries fund" in addition to liability under said act, in cases where their employees sustain total injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, strike out "1927", and insert in lieu thereof "1917".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, at the beginning of the line insert the following:

"SEC. 9. Where liability for compensation under this act exists, such compensation shall be furnished or paid by the employer and be as provided in the following schedule."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the word "reasonably", and insert in lieu thereof "seasonably".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 22, of the printed bill, strike out the words "as joint result of one or more injuries".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section number 549*e* providing for the release from attachment of real property owned by any person not a party to the action.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 168—An act to amend section 689 of the Code of Civil Procedure, relating to the claims of third parties and indemnities to the sheriff, by providing for trial within ten days as to the ownership of property whenever a third party claim is filed under an attachment or execution.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 409—An act to add a new section, to be numbered section 1576*a*, to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section, to be numbered 2168*a*, providing for the arrest, without a warrant upon probable cause, of alleged insane persons.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead

human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellows, Garrison, Gray, Handy, Harlow, Jones, Ray, Lyon, Maloney, McArmist, McKinley, Menden, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—34  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSTITUTIONAL AMENDMENT No. 17

A resolution to propose to the people of the State of California by amendment to the constitution of the State of California adding an article XIII thereof a new section to be numbered 18, relative to *TRADING OF MARINE INSURANCE*:

*Resolved by the Senate, the Assembly concurring:* That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said State be amended by adding to article XIII thereof a new section to be numbered 18, and to read as follows:

SEC. 18. Every insurer transacting the business of marine insurance in this State shall annually pay to the State a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of said insurer from such insurance written in the United States, which tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such insurers, except taxes upon real property, and such other taxes as may be assessed or levied against such insurers by virtue of any other class of insurance written by it. The Legislature shall define the terms "marine insurance" and "underwriting profit," shall provide for the assessment, levy, collection and enforcement of said tax, and amendments of all the provisions relating to each of its two houses voting in favor thereof, by the vote of said tax.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 17 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Harlow, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.  
 NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 17 ordered transmitted to the Assembly.

Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 330b, relating to gambling devices.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lyon moved to refer Senate Bill No. 279 to Senator Pedrotti, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the word "It" and the balance of said line after said word "It" and all of lines 4 to 21, inclusive, and insert in lieu thereof the following:

"It shall be unlawful for any person, firm or corporation having the custody or control of any slot machine or vending machine or other mechanical device as herein-after described, to permit the same to be played or operated by any minor under the age of eighteen years. Said slot machine or vending machine or other mechanical device above referred to shall be any slot machine, vending machine or other mechanical device for the sale of goods, wares or merchandise, which mechanical device shall deliver one article or quantity of merchandise at one operation of said machine, and other articles or quantities of merchandise at another operation of said machine, or which shall deliver other than a specific article or specific quantity of merchandise or its or their equivalent, for a specific price at any and all times. The character, quantity and price to be set out in plain lettering on the face of the machine or device which is being maintained or operated.

Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail in the county where the offense is committed, not exceeding six months, or by both such fine and imprisonment."

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Lyon, Tubbs and Crowley.

The question being on Senator Lyon's motion to refer Senate Bill No. 279 to Senator Pedrotti, as a Special Committee of One, for the purpose of amending.

The roll was called, and Senator Lyon's motion to refer Senate Bill No. 279 to Senator Pedrotti, as a Special Committee of One, for purpose of amending, carried by the following vote:

AYES—Senators Broad, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Evans, Fellom, Gray, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and West—24.

NOES—Senators Allen, Boggs, Cleveland, Cobb, Edwards, Garrison, Handy, Imman, Merriam, Nelson, Rochester, Weller, and Young—13.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 279, with instructions to amend, respectfully reports the same back, amended as per instructions.

PEDROTTI, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 177 passed by the following vote:

AYES—Senators Boggs, Broad, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 686 passed by the following vote:

AYES—Senators Allen, Brand, Canine, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Dryal, Edwards, Evans, Fellom, Garrison, Gray, Handy, James, Ray, Maloney, McKinley, Mueller, Murphy, Nelson, Pedretti, Rochester, Slater, Sayre, Tubb, Wagy, Weller, West, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 526—An act to add a new section to the Political Code to be numbered 2087, relating to exhibitors by the Adjutant General of equipment, animals and property of the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 526 passed by the following vote:

AYES—Senators Allen, Brand, Canine, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Dryal, Edwards, Evans, Fellom, Garrison, Gray, Handy, James, Ray, Maloney, McKinley, Mueller, Murphy, Nelson, Pedretti, Slater, Sayre, Tubb, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1229, relating to the composition, organization, duties, training, control and government of the National Guard of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Allen, Brand, Canine, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, James, Ray, McKinley, Mueller, Murphy, Nelson, Pedretti, Rochester, Slater, Sayre, Tubb, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081, and to repeal sections 1913, 1928g, 1928h, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code, all relating to the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 689 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### HOOR OF RECESS EXTENDED.

At one o'clock p.m., the hour of recess was extended until one o'clock and fifteen minutes p.m.

#### APPOINTMENTS BY THE PRESIDENT.

The following communication was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

To the Senate.

Pursuant to the resolution adopted directing the President of the Senate to appoint members to serve as alternates for Senator Herbert C. Jones on his respective committees, except the Judiciary Committee, during his absence and until he shall again be able to return to resume his duties and affairs in the Senate, the President of the Senate has appointed as such alternates the following Senators:

On the Committee on Banking—Senator Evans.  
On the Committee on Building and Loan Associations—Senator Fellom.  
On the Committee on Education—Senator Gray.  
On the Committee on Revenue and Taxation—Senator Lyon.  
On the Committee on Governmental Efficiency—Senator McKinley.  
On the Committee on Irrigation—Senator Swing.  
On the Committee on Finance—Senator Wagy.  
On the Committee on Constitutional Amendments—Senator West.

H. L. CARNAHAN.

President of the Senate.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations:

Also: Senate Bill No. 476—An act to amend section 156 of the Building and Loan Commission Act, approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Senate Bills Nos. 474 and 476 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 157—An act relating to the granting of leaves of absence to employees of school districts.

Also: Assembly Bill No. 547—An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other officers of such courts, their terms of office, qualifications and compensation, and for the selection of juries therein," approved May 23, 1925, as amended, relating to municipal courts.

Also: Assembly Bill No. 539—An act to amend section 1994 of the Code of Civil Procedure, relating to the issuance of subpoenas and subpoenas to take deposition.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 157 read first time, and referred to Committee on Education.

Assembly Bills Nos. 743 and 539 read first time and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 39—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the disposition of construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, by amending sections 4, 5 and 6 of said act, relative to the mode of nomination and election of elective officers of such water districts.

Also: Assembly Bill No. 96—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition of construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending section 12 thereof, relating to the general powers of the district;

Also: Assembly Bill No. 570—An act to amend section 604 of the Political Code, relating to the fees payable to the Insurance Commissioners.

Also: Assembly Bill No. 573—An act to amend section 2655 of the Civil Code, defining "marine" insurance.

Also: Assembly Bill No. 631—An act authorizing the grant to Utility and Service, Inc., a corporation, of an easement for the installation and maintenance of a pipe line over and across land owned by the State of California in Santa County, California.

Also: Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, bottling or selling imitation milk or imitation milk products, prescribing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk;

Also: Assembly Bill No. 171—An act to amend section 6 of an act entitled "An act to prevent the unauthorised use and disposition of, and traffic in, human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to human bodies not to be used for scientific purposes.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bills Nos. 39 and 96 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 570 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 573 read first time, and referred to Committee on Insurance.

Assembly Bill No. 631 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 690 and 171 read first time, and referred to Committee on Public Health and Quarantine.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919:

Also: Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bills Nos. 143 and 182 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 815—An act to provide for the promotion of maternal hygiene under the State Department of Public Health, and to appropriate money for carrying out the provisions of the act—has had the same under consideration and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bill No. 815 ordered re-referred to Committee on Finance.

##### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding three new sections to be numbered 11, 12 and 13, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

GARRISON, Chairman.

Senate Bill No. 413 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or un navigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary

or advisable to conserve and protect the waters of minor waters within the district used or useful for any purpose of the district, or to prevent the same from being situated thereon, and to prevent interference with or damage to the natural flow of any stream or unnavigable river, including the natural watercourse, source of waters therefrom, to provide for the best use and enjoyment of water, or to prevent the diversion of a district from being interested in any contract with the district of which he is a director and making a violation of any provision of such contract, and to secure a method of dissolving such districts, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote—Ayes—4; yeas—1.

GARRISON, Chairman.

Senate Bill No. 47 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 765—An act to amend an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigating to fix the rates at which water shall be sold," approved March 27, 1909.

Also, Senate Bill No. 766—An act to amend an act entitled "An act to control and control the sale, rental, and distribution of land irrigated water in the State other than in any city, city and county, or town therein and to secure the rights of way for the construction of such water in the ground of the," approved March 12, 1885.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote—Ayes—4; yeas—1.

GARRISON, Chairman.

Senate Bills Nos. 765 and 766 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which were referred Senate Bill No. 210—An act to amend an act entitled "An act to amend the 'California Irrigation District Act,' relating to elections and declaring the vacancy thereof," had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote—Ayes—4; yeas—1.

GARRISON, Chairman.

Senate Bill No. 210 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 212—An act to bear the liabilities of irrigating district directors for the negligence of appointees and employees, limited to certain systems, and had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote—Ayes—4; yeas—1.

GARRISON, Chairman.

Senate Bill No. 212 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 524—An act to amend section 84 of the Civil Code, relating to children of annulled marriages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 342—An act to transfer and set over certain State land known as Mount Zion in Amador County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 341—An act to amend section 2 of an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California, gifts or donations of lands for forest and



watershed purposes," approved April 5, 1927, relating to gifts or donations of land to the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 343—An act to transfer and set over certain State land known as Iron Mountain in Mendocino County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read second time, and ordered on file for third reading.

#### ADJOURNMENT.

At one o'clock and fifteen minutes p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned until eleven o'clock a.m., Thursday, March 7, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Thursday, March 7, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—37.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 6, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. O. Russell of Davis, Yolo County.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Allen T. Moore of Orland, Glenn County.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. W. McDaniel of San Bernardino County.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ransom-Bridges School, junior high school, social science class; instructors Mrs. Rowena Demeter and Mrs. Regula Bernays, and students as follows: Kathleen

Coogan, Loessa Curtis, Laura May Gay, Margaret Glassford, Elizabeth Hawley, Ernestine McGuire, Molly Shand, Jean Rawlings, Frances Streitman, Jane Volkman, Joan York and Barbara Vail.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. B. Townsend, principal; Dorothy Beaton and Ruth Halliday, teachers, and the following students of Jefferson School: Howard Waite, Donald Brewsbaugh, Lester Hulett, George Hamilton, George Graham, Earle Hastings, Dale Gerken, Leonard Williams, Arthur Cox, Henry Schover, Charles Anderson, Billy Anderson, William Daly, Theodore Hill, Norman Lessey, Dorothy Lyce, Rose Dale, Adele Lenderman, Ellagan Kansen, Julia Mlaiech, Hazel Gilmore, Betty Dinsupp, Jane Dingwell, Jane Larroen, Janet Moynihan, Dorothy Welsh, Louise Kezer, Harry Renfree, Joe Avena, Billy Schlepp, George Schlepp, Ralph Bateman, Billy Johnson, Harvey North, Philip Mozzanaris, Richard Sweet, Peter Morrison, Louis Bockrath, James Anderson, Thomas Hall, Clyde Thompson, Norman Kyburz, Juanita McDougal, Alberta Baris, Eileen Teske, Thelma White, Pearl Jeffrey, Thelma Thomas, Joyce Lawrence, Elizabeth Smith, Dorothy Ohrn, and Marjorie Stack.

#### REMARKS BY SENATOR SLATER

Senator Slater addressed the Senate on the occasion of this being Bird and Arbor Day, the birthday of the late Luther Burbank of Santa Rosa, California, and called the Senate's attention to the fact that this day was being observed in California and over the entire world in memory to the late Luther Burbank.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, has examined Senate Concurrent Resolution No. 8, Relating to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively:

Also: Senate Bill No. 49—An act to add a new section to the Penal Code to be numbered 6264, relating to cats in fish and game districts designated by law as game refuges:

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section numbered 549b, providing for the release from attachment of real property owned by any person not a party to the action:

Also: Senate Bill No. 168—An act to amend section 689 of the Code of Civil Procedure, relating to the claims of third parties, and indemnities to the sheriff, by providing for trial within ten days as to the ownership of property whenever a third party claim is filed under an attachment or execution:

Also: Senate Bill No. 409—An act to add a new section to be numbered section 1576a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange:

Also: Senate Bill No. 472—An act to amend section 637 of the Civil Code, relating to the making of loans by building and loan associations:

Also: Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations, requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act:

Also: Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section to be numbered 21689, providing for the arrest, without a warrant upon probable cause, of alleged insane persons;

Also: Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment;

Also: Senate Bill No. 577—An act to amend section 159 of an act entitled "California Vehicle Act," approved May 30, 1923, relating to the distribution and expenditures of funds provided by said act;

Also: Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the duties of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivisions; providing penalties for the violations of the provisions thereof;

And reports the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California to enact a new section of the constitution to be known as article 11, section 23a, relating to voting—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership: 8; committee vote: Ayes—6; noes—1; absent—1.

SWING, Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Merriam to introduce a bill entitled "An act to amend section 5 of an act entitled 'An act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses, approved March 15, 1889,' as amended, relating to duties of boards of supervisors of counties—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

Ayes—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Gray, Handy, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—34.  
Noes—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Nelson to introduce a bill entitled—"An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.



The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYER—Senators Allen, Baker, Boege, Breed, Canoga, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Dorel, Edwards, Evans, Faison, Gray, Haisly, Harlow, Inman, Jones, Ray, Lyon, Maloney, McChesney, McKister, Merriam, Murtry, Nelson, Rochester, Sharkey, Slater, Swang, Tibbles, Wags, Weder, West, and Young—36  
 NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

The following bills were introduced:

By Senator Merriam: Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Nelson: Senate Bill No. 833—An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hurley: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees, and attaches.

Amendment referred to Committee on Constitutional Amendments.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:  
 ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership: 7; committee vote, Ayes—7.

CROWLEY, Chairman.

Senate Bill No. 105 ordered on file for second reading.

#### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 14, relating to the taxation of hospitals conducted not for profit;

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation;

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof, a new section to be numbered 31a, relating to the indemnification of owners of condemned cattle;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership—8; committee vote: Ayes—7; absent—1.

SWING, Chairman.

Senate Constitutional Amendments Nos. 6, 18 and 29 ordered on file.

#### ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 540—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," approved May 26, 1927;

Also: Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

NELSON, Chairman.

Senate Bills Nos. 540 and 541 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3627a, 3628, 3629 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that same do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

NELSON, Chairman.

Senate Bill No. 670 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 278 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund—has had the same

under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 44 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 152—An act to amend section 1414, in the entitled "An act to authorize and empower the State Teachers' Examiners, upon the approval of the State Board of Control, to sell and convey the lands and buildings of the State College State Teachers College, and from the proceeds of said sale to purchase, erect, improve a new and suitable site for said school, to erect and construct thereon one or more purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, appliances, and other things necessary for said school, and to rent such necessary buildings and grounds as may be necessary for the use of said school until the completion of the said school buildings" reported May 22, 1925—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 152 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 568—An act to add a new article in chapter I of title I of part III of the Political Code, to be numbered article 114, containing sections 376 to 376i, inclusive, relating to a Department of Penitentiaries and the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 568 ordered on file for second reading.

#### ON REVISION OF CRIMINAL LAW AND PROCEDURE

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 605—An act to add a new article to the Penal Code, to be numbered 1104i, prescribing what evidence of mens rea and admissions may be admitted upon the trial of criminal prosecutions for crimes on misdemeanors, and regulating the method of offering such evidence and presenting the same to the trial court—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership: 9; committee vote: Ayes—9; absent—0.

BAKER, Chairman.

Senate Bill No. 666 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 207—An act to add a new section, numbered 1027, to the Penal Code, relating to attempts to cause a child of not guilty by reason of insanity is entered—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes—6; absent—3.

BAKER, Chairman.

Senate Bill No. 207 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 125—An act to add a new section to the Penal Code to be numbered 1308, relating to bail bonds.

Also: Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

Also: Senate Bill No. 138—An act to add a new section to the Penal Code to be numbered 1127c, relating to instructions on evidence of flight.

Also: Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on indirect evidence.



Also: Senate Bill No. 140—An act to add a new section to the Penal Code to be numbered 1127*b*, relating to instructions to the jury with reference to the opinions of expert witnesses.

Also: Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense;

Also: Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft;

Also: Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 6; absent: 3.

BAKER, Chairman.

Senate Bills Nos. 125, 127, 138, 139, 140, 171, 173 and 745 ordered on file for second reading.

#### ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15*a*, 21*a*, 23, 31*a*, 31*c*, 31*d*, 60, 61, 61*a*, 82, 83, 90, 127, 130 and 136, and by repealing section 132*a*, all relating to the definition and regulation of the business of banking—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes: 8; absent—1.

WELLER, Chairman.

Senate Bill No. 619 ordered on file for second reading.

#### REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Hurley:

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes, and licenses; and prescribing penalties for the violation of the act.

Request referred to Committee on Rules.

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, and providing for the expenditure of any moneys received therefrom.

Request referred to Committee on Rules.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed to pay the same:

Janet Armstrong, Stenographer ..... \$5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Baggs, Breed, Camp, Carter, Cressely, Christian, Cleveland, Cobb, Crocker, David, Evans, Feltz, Gray, Hendy, Hurley, Ingdon, Jones, Ray, Lyon, McDonough, McKinley, Morrison, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—36

NOES—None

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

Senate Bill No. 294. An act providing for the parole of prisoners confined in jails, creating boards of parole commissioners in and for counties and cities, defining the powers and duties of such boards and repealing acts and parts of acts in conflict therewith.

#### COMMITTEE AMENDMENTS

During second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE

On page 1 of the printed bill, strike out the title of the bill, and insert in lieu thereof the following:

"An act to add a new section to the Penal Code to be numbered 1464, providing for the release of prisoners confined in jails, through a conditional modification of judgment, and providing a method whereby such modification may be secured."

Amendment adopted.

#### AMENDMENT NUMBER TWO

On page 1, line 1, of the printed bill, after the period following the figure "1", strike out the entire bill, and insert in lieu thereof the following:

"A new section is hereby added to the Penal Code to be numbered 1464, and to read as follows:

1464. Any prisoner confined in any city or county jail under a judgment of a justice court or municipal court, may appeal to the superior court of the county in which he shall be confined for a conditional modification of the judgment rendered against him, said application to be based upon facts and causes arising subsequent to the judgment and subject to the following conditions:

1. That the applicant for conditional judgment shall have served not less than one-half of the judgment which shall have been imposed upon him except as herein after provided.

2. That during the period of his imprisonment he shall have demonstrated by his conduct and deportment that the correction necessary has been accomplished.

3. That he shall not have been previously convicted of any criminal offense, consisting of any felony, larceny, obtaining money under false pretenses, or any offense in the commission of which any violence was used or any person was endangered in life or limb. Whenever an applicant shall apply for conditional judgment before having served the minimum period above provided, the said conditional judgment shall not be granted unless it shall appear that certain events have occurred as to so reasonably distress him in body or mind to the extent that the court shall find that the ends of justice require conditional modification.

Upon the filing of any such application the superior court shall set the same for hearing at a date not more than fifteen days after the filing of the said application.

At such hearing the judge of the superior court shall take testimony as in cases of trials of fact, and if, in the opinion of the judge of the superior court hearing the said application the interests of justice require a conditional modification of the judgment, he shall make such order which shall be entered upon the minutes of the court conditionally modifying such judgment.

In making such order, the superior court shall have power to impose terms and conditions, and may require the defendant to report to such officers as may be designated as to his conduct, and for good cause appearing, the said superior court may at any time after having modified the said judgment, set aside the said modification and order the defendant returned to custody to satisfy the original judgment.

Authority is hereby conferred upon the superior court to adopt rules governing the application for conditional modifications of judgment.

In all applications for conditional modification of judgments the applicant shall have the right to be represented by counsel, and may have the process of the court to secure witnesses.

In counties where there shall be more than one judge of the superior court, the presiding judge of the said court shall designate a judge to hear the applications."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers.

COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the colon, insert the following: "Every pawnbroker who charges or receives interest at the rate of more than three per cent per month on loans of three hundred dollars and less and more than two per cent per month on loans in excess of said sum; and provided, further, that a minimum charge of fifty cents may be made in any case where otherwise the monthly charges allowed by this act would amount to less than fifty cents, or who by charging commissions, discount, storage, or other charge, or by compounding increases, or attempts to increase, such interest or charge, is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers.

COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the colon, insert the following:  
"341. Every pawnbroker must retain in his possession every article pledged to him for a period of one year after the last date fixed by contract for redemption. Should such article not be redeemed within said period, the pawnbroker shall thereby acquire all the right, title and interest of the pledgor therein, to hold and dispose of as his own property. Every pawnbroker violating the provisions of this section shall be deemed guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tidelands heretofore made to the city of Newport Beach.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 189—An act to define private or individual game hunting clubs, to regulate their operation and maintenance, and to clothe the Fish and Game Commission with power to exercise jurisdiction thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish



or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended.

## COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 4 to 17, inclusive, and in lieu thereof insert the following:

"In order to permit sardine canneries to operate efficiently and economically and at a constant rate of output approximating maximum capacity, and in order to allow such canning plants to discontinue and suspend for and during a reasonable time for canning, it is hereby declared lawful for a canner of sardines actually engaged in canning sardines to take and use in a reduction plant in each calendar month sardines to the amount of twenty-five per cent of the monthly capacity of the sardine canning plant; *provided*, for the purpose of this use, that the capacity of a plant engaged in canning sardines shall be based upon the possible monthly production by such plant; *provided*, that the capacity of such canning plant shall be based on a working period in each month of approximately one of ten hours' work, and the number of sardine can closing machines installed and made an equipment, *provided further*, that the capacity of such sardine can closing machines shall be the manufacturers' rated capacity, if there be such rated capacity, or the demonstrated capacity, if there be no manufacturers' rated capacity; *provided further*, that such sardine canning plant must be fully equipped with all necessary supporting machinery and equipment of capacity equal to the capacity of such installed can closing machines; *provided further*, that in determining percentage of sardines used for reduction purposes by canneries it shall be deemed that a ton of sardines suitable for canning in one lot condition will produce twenty cases of one pound and four of sardines (thirty-eight cans to the case) of the equivalent, if such one case are used.

Prior to commencing operations in such sardine canning sardine canner shall file with the fish and game commission a statement of monthly capacity of canning plant with full details of installed machinery and equipment; *provided*, that any changes in machinery or equipment made during any canning season must (to be reported, within five days after such changes are made, if the same affect any change in rated capacity.

In order to provide for the efficient and economical operation of plants preserving fish by the common methods of drying, salting, smoking or pickling operations, it is hereby declared to be lawful for such plants to (to be used and use in a reduction plant or by a reduction process such sardines as are unfit for drying, salting, smoking or pickling, which are not deliberately taken into the plant in a condition unfit for processing.

Mackerel or other fish, undesirable for canning, drying, salting, smoking or pickling, may be used in a reduction process when the same are fit and at any canning, drying, salting, smoking or pickling plant mixed with sardines; *provided further*, that the amount of any such fish so used shall be included in reduction allowance of such plant and shall not be considered fish off."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 251—An act to amend section 628<sup>f</sup> of the Penal Code, relating to the protection of fish.

## COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 3, line 5, of the printed bill, after the period in said line insert the following paragraph:

"Every person who buys, sells, offers or exposes for sale, barter or trade, any Pismo clams (*Tivela stultorum*) in the State of California is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 287—An act to add a new section to the Penal Code, to be numbered 637½a, relating to trapping of game.

COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, after the word "of" strike out the word "game" and insert in lieu thereof the words "any fur-bearing mammals".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 285—An act to amend section 6260 of the Penal Code, relating to the protection of fish and game.

COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, after the bracket in said line, insert the following paragraphs:

"7. Every person who shall use or have in his possession on or in connection with any boat used for the pursuit of game fish in coastal waters, any harpoon, harpoon gun, spear or other similar device, is guilty of a misdemeanor.

For the purposes of this act coastal waters are defined to be and include fish and game districts six, seven, ten, eleven, sixteen, seventeen, eighteen, nineteen, twenty, and twenty "A"."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 411—An act to amend section 7 of an act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and or to angle for, take, catch or kill game fishes for purposes other than sale for profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act.

COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word and numeral "section 7" and insert in lieu thereof the following: "sections 7 and 8".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, after the period in said line insert the following paragraphs:

"SEC. 2. Section 8 of said act is hereby amended to read as follows:

Sec. 8. For the purposes of this act the following only shall be considered game fishes: Tuna, yellowtail, jewfish or black sea bass, albacore, barracuda, swordfish,

bonita, rock bass, California whiting (also known as caliton and surf fish), yellow fin, croaker, spot fin croaker, salmon, steelhead and other trout, charr, whitefish, striped bass, black bass, perch, crappie, calico bass, and all varieties of sea fishes."

#### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California, to provide for and regulate the examination and licensure of trained attendants, to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health, to provide that the State Board of Health shall enforce the provisions hereof, to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919.

#### COMMITTEE AMENDMENTS

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

In the title of the printed bill, strike out line 15, and in lieu thereof insert the following: "1919", and providing that the state board of nurse examiners shall succeed to the powers, duties and responsibilities of the said board of public health should such state board of nurse examiners be created, and providing that the department of professional and vocational standards shall succeed to the powers, duties and responsibilities of the state board of public health should such a department be created and in that event creating a state board of practical nurse examiners, and defining the powers and duties of said board and said department under this act."

#### Amendment adopted.

##### AMENDMENT NUMBER TWO

On page 2, line 4, of the printed bill, strike out the words "state board of nurse examiners", and insert in lieu thereof the following: "state board of public health".

#### Amendment adopted.

##### AMENDMENT NUMBER THREE

On page 2, line 11, of the printed bill, strike out the words "board of nurse examiners", and insert in lieu thereof the following: "state board of public health".

#### Amendment adopted.

##### AMENDMENT NUMBER FOUR

On page 2 of the printed bill, strike out all of lines 17 and 18, and insert in lieu thereof the following: "shall make application in writing to the state board of public health, which application shall be verified by the oath of such".

#### Amendment adopted.

##### AMENDMENT NUMBER FIVE

On page 3, line 41, of the printed bill, strike out the words "board of nurse examiners", and insert in lieu thereof the words "state board of public health".

#### Amendment adopted.

##### AMENDMENT NUMBER SIX

On page 4, line 2, of the printed bill, strike out the word "compensation", and insert in lieu thereof the word "hire".

#### Amendment adopted.

##### AMENDMENT NUMBER SEVEN

On page 4, line 35, of the printed bill, following said line 35, insert the following: "Sec. 18. If a board of nurse examiners is created by a statute adopted by the Legislature of California at the forty-eighth session thereof then and in that event



upon the date when said statute takes effect said state board of nurse examiners shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction conferred upon and vested in the state board of public health by the provisions of this act; and said state board of nurse examiners shall be in possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations and real or personal property now or hereafter held for the benefit or use of the state board of public health for the purpose of enforcing the provisions of this act; and.

SEC. 19. All moneys collected by the state board of public health under the provisions of this act and paid into the state treasury to the credit of the traveling and contingent fund of said state board of public health are hereby transferred and set over to the nurses fund, should such a fund be created by the Legislature of California at the forty-eighth session thereof.

SEC. 20. If a state department of professional and vocational standards is created by a statute adopted by the Legislature of California at the forty-eighth session thereof, then in that event upon the date when said statute takes effect:

SEC. 21. Said department of professional and vocational standards shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction conferred upon and vested in the state board of public health under the provisions of this act and the same shall be administered by said department through the director thereof; and.

SEC. 22. Whenever by the provisions of any statute or law now in force, or that may hereafter be enacted, any duty or jurisdiction is imposed, or authority conferred upon the state board of public health or officers, deputies or employees thereof relating to the examination and certification of persons other than registered nurses engaged in the practice of nursing for compensation or hire, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department and the appropriate officers thereof with the same force and effect as though the title of said department had been specifically set forth and named therein; and.

SEC. 23. The department of professional and vocational standards shall be in possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations and real or personal property now or hereafter held for the benefit or use of the state board of public health for the administration of this act; and.

SEC. 24. Within thirty days after the date upon which any act creating a department of professional and vocational standards becomes effective the governor of the State of California shall appoint five persons, as hereinafter provided, to constitute the state board of practical nurse examiners, which board is hereby created. Each member of the board shall at the time of his appointment be a citizen of the United States of America and shall hold a valid, unexpired and unrevoked certificate of registration as a registered nurse, issued under the provisions of law. Each member of the board shall have had at least five years actual experience in nursing; and shall not, during the term of office, be engaged in any manner with any school of nursing. The term of office of each member shall be four years; *provided, however*, that of the first board appointed one member shall be appointed for one year, one for two years, one for three years and two for four years. A person appointed to fill a vacancy shall hold office for the expired term. Thereafter all appointments shall be for four years, except appointments to fill vacancies. The governor may remove from office any member of the board for cause. The office of the board shall be in the city of Sacramento and branch offices, with necessary clerical personnel, may be established with the approval of the director of finance, in the city of San Francisco and Los Angeles. Required records of the board may be temporarily transferred to such branch offices; and.

SEC. 25. Immediately after the appointment of the first member of the board the board shall meet and organize by electing one of its members as president and a secretary, who may or may not be a member of the board, and such other officers as the board deems necessary to conduct its business. Thereafter the board shall meet at such times and places as it may determine. The board shall have the power, and it shall be its duties to enforce and administer the provisions of this act and it may make rules and regulations in aid or in furtherance thereof. The secretary shall keep a record of all proceedings of the board and shall keep a list of all persons certified by the board as practical nurses. Each member of the board shall receive the sum of ten dollars per day for each day spent in attending meetings of the board and for each and every day of actual service in the discharge of official duties, together with actual and necessary traveling expenses incurred in the discharge of official duties, which compensation and traveling expenses shall be paid from the fund hereinafter created. The board shall have authority to employ such clerks and other assistance as it may deem necessary to carry out the provisions of this act and to define their duties and fix their compensation in accordance with civil service regulation; and.

SEC. 26. The board shall, on or before the fifteenth day of September, in each odd numbered year make a report to the governor containing a full statement of its work and affairs and of its receipts and expenditures since the making of the last report, or since the organization of the board, as the case may be, together with such recommendations as it may deem expedient; and.

SEC. 27. All moneys received by the board under the provisions of this act, from whatever source and for whatever purpose, shall be accounted for and reported monthly to the state controller and at the same time and soon after be remitted to the state treasurer to the credit of the practical nurse fund which fund is hereby created. Said fund shall be expended in accordance with law for the payment of necessary and proper expenses incurred in carrying out the provisions of this act and.

SEC. 28. The said board of practical nurse examiners shall become and is hereby declared to be under the jurisdiction of and within the department of professional and vocational standards in division one thousand.

SEC. 29. It is expressly intended and hereby declared that if a department of professional and vocational standards is created by statute during the forty-eighth session of the Legislature of California and a board of nurse examiners is not created at said session by said Legislature that the sections, part or parts of this act referring to said state board of nurse examiners shall be of no force and effect.

SEC. 30. It is expressly intended and hereby declared that if the state board of nurse examiners is created by statute at the forty-eighth session of the Legislature of California and the department of professional and vocational standards is not created at said session by said Legislature that the sections, part or parts of this act referring to said department of professional and vocational standards shall be of no force and effect.

SEC. 31. It is expressly intended and hereby declared that in the event that neither a department of professional and vocational standards or a state board of nurse examiners is created by statute at the forty-eighth session of the Legislature of California, the sections, part or parts of this act referring to said department or state board shall be of no force and effect.

SEC. 32. It is expressly intended and hereby declared that in the event that a department of professional and vocational standards and the state board of nurse examiners are created by statute at the forty-eighth session of the Legislature of California, the sections, part or parts of this act referring to the creation of a state board of practical nurse examiners, up to the creation of the practical nurse fund shall be of no force and effect, and the sections, part or parts herein contained referring to the state board of nurse examiners shall govern and prevail."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

#### COMMITTEE AMENDMENTS

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof "division of narcotic control".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 19, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 21, of the printed bill, after the word "law" insert the words: "including all inspectors of the division of narcotic control and of the state board of pharmacy."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 42, of the printed bill, after the word "any" insert the words "inspector or".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 43, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 44, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, line 2, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 12, of the printed bill, after the words "of medicine," insert "osteopathy,".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 12, of the printed bill, after the words "veterinary medicine" insert the words "or any other person".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 19, of the printed bill, after the word "medicine" insert ", osteopathy,".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 29, of the printed bill, after the word "faith" strike out all to and including the word "user" in line 36 on said page, and insert in lieu thereof the following: "to any habitual user of narcotics who is under the professional care of such physician for a disease, ailment, or injury, that such narcotic addiction, or for the ailments attendant upon old age, such substances as such physician may reasonably deem necessary for the treatment of such disease, ailment, injury, or infirmities, when such substances are furnished or prescribed in good faith in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of an habitual user of narcotics".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 38, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, lines 51 and 52, of the printed bill, strike out "sold or dispensed without a physician's prescription," and insert in lieu thereof the following: "or prescriptions sold or prepared in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 4, line 8, of the printed bill, after the period insert the following: "No physician, surgeon, osteopath, or other person shall prescribe, administer, or furnish any of the substances or drugs mentioned in section 1 hereof except under the conditions and in the manner in this act prescribed".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 4, lines 31 and 32, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 4, line 35, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.



## AMENDMENT NUMBER SEVENTEEN.

On page 4, line 43, of the printed bill, strike out the word "mentioned", and insert in lieu thereof the word "mentioned".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 4, line 45, of the printed bill, after the word "prescribing" strike out "administering".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 4, line 47, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 4, line 48, of the printed bill, after the word "prescribing" strike out "administering".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 4, line 52, of the printed bill, following "addict" strike out the words "The narcotic division", and insert in lieu thereof the following:

"The physician so administering such drugs shall keep a record of the person to whom such drugs were administered, the date of such administration and the pathology for which said drugs were administered, which record shall be preserved for two years and shall at all times be open to inspection by the inspectors of the division of narcotic control and the inspectors of the state board of pharmacy. The division of narcotic control."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 5, line 3, of the printed bill, after the word "administering" strike out the words "and to", and insert in lieu thereof the following: "and such patient shall submit to such interview and examination and shall not in any manner hinder or impede such interview or examination. The physician so employed by the division of narcotic control to conduct such interview and examination shall."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 5, line 4, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 5, line 22, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 6, line 49, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 7, line 5, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 7, line 11, of the printed bill, strike out the words "board of pharmacy or".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 7, line 24, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 8, line 34, of the printed bill, after the word "examiners", insert the words "or the board of osteopathic examiners".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 8, line 47, of the printed bill, strike out the words "narcotic division", and insert in lieu thereof the words "division of narcotic control".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding three new sections to be numbered 11, 12 and 13, relating to the levying of assessments for maintenance, operation and repair, the designation of such as and the constitutionality thereof.

## COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in line 9 of the title, after the figure "12", strike out the word "and", and insert in lieu thereof a comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, in line 9 of the title, after the figure "13", strike out the comma and insert in lieu thereof the following: "and 14,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 12, of the printed bill, after the word "or", strike out the word "providing", and insert in lieu thereof the following: "being served by".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 15, of the printed bill, strike out the word "drains", and insert in lieu thereof the word "drainage".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 20, of the printed bill, after the comma after the word "thereby", insert the following: "and said improvement district,".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 30, of the printed bill, after the word "construction", strike out the words "or acquisition".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 30, of the printed bill, after the word "improvement", insert the following: "or the acquisition of the existing lateral, ditch, pipe, pump or other works".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 42, of the printed bill, after the word "works", insert the following: "or acquisition".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 51, of the printed bill, at the bottom of the page after the period after the word "district" insert the following:

"At any time before the expiration provided for in section 7 of this act have been issued, the amount of any assessment may be paid in full and such sum shall thereafter not be subject to the annual assessment levied thereon but the payment of the said improvement or acquisition, provided however that such bond shall be and remain liable for any assessment levied thereon for operation and operation and for any supplementary or additional assessments levied thereon under the provisions of this act."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 22, of the printed bill, after the word "organized" strike out the period, and insert in lieu thereof a comma and the following: "and the necessary incidental expenses."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 24, of the printed bill, strike out the word "goods" and insert in lieu thereof the word "money".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 6, of the printed bill, after the period after the word "bond" insert the following:

"At any time prior to the expiration of any improvement or when the full amount of all indebtedness of such improvement district, as against money and interest levied by not less than the number of the holders of title of a substantial time by the owners of land constituting such improvement district, levied by or under such improvement district, may be filed with the board of directors of such improvement district requesting that such improvement district be dissolved. A hearing shall be had in the same manner and after the same notice as is provided for the dissolution of such improvement district, and the board of directors may, after such hearing, order such improvement district dissolved, which order shall be recorded in the same manner as the order organizing such improvement district."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 5, line 23, of the printed bill, after the word "assessment", insert a comma and the following: "provided for by section 30 of the California irrigation district act."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 5, lines 24 and 25, of the printed bill, after the comma after the word "district" in line 24, strike out the following: "provided for by section 30 of the California irrigation district act."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 5 of the printed bill, after line 33, insert the following:

"Sec. 10. A new section to be numbered section 12 is hereby added to said act to read as follows:

Sec. 12. The board of directors of said irrigation district may, in lieu (either in whole or in part) of levying assessments for the operation, maintenance and



repair of the canals and works of such improvement district, fix and collect rates of tolls or charges for the use of water or any other public use within the improvement district under the same conditions provided for similar tolls and charges in irrigation districts by sections 18, 39f and 55 of the California irrigation district act and such tolls and charges when collected shall be deposited and kept in a separate fund for the benefit of such improvement district to be used for said purposes and shall be disbursed only upon warrants drawn upon said fund authorized and issued in the same manner as other warrants of said irrigation district."

**Amendment adopted.**

AMENDMENT NUMBER SIXTEEN.

On page 5, line 34, of the printed bill, strike out the figure "10", and insert in lieu thereof the figure "11".

**Amendment adopted.**

AMENDMENT NUMBER SEVENTEEN.

On page 5, line 38, of the printed bill, after the word "acquisition", insert a comma and strike out the word "or".

**Amendment adopted.**

AMENDMENT NUMBER EIGHTEEN.

On page 5, line 38, of the printed bill, after the word "construction", insert a comma and the following: "operation, maintenance and repair".

**Amendment adopted.**

AMENDMENT NUMBER NINETEEN.

On page 5, line 41, of the printed bill, strike out the figure "11", and insert in lieu thereof the figure "12".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY.

On page 5, line 41, of the printed bill, strike out the figure "12", and insert in lieu thereof the figure "13".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY-ONE.

On page 5, line 43, of the printed bill, strike out the figure "12", and insert in lieu thereof the figure "13".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY-TWO.

On page 5, line 40, of the printed bill, strike out the figure "12", and insert in lieu thereof the figure "13".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY-THREE.

On page 5, line 46, of the printed bill, strike out the figure "13", and insert in lieu thereof the figure "14".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY-FOUR.

On page 5, line 48, of the printed bill, strike out the figure "13", and insert in lieu thereof the figure "14".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinkings wells, spreading basins, and other works

and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collection of taxes, to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provisions a misdemeanor, and to provide a method of dissolving such districts.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 17 of the title of the printed bill, strike out all of said line 17, and insert in lieu thereof the following: "the levying and collecting of assessments, and special assessments to pay the costs and expenses incurred in relation thereto."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 10, of the printed bill, strike out the word "taxes" and insert in lieu thereof the word "assessments".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 16, of the printed bill, beginning in said line 16, insert a period after the word "places", and strike out the words "in the proposed district"; also strike out all of line 17, and in line 18 strike out the words "shall be posted in three public places in each division."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 37, of the printed bill, strike out the words "when the district is divided into divisions,".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 6, line 24, of the printed bill, strike out the words "or taxed".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 12, line 32, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 12, line 40, of the printed bill, strike out all of said line 40, and in line 41 the words "improvements thereon," and insert in lieu thereof the words "the land of the district in each county."

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 12, line 51, of the printed bill, beginning in said line 51, strike out all of lines 51 and 52, inclusive, and insert in lieu thereof the following: "county taxes, levy an assessment to be known as the "----- (name of district) Water Conservation District Assessment," sufficient to".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 13, line 3, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 13, line 4, of the printed bill, beginning in said line 4 and carrying over to line 5, strike out the words "real property", and insert in lieu thereof the word "land".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 13, line 13, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 13, line 15, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 13, line 17, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 13, line 18, of the printed bill, strike out the word "tax", and insert in lieu thereof the word "assessment".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 13, line 23, of the printed bill, strike out the word "taxes", and insert in lieu thereof the word "assessments".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 14, line 43, of the printed bill, strike out the word "taxes", and insert in lieu thereof the word "assessments".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 14, line 47, of the printed bill, strike out the word "taxes", and insert in lieu thereof the word "assessments".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 15, line 5, of the printed bill, beginning in said line 5, and carrying over to line 6, strike out the words "and improvements thereon".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 210—An act to add a new section, to be numbered 19c, to the "California Irrigation District Act," relating to elections, and declaring the urgency thereof.

## COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In lines 2 and 3 of the title of the printed bill, beginning with the word "elections" in line 2, strike out the words "elections and declaring the urgency thereof", and insert in lieu thereof the words "appointment and election of district officers".

Amendment adopted.



## AMENDMENT NUMBER TWO

On page 1 of the printed bill, as amended in Senate January 14, 1929, strike out all of lines 7 to 31, both inclusive, and insert in its stead the following: "irrigation district of the greater part thereof is situated, meaning that the city, town, or owners of land in the district are persons who choose that, and that no general irrigation district election was held in the district at the last date fixed for such election by section 19 of this act, and board of supervisors shall receive applications for the hearing of such petition. Such day shall be not less than ten days nor more than thirty days from the presentation thereof to said board, and shall give notice of said hearing by publication in at least two issues of a newspaper published in the county in which said board of supervisors has its office. At said hearing, if the facts alleged in said petition be established to the satisfaction of said board of supervisors, said board shall so find by resolution and shall then appoint for said district a board of directors to consist of three owners of land within said district, who need not be residents thereof. The directors so appointed shall take office on the day they shall have qualified in accordance with the provisions of this act, and shall hold office until their successors are appointed and qualified in their stead, or election is first called and held as provided for in this act. Upon their organization as a board, they shall fill by appointment the offices of treasurer, collector and assessor, and none of the persons so appointed need be residents of said county within the district."

Amendment adopted.

## AMENDMENT NUMBER THREE

On page 2 of the printed bill, strike out all of said page 2

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading

Senate Bill No. 212—An act to limit the liabilities of irrigation district directors for the negligence of apprentices and employees thereof in certain instances

Bill read second time, ordered engrossed, and on file for third reading

Senate Bill No. 765—An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880.

Bill read second time, ordered engrossed, and on file for third reading

Senate Bill No. 766—An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this State other than in any city, town and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

Bill read second time, ordered engrossed, and on file for third reading

## CONSIDERATION OF DAILY BILL

## THIRD READING OF SENATE BILLS.

Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 626f, relating to cats in fish and game districts designated by law as game refuges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagner, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATE CONCURRENT RESOLUTION No. 8.

Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

*Resolved by the Senate, the Assembly concurring.* That there shall be printed as a public document 500 copies of the session of the department encampment of California of the United Spanish War Veterans for the year 1929 and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, 250 copies for the use of the Senate and 250 copies for the use of the Assembly. Annual cost of same not to exceed \$600 payable from the legislative printing appropriation; and be it further

*Resolved.* That there shall be printed as a public document 500 copies of the report of the annual convention of the Disabled American Veterans of the World War of the Department of California for the year 1929 and of each succeeding annual convention, together with illustrations, copies of general orders enacted at such convention and of the official roll, 250 copies for the use of the Senate and 250 copies for the use of the Assembly. Annual cost of same not to exceed \$600 payable from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 8 ordered transmitted to the Assembly.

Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 330b, relating to gambling devices.

## RE-REFERENCE OF SENATE BILL.

Senator Cobb asked unanimous consent to re-refer Senate Bill No. 279 to Committee on Public Morals.

Unanimous consent granted, and such was the order.

Senate Bill No. 528—An act to amend section 857 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

## TITLE AMENDED.

Senator Merriam moved to amend the title of Senate Bill No. 528 as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out the words "of the State of California", and insert in lieu thereof a comma and the words "relating to trusts".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An act remising, releasing and quit-claiming to the Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State normal school,' approved March 11, 1881, abolishing the branch of the State normal school at Los Angeles, transferring its properties to the Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassady, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Shurkey, Slater, Tubbs, Wagy, Weller, and West—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1880, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 passed by the following vote:

AYES—Senators Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Shurkey, Slater, Tubbs, Wagy, and West—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR NELSON IN THE CHAIR.

At twelve o'clock and five minutes p.m., Senator Nelson of the First District was called to the chair.

Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same.

Bill read third time.

#### URGENCY SECTION.

This act is hereby declared to be an urgency act necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1



of article IV of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

It is necessary to the public health and safety that sewers and sewerage systems be immediately constructed in many localities in the State of California, which sewers and sewerage systems under the circumstances prevailing in such localities can only be constructed by legally existing sanitary districts. Unless sewers and sewerage systems are promptly constructed in such localities, the public health and safety will be endangered and serious illness may result from unsanitary conditions therein. In the proceedings for the formation and organization of sanitary districts in some of said localities minor irregularities and defects, not violative of any right guaranteed under the constitution of the United States or of the State of California, have occurred and by reason thereof such districts are unable to raise the funds necessary to construct sewers and sewerage systems therein and therefor and otherwise carry out the objects for which such districts were formed and organized. By the validation of proceedings for the formation and organization of such districts, as herein provided, they will be able to raise funds for the construction of sewers and sewerage systems, and otherwise carry out the objects for which they were formed and organized.

Urgency section read.

The question being: Shall this section, setting forth the urgency features of this bill, be passed?

The roll was called, and the urgency features of the bill passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 823 passed by the following vote:

AYES—Senators Boggs, Canepa, Cleveland, Cobb, Duval, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 167 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 20—An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by

any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act." approved March 22, 1911, as amended, relating to penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Canapa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Lyons, Maloney, McCormack, McKinty, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Baker, Canapa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Lyons, Maloney, McCormack, McKinty, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. \$10—An act providing for the establishment of courses of instruction for inmates of State institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. \$10 passed by the following vote:

AYES—Senators Baker, Canapa, Carter, Christian, Cleveland, Cobb, Fellom, Gray, Handy, Lyons, Maloney, McCormack, McKinty, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Senators Baker, Canepa, Christian, Cleveland, Cobb, Crowley, Fellom, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Duval, Fellom, Gray, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 17 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Duval, Fellom, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247—An act to amend section 1188 of the Political Code, relating to independent nominations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Fellom, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing



a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States; and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the Direct Primary Law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917, and amended and approved April 8, 1919, and amended and approved May 31, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, Carter, Christian, Cleveland, Cobb, Duval, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tabbs, Wagy, and Weller—27  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 578—An act to amend section 196 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years, and in certain cases providing for their care, custody and maintenance, providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions, establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof, providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, Carter, Christian, Cleveland, Cobb, Duval, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tabbs, Wagy, Weller, and Young—28.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 577—An act to amend section 159 of an act entitled "California Vehicle Act," approved May 30, 1923, relating to the distribution and expenditure of funds provided by said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 577 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472—An act to amend section 637 of the Civil Code, relating to the making of loans by building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 472 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section number 549a providing for the release from attachment of real property owned by any person not a party to the action.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Baker, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409—An act to add a new section, to be numbered 1576a, to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

HOURLY RECESS EXTENDED.

At one o'clock p.m., the hour of recess was extended until one o'clock and fifteen minutes p.m.

Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Bill No. 623 to Senator Maloney, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, strike out the words "and fifty" and add the following: "provided that nothing in this act shall prevent a company qualified to do plate glass, burglary, theft and valuable possessions firecraft or miscellaneous insurance from obtaining the benefits defined in this paragraph when such hazards are included within and incidental to any other respective classifications."

AMENDMENT NUMBER TWO.

On page 6, line 8, of the printed bill, strike out the words "and fifty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MARCH 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 623, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create a State Real Estate Department and the office of Real Estate Commissioner, to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections, to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale of lands for colonization or subdivision purposes; broker's bonds; providing penalties for the violation of the provisions thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Senate Bill No. 176 to Senator Sharkey, as a Special Committee on One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 5, line 21, of the engrossed bill, after the word "procure" strike out "A", and insert in lieu thereof the word "An".

AMENDMENT NUMBER TWO.

On page 6, line 18, of the engrossed bill, after the word "and", insert the word "who".



## AMENDMENT NUMBER THREE.

On page 12 of the engrossed bill, after the words "for sale", strike out the words "or lease".

## AMENDMENT NUMBER FOUR.

On page 12, line 13, of the engrossed bill, strike out the words "or lease".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 176, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 297—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

MUELLER, Chairman.

Senate Bill No. 297 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 410 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 282—An act to amend section 736b of the Political Code, relating to the salaries of judges in the superior courts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman.

Senate Bill No. 282 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 24—An act to amend section 2141 of the Political Code, relating to the powers of the Department of Institutions—has had the same under

consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Senate Bill No. 24 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 622—An act to amend sections 431, 432 and 433 of the Political Code, and adding a new section to be entitled "General Powers of the Insurance Commissioner," by which, among other things, directors, stockholders, and employees, submission of written instruments to attorney or Attorney General, assessment of penalties, creation of a fund for relief of fire victims, creation of insurance fund and transfer and creation of Insurance Commissioner's special fund—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman.

Senate Bill No. 622 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 764—An act creating the Contractors State Trade Commission; providing for the appointment, composition and removal of its members; prescribing its powers and duties; providing for the enforcement and review of its orders; prohibiting unfair methods of competition in obtaining contracts; making an appropriation for the purpose of the act; and providing penalties for violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman.

Senate Bill No. 764 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 712—An act providing for the creation and establishment of the Contractors State License Board; prescribing the powers and duties of such board; defining the term "contractor"; prescribing the method of appointing members to engage in the business of contracting; and fixing the fees for such licenses; providing the method of revocation of such licenses; and prescribing the penalties for violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 712 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property; defining powers and duties concerning the supervision of dams; providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 723 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts,

and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended relating to street improvements—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

LYON, Chairman.

Senate Bill No. 567 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 406—An act to amend sections 2, 3, 4, 7, 8, 11, 12, 21 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

LYON, Chairman.

Senate Bill No. 406 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 358—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

LYON, Chairman.

Senate Bill No. 358 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 508—An act to amend "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

LYON, Chairman.

Senate Bill No. 508 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41, and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add new sections to said act to be numbered 2a, 2b, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j and 25k, relating to limitations on the



use of said act, and to provisions for an alternative method for making assessments and assessments, the payment and enforcement of the same and the interest, payment and enforcement of bonds, and providing for the proceeds which shall be affected by the foregoing amendments; but had the same been considered and respectfully reports the same back with amendments, and respectfully recommends that the amendments be adopted, and be referred to the committee.

Committee membership: 9; committee vote: Ayes—7; dissent—2.

LYON, Chairman.

Senate Bill No. 184 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 187—An act to amend section 11 of the Civil Code, relating to the leasing of public property, also had the same under consideration, and respectfully reports the same back and recommends that it be passed.

Committee membership: 9; committee vote: Ayes—6; dissent—3.

LYON, Chairman.

Senate Bill No. 427 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 5—Relative to the control of river valleys for law, engaged in alternate consideration, but had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership: 5; committee vote: Ayes—5.

EDWARDS, Chairman.

Senate Joint Resolution No. 5 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 6—Relative to an act of Congress of the United States restricting immigration of aliens inadmissible to citizenship and a proposed modification of said act—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 5; committee vote: Ayes—5.

EDWARDS, Chairman.

Senate Joint Resolution No. 6 ordered on file.

Also:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 5—Relative to requests of the department of engraving of the General Agent of the Republic, and reports that the same has been correctly enrolled, and presented to the Governor on the seventh day of March, 1929, at ten o'clock and forty-five minutes a.m.

JONES, RAY, Chairman.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 3—Relative to memorializing Congress to adopt a bill to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 5; committee vote: Ayes—5.

EDWARDS, Chairman.

Assembly Joint Resolution No. 3 ordered on file.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 5, 1929, passed Assembly Bill No. 533—An act to provide for the payment of actual and necessary traveling expenses of employees of school districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 533 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 5, 1929, passed Assembly Bill No. 97—An act regulating the sale of grain in sacks, relating to such sale, providing that the weight of the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment for sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 97 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 696—An act to amend section 2322 of the Political Code, relating to county institutions and corrections.

Also: Assembly Bill No. 548—An act to amend section 1149 of the Code of Civil Procedure, relating to setting aside estates and removing and disposing of same.

Also: Assembly Bill No. 757—An act to amend the Political Code by adding hereto a new section to be numbered 4310, providing a special fund for the sheriff, for the manner of making disbursements thereunder, for the use of the fund, and for the method of accounting therefor.

Also: Assembly Bill No. 1025—An act to amend section 737r of the Political Code, relating to salaries of superior court judges in the county of Los Angeles.

Also: Assembly Bill No. 197—An act to amend section 1140 of the Political Code, relating to fees of justices of the peace.

Also: Assembly Bill No. 496—An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

Also: Assembly Bill No. 211—An act to amend section 1454 of the Code of Civil Procedure, relating to disposing money and other personal property by heirs without notice to creditors.

Also: Assembly Bill No. 1057—An act to amend section 737f, relating to salaries of judges of the superior court in and for the city and county of San Francisco.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 696 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 508, 757, 1025, 207, 496, 211, and 657 read first time, and referred to Committee on Judiciary.

## ARRANGEMENT.

At one o'clock and fifteen minutes p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned until eleven o'clock a.m., Friday, March 8, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE

— 1896 —

SACRAMENTO, Friday, March 8, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carrihan, President of the Senate, in the chair.

Chief Assistant Secretary Paul Mason at the Ball.

1911-12, 6 A.M.

The roll was called, and the following answered to their names:

[illegible]

Quorum present

### References

Prayer was offered by the Chaplain, Rev. Bruce Watson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 7, 1873, the further reading was dispensed with, as matters of business arose.

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Senator Lloyd was, on motion of Senator Crowley, granted leave of absence for this day.

Senator Murdock was, on motion of Senator Holloman, granted leave of absence for this day.

Senator Cassidy was, on motion of Senator Wagy, granted leave of absence for this day.

Senator Cutler was on motion of Senator Pollock, granted leave of absence for this day.

Senator Christian was, on motion of Senator Hurley, granted leave of absence for this day.

THE UNIVERSITY OF TEXAS AT AUSTIN

On request of Senator Stanford, the privilege of the floor of the Senate Chamber for this day was unanimously accorded to Charles L. Norwell, President Joint Board of Prison Directors, and William James B. Holden of San Quentin.

On request of Senator Morrison, the privilege of the floor of the Senate Chamber for this day was unanimously accorded to C. W. Morris, attorney at law, San Francisco.

On request of Senator \_\_\_\_\_, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. F. R. Kimes, Oakland, California.

On request of Senator Maloney, the passage of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank McLeod and daughter, Miss Margie McLeod, of San Francisco.

On request of Sepefor Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the high eighth civic classes of the Newton Public School, accompanied, as follows: Teachers in charge—Mrs. Jack Everett and Mrs. Walter Sanford. Pupils—Donald Scudder, Marvin Sacum, George Fallins, Eldon Algeo.



Lloyd Rumph, Bill Holland, Lawrence E. Banks, Hilda Smedberg, Saddle Jackson, Elizabeth Hamilton, Luella Green, Elizabeth Anderson, Charnian Warner, Esther Hoerner, Ina Keeling, Erna Hossle, Nma Fasset, Helen Foster, and William Ferris.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Lyon:

RESOLUTION.

*The City Council of the City of Santa Monica hereby resolves, That*

WHEREAS, California cities, towns and sanitary districts are being faced with problems of disposing of their sewage and industrial wastes under peculiar seasonal and climatic conditions which complicate the problems or make them unique, thus rendering inapplicable or of doubtful value methods and standards developed elsewhere; and

WHEREAS, These pressing problems are of vital concern to all communities, large and small, and their separate investigations would involve, in some cases, prohibitive expense, and in many cases wasteful duplication of money and effort; and

WHEREAS, The State is the logical agency to undertake the solution of common problems, particularly those affecting the health of its citizens; now, therefore, it is hereby

*Resolved*, By the council of the city of Santa Monica that the action of the League of California Municipalities, at its last meeting, requesting the appropriation by the State of not less than \$65,000 for the establishment and maintenance during the next biennium of the proper and necessary facilities for investigations and research in methods of sewage and wastes disposal and treatment, be and the same is hereby endorsed and approved and this council does hereby respectfully urge the Legislature of the State of California to adopt suitable legislation to accomplish these purposes.

*Resolved, further*, That the members of the Legislature from the district in which this city is situated, are hereby requested to lend special efforts to the furtherance of the purposes herein expressed and the adoption of the necessary legislation to accomplish the same.

*Resolved, further*, That the commissioner of finance be and he is hereby directed to transmit certified copies of this resolution to the Honorable C. C. Young, Governor of the State of California, to our representatives at the Legislature, and to the League of California Municipalities at 706 Chancery Building, San Francisco, California, and the Santa Monica-Ocean Park Chamber of Commerce.

Adopted: This sixth day of March, 1929.

[SEAL]

F. A. HELTON,

Commissioner of Finance, ex officio City Clerk,  
ex officio Clerk of the City Council of the City of Santa Monica.

I, F. A. Helton, hereby certify that I am commissioner of finance, ex officio city clerk of the city of Santa Monica; that the foregoing is a full, true and correct copy of Resolution No. 887 adopted by the said city council at a regular meeting of said council held on the sixth day of March, 1929.

F. A. HELTON.

Subscribed and sworn to before me this sixth day of March, 1929.

[SEAL]

ORLANDO H. RHODES.

Notary Public in and for the County of Los Angeles,  
State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committee were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 502—An act to provide for the payment of pensions to veterans of the war with the Philippines and providing an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—8; committee vote: Ayes—4; absent—4.

CLEVELAND, Chairman.

Senate Bill No. 502 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 740, An act to amend sections 1 and 2, as amended, An act to provide for the burial of soldiers, sailors and marines in the State who have themselves died without leaving sufficient means to defray funeral expenses, approved March 15, 1889, as amended.

Also: Senate Bill No. 664, An act making an appropriation for the purpose of purchasing a building site, construction, and equipment, of a State armory at the city of Long Beach.

Has had the same under consideration, and respectfully recommends the same back and recommends that they do pass.

Committee membership: 8; committee vote: Ayes—4, absent—4.

CLEVELAND, Chairman.

Senate Bills Nos. 740 and 664 ordered on file for second reading.

#### REFERENCE OF ASSEMBLY BILL

Senator Luman asked for and was granted immediate consent to have Assembly Bill No. 631 withdrawn from Committee on Finance and re-referred to Committee on Hospitals and Asylums.

#### REPORTS OF STANDING COMMITTEES (continued)

The following reports of standing committees were received and read:

##### ON MINES AND MINING

SENATE CHAMBER, SACRAMENTO, MARCH 6, 1929.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 211, An act to amend sections 1, 2, 3, 4, 5 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaged in the business of mining, drilling, manufacturing, refining, refining, refining, or processing for sale, lease, construction, or completion, having gold or silver, gold dust, silver or gold bullion, valuable minerals, in precious ores and minerals; therefore, and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add section 11, to said act to be numbered 12, relating to the enforcement thereof with the consent of some Senate members—has had the same under consideration, and respectfully recommends the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 5; committee vote: Ayes—4, absent—1.

CASSIDY, Chairman.

Senate Bill No. 211 ordered on file for second reading.

##### ON INSURANCE

SENATE CHAMBER, SACRAMENTO, MARCH 7, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 629, An act to amend section 228 of the Civil Code, relating to the liability of insurance companies, which may be carried by the State to pay over back and interest on policies from the proceeds of this bill.

Also: Senate Bill No. 630, An act to amend section 228 of the Civil Code, relating to the liability of insurance companies, which may be carried by the State to pay over back and interest on policies from the proceeds of this bill.

Also: Senate Bill No. 570, An act to amend section 228 of the Civil Code, relating to the liability of insurance companies, which may be carried by the State to pay over back and interest on policies from the proceeds of this bill.

Has had the same under consideration, and respectfully recommends the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 11; committee vote: Ayes—7, absent—4.

TUBBS, Chairman.

Senate Bill Nos. 629, 626 and 573 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 631, An act to amend the said, as amended, section 228 of the Civil Code, relating to the liability of insurance companies, which may be carried by the State to pay over back and interest on policies from the proceeds of this bill.





Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and providing for the enforcement of the provisions of this act and for the punishment of violations thereof—has had the same under consideration, and respectfully recommends that the same do pass, under condition, and respectfully requests the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

SENATOR CHAIRMAN

Senate Bill No. 580 ordered on file for second reading

ON PUBLIC UTILITIES

SENATE CHAMBER, SACRAMENTO, March 7, 1929

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and providing for the enforcement of the provisions of this act and for the punishment of violations thereof—has had the same under consideration, and respectfully requests the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

WAGY, Chairman.

Senate Bill No. 742 ordered on file for second reading

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and providing for the enforcement of the provisions of this act and for the punishment of violations thereof—has had the same under consideration, and respectfully requests the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

WAGY, Chairman.

Senate Bill No. 482 ordered on file for second reading

ON LABOR AND CAPITAL

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 101—An act to amend section 1 of an act entitled "An act relating to the regulation of business, providing for a license for the operation thereof and a fee thereon, providing forms of receipts and registers to be used and kept, prohibiting any change for registration or filing application for license or endorsement, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency, and extending the time to send from labor contractors engaged in sending workers, has, without fee, a favorable recommendation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 100 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 101—An act to amend section 1 of an act entitled "An act relating to the regulation of business, providing for a license for the operation thereof and a fee thereon, providing forms of receipts and registers to be used and kept, prohibiting any change for registration or filing application for license or endorsement, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees

and return of fee paid where no position is secured—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 101 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or testing of electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 435 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

MERRIAM, Chairman.

Senate Bill No. 569 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates;

Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates;

Also: Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

MERRIAM, Chairman.

Senate Bills Nos. 667, 668 and 608 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 8—Relating to the federal income tax law—has had the





## AMENDMENT NUMBER TWO.

Section 9 of said act is hereby amended to read as follows:

"Sec. 9. Any person who buys, sells or takes into possession for sale for use as food at any season of the year any trout or other domesticated fish, with all progeny tagged and kept; and provided, also, that the same is tagged or marked for identification as hereinbefore provided. The tag shall be removed only by the consumer, and when removed shall be destroyed."

Amendment adopted.

## AMENDMENT NUMBER THREE.

Section 4 of said act is hereby amended to read as follows:

"Sec. 4. Upon the receipt of said application the state board of fish and game commissioners shall make an examination of the land and waters described in the said application. All the expenses of the said examination shall be borne by the applicant. If it shall appear that the applicant has a hatchery of trout or other domesticated fish, the application is in other respects proper and reasonable, the said fish and game commission shall grant to such applicant a license to propagate and raise domesticated trout or other domesticated fish mentioned in the application and to possess, sell or distribute them or other domesticated fish during the entire calendar year. The license shall be issued on or before the first day of January next and shall expire on the last day of December in each year at which time."

Upon obtaining a permit from the fish and game commission the applicant may or other domesticated fish raised in a regularly licensed hatchery under the laws of any other state may be imported into this state, that person shall or shall not make during the entire calendar year upon the payment of a fee of five dollars per year; provided, that such imported domesticated trout or other domesticated fish shall be duly tagged as in this act provided and in accordance with the rules and regulations to be prescribed by the fish and game commission and provided, further, that the person or persons who are to receive any such fish shall make application to the fish and game commission for a permit to import each and every shipment of such fish into this state, which application shall state the hatchery or hatcheries from which such fish are to be imported, the quantity of fish in each shipment to be received, and the name and address of the person to receive the same. No permit shall be granted for the importation of any fish except from a hatchery regularly licensed as provided in this act, and no fish shall be imported by any person, firm or corporation, without first obtaining a permit to import such fish. The permit issued under the provisions of this act to hatcheries located outside of this state shall expire on the last day of December in each year at which time."

Amendment adopted.

Bill read a second time, ordered to print and re-referred to Committee on Fish and Game.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

## SENATE CHAMBER, SACRAMENTO, March 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 74—An act to amend section 344a of the Penal Code, relating to the possession of native trees, shrubs and ferns;

Also: Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended;

Also: Senate Bill No. 571—An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining influence and advertising, requiring the filing of statements of money received and expended by such persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violation hereof;

Also: Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act;

Also: Senate Bill No. 717—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers



Said service was made by Joseph F. Nolan, Sergeant-at-Arms of the Senate, as more particularly set forth in his affidavit hereto attached; which said affidavit, together with the copy of notice and of said articles hereto attached, are hereby referred to and made a part of this report.

(Signed)

H. L. CARNAHAN,  
President of the Senate.

Dated this fifth day of March, 1929.

BEFORE THE SENATE OF THE STATE OF CALIFORNIA SITTING AS A  
COURT OF IMPEACHMENT.

In the Matter of the Impeachment of

CARLOS S. HARDY,  
a Judge of the Superior Court of the State  
of California, in and for the County of Los  
Angeles.

} Affidavit.

State of California,  
County of Sacramento, } ss.

Joseph F. Nolan, being first duly sworn, deposes and says:

That at all times herein mentioned he was and now is the Sergeant-at-Arms of the Senate of the State of California, sitting in the forty-eighth session of said Senate;

That for and in behalf of and pursuant to the request and direction of H. L. Carnahan, the President of the Senate, affirm, on the second day of March, 1929, served on Carlos S. Hardy, personally, the defendant in the above entitled proceeding, at his residence at 207 Lafayette Park, in the city of Los Angeles, county of Los Angeles, State of California, a notice, of which a true copy is hereto attached and a copy of the Articles of Impeachment presented in said proceeding attached to said notice, and said defendant then and there accepted the same.

(Signed)

JOSEPH F. NOLAN.

Subscribed and sworn to before me this fourth day of March, 1929.

(Signed)

F. G. GRIEBNOW, JR.,

[SEAL]

Notary Public in and for the County of Sacramento.

BEFORE THE SENATE OF THE STATE OF CALIFORNIA SITTING AS A  
COURT OF IMPEACHMENT.

In the Matter of the Impeachment of

CARLOS S. HARDY,  
a Judge of the Superior Court of the State  
of California, in and for the County of Los  
Angeles.

} Articles of Impeachment.

The Assembly of the forty-eighth session of the Legislature of the State of California, in their name, and in the name and by the authority of the State of California and the people thereof, by and through the Honorable Walter J. Little, the Honorable Cliff Voorwine, the Honorable Henry F. Sewell, the Honorable William B. Hornblower and the Honorable Melvyn I. Cronin, duly elected Managers of said Assembly of the State of California, do hereby present and exhibit Articles of Impeachment in the above entitled matter, and gave the Honorable Senate to know and be informed.

That at all times mentioned in these Articles of Impeachment, the above named Carlos S. Hardy was, now is, and ever since has been, a judge of the superior court of the State of California, in and for the county of Los Angeles.

That the said Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, unmindful of the high duties of his office, is guilty of misconduct and misdemeanors in office, committed by him while in said office, and that the said Assembly of the State of California hereby exhibits and presents to the Honorable Senate Articles of Impeachment against the said Carlos S. Hardy, as a judge of the superior court of the State of California, in and for the county of Los Angeles, for the causes, upon the grounds and in the particulars as follows, to wit:

ARTICLE I

That at all times mentioned in this Article of Impeachment the Echo Park Evangelistic Association, Incorporated, was a corporation organized and existing under and by virtue of the laws of the State of California, and that at all times mentioned in this Article of Impeachment, Anna Sophie McPherson and one Minnie Kennedy were engaged in conducting a religious organization known as Anarchus Temple, Church of the Four Square Gospel, and divers and other sundry names, and other divers and sundry names and organizations not known to the members of this Assembly.

That between the first day of February, 1923 and the first day of April, 1927, the said Carlos S. Hardy, while then and there acting as a judge of the superior





to such disparagement and nonappearance of said Aimee Semple McPherson, and with jurors, members of the said panel above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create public opinion through the press favorable to said Aimee Semple McPherson; and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion.

All of which services above specified, were performed by the said Carlos S. Hardy for a remuneration received by him, and in all of such acts, and during the time that each and all of them were performed, the said Carlos S. Hardy was a judge of the superior court of the State of California, in and for the county of Los Angeles, and during the year 1926, was actually presiding in one of the four departments of said superior court devoted to the trial of felony criminal cases; and by reason of which said facts, such acts so performed by him brought disrepute, obloquy and dishonor to the superior court of the State of California; and by reason of said acts the said Carlos S. Hardy has been guilty of misconduct and misdemeanors committed in office.

#### ARTICLE II.

That during the month of May, 1926, the said Aimee Semple McPherson mysteriously disappeared from the city of Los Angeles, State of California, and thereafter, on or about the twenty-second day of June, 1926, the said Aimee Semple McPherson reappeared in the city of Los Angeles, and publicly announced that she had been kidnaped, and during the time of her absence had been held for ransom; that meantime the grand jury of the county of Los Angeles, the district attorney of the county of Los Angeles and the said Carlos S. Hardy instituted several investigations into the facts and circumstances surrounding the alleged kidnaping and the absence from the said city of the said Aimee Semple McPherson, and the said grand jury of the county of Los Angeles and the district attorney of Los Angeles County further instituted investigations to determine the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not the said Aimee Semple McPherson and the said Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California; that within a few days subsequent to the reappearance of the said Aimee Semple McPherson, the said Carlos S. Hardy received reliable information that the said Aimee Semple McPherson had not been kidnaped or held for ransom, and that notwithstanding his knowledge of the facts, disclosed by such information and the said investigations of the grand jury of Los Angeles County, and the district attorney of Los Angeles County, whom mentioned, and during said investigations, the said Carlos S. Hardy committed and performed the following described acts:

He counseled, instructed and directed attorneys employed in behalf of the said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts pertinent to said investigations, or material to the question of whether or not the said Aimee Semple McPherson had been kidnaped and held for ransom.

Said Carlos S. Hardy further counseled, instructed and attempted to direct the action of grand jurors, members of the said panel above mentioned, and counseled, instructed and directed journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy, to create public opinion through the press, favorable to the said Aimee Semple McPherson, and substantiating in the public mind and in the minds of the said jurors her claim that she had been kidnaped and held for ransom; and that the said Carlos S. Hardy, with knowledge of the facts, as aforesaid, and using his position as a judge of the said superior court, and relying thereon, delivered public addresses over the radio and on the public platform, in character directly designed to create such favorable public opinion and to create sentiment favorable to the said Aimee Semple McPherson in the minds of the said jurors aforesaid, and in the minds of citizens of the said Los Angeles County who might be called as trial jurors in event the said Aimee Semple McPherson was made defendant in a criminal action prosecuted by the people of the State of California.

That each and all of the acts above mentioned, had the effect of and did prevent, delay and obstruct a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, and of the intention of preventing and obstructing a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney, and with the intention of preventing and obstructing a proper vigorous and diligent prosecution of the said Aimee Semple McPherson, in the event it was determined by the said grand jury or the said district attorney that the said Aimee Semple McPherson had committed a felony under the laws of the State of California.

That each and all of the acts above mentioned, had the effect of and did prevent and obstruct a proper and unbiased investigation of the statement of the said Aimee





Aimee Semple McPherson, et al., and which said Wallace Moore had partially identified a woman in an automobile with one Kenneth G. Christman at or near the city of Santa Barbara during the time of the alleged disappearance of said Aimee Semple McPherson, vs. Aimee Semple McPherson, and that in said interview the said Carlos S. Hardy informed the said Wallace Moore concerning the crime of perjury and the danger of attempting to identify the woman he had seen as Aimee Semple McPherson, and the difficulty of being certain of accurate identification, and citing a case that had been tried before him, the said Carlos S. Hardy, whom the defendant, charged with burglary, had been convicted upon a mistaken identification, and further informed the said Wallace Moore that a person making a mistake in identification would be liable for damages to the person injured thereby, and that ten years thereafter, when he might have accumulated a fair fortune, if he had been instrumental in converting the wrong party, he might be sued by such party at any time during his lifetime; and of which conversations on the part of the said Carlos S. Hardy was intended by him, the said Carlos S. Hardy, to intimidate the said Wallace Moore as a witness who might be called in the case of People of the State of California vs. Aimee Semple McPherson, et al.; and that said conversation on the part of the said Carlos S. Hardy, was intended by him, the said Carlos S. Hardy, to suppress, modify, or render useless, the testimony of the said Wallace Moore as a witness in said case of People of the State of California vs. Aimee Semple McPherson, et al., all of which was misconduct and misdemeanor committed in office by the said Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles.

#### ARTICLE V.

That during the month of January, 1928, the case of the People of the State of California vs. Edward Hickman had been set for trial in the department of the superior court of the State of California in and for the county of Los Angeles, presided over by the said Carlos S. Hardy, and while he was a judge of the said court, he, the said Carlos S. Hardy, caused the seats provided for spectators in his court room in the hall of justice in the city of Los Angeles, county of Los Angeles, State of California, to be numbered and caused tickets to be printed and numbers endorsed thereon, said numbers corresponding to the numbers on the said seats, and which said tickets were stored for the various days during which it was contemplated that the case of People of the State of California vs. Edward Hickman would be on trial, and caused and permitted said tickets to be distributed to the friends of the said Carlos S. Hardy and of his wife, to the end that no persons except those provided with said tickets would be admitted to the court room during the trial of the case of the People of the State of California vs. Edward Hickman, contrary to a provision in the constitution of the United States of America and of the State of California, guaranteeing to all defendants the right of a public trial, all of which said acts on the part of the said Carlos S. Hardy were and are unlawful and misdemeanors committed in office by the said Carlos S. Hardy, and brought disrepute, obloquy and dishonor to the superior court of the State of California.

WHEREFORE, The said Assembly of the State of California, saving to themselves by protestation the liberty of exhibiting any other Articles of Impeachment against the said Carlos S. Hardy, as aforesaid, and also of the reply to the answers which he may make to the impeachment aforesaid, and of offering proof of the said matters of impeachment, do demand that said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, be put to answer all and every of the said matters and that such proceedings, trial and judgment may be thereupon had and given as are conformable to the constitution and laws of the State of California; and the said Assembly is ready to offer proof of the said matters at such times as the honorable court for the trial of impeachment may order and appoint.

Dated in the city of Sacramento, State of California, this twenty-eighth day of February, A. D. 1929.

WALTER J. LITTLE,  
HARRY F. SEWELL,  
CLARE WOOLWINE,  
WILLIAM B. HORNBLOWER,  
MELVYN I. CRONIN,

Managers of the Assembly.

This is to certify that Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin are the duly elected Managers of the Assembly in the matter of the impeachment of Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, and that the foregoing are the Articles of Impeachment in said matter.

Dated this twenty-eighth day of February, 1929.

EDGAR C. LUTVY.

Speaker of the Assembly of the State of California.

Attest: ARTHUR A. OHNIMUS,  
Chief Clerk of the Assembly.

State of California, 1  
The Senate, 1

The foregoing Articles of Incorporation were introduced at the bar of the Senate by Messrs. Walter J. Latta, Harry E. Russell, Clara Woodruff, William B. Hunt, William and Mathew L. Connor. Messages sent by the Assembly, and were referred to me, the President of the Senate, the twenty-ninth day of February, 1929.

H. L. CARNAHAN, President of the Senate.

Dated: February 28, 1929

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

The following resolution was offered:

By Senator Swing:

#### SENATE CONCURRENT RESOLUTION No. 18

WHEREAS, Pursuant to the incorporation act known as the Boulder Canyon Project Act, the states of California, Wyoming, Colorado, Utah, New Mexico and Nevada have ratified the Colorado River compact dated November 24, 1922, in accordance with said act, upon a six-state basis; and

WHEREAS, California has accepted the limitations on the use of water from the Colorado River as prescribed in said act; and

WHEREAS, Negotiations are now in progress between the states of Arizona, Nevada and California, looking to an equitable agreement between said states for the use of the waters of the said Colorado River and an international agreement for distribution of the said Colorado River compact; and

WHEREAS, It is desirable that said negotiations be continued and carried on until a satisfactory agreement between said states has been entered into, and an international seven state distribution of said compact effect is now therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the California Colorado River Commissioners be and they are hereby requested to continue negotiations with Arizona and Nevada, and make every reasonable effort to effect a satisfactory agreement between said states relative to the use of the water of said river, and secure, if possible, an equalized seven-state distribution of said Colorado River compact.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER EIGHTEEN.

Senator Swing asked unanimous consent to consider at this time Senate Concurrent Resolution No. 18, without reference to committee, for purpose of adoption.

Unanimous consent granted.

#### SENATE CONCURRENT RESOLUTION No. 18

WHEREAS, Pursuant to the incorporation act known as the Boulder Canyon Project Act, the states of California, Wyoming, Colorado, Utah, New Mexico and Nevada have ratified the Colorado River compact dated November 24, 1922, in accordance with said act, upon a six-state basis; and

WHEREAS, California has accepted the limitations on the use of water from the Colorado River as prescribed in said act; and

WHEREAS, Negotiations are now in progress between the states of Arizona, Nevada and California, looking to an equitable agreement between said states for the use of the waters of the said Colorado River and an international agreement for distribution of the said Colorado River compact; and

WHEREAS, It is desirable that said negotiations be continued and carried on until a satisfactory agreement between said states has been entered into, and an international seven state distribution of said compact effect is now therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the California Colorado River Commissioners be and they are hereby requested to continue negotiations with Arizona and Nevada, and make every reasonable effort to effect a satisfactory agreement between said states relative to the use of the water of said river, and secure, if possible, an equalized seven-state distribution of said Colorado River compact.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canapa, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Huebly, Immen, Jones, Ray, Lyon, Maloney, McCor-

mack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 18 ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 245—An act to amend section 5 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, and to add a new section to said act to be numbered section 16, defining the term mine and the term mineral as used in said act;

Also: Assembly Bill No. 366—An act to amend section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement, and creating the Division of Chemistry fund," approved June 3, 1921, as amended, relative to the registration or cancellation of registration of economic poisons;

Also: Assembly Bill No. 712—An act to provide for the change of name of irrigation districts;

Also: Assembly Bill No. 868—An act to amend section 4267 of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty-eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties;

Also: Assembly Bill No. 1016—An act relating to certain funds of inmates of State prisons and reformatories and the expenditures thereof;

Also: Assembly Bill No. 1052—An act making an appropriation to supply books, magazines and papers for the library of the Veterans' Home of California, and to equip the barracks there constructed under the provisions of "An act making an appropriation for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 24 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922," approved April 14, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 245 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 366 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 712 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 868 read first time, and referred to Committee on County Government.

Assembly Bill No. 1016 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1052 read first time, and referred to Committee on Military Affairs.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 1, 1929, passed Assembly Bill No. 541. All that is left is registration, enrollment, and attendance at the California Polytechnic School by those students.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 547 read first time and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 549. All that is needed is that the Penal Code, relative to the grand jury.

Also, Assembly Bill No. 741. As yet in second reading. That of the Penal Code, relating to the appointment of grand jurors, in counties of less than 100,000.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 442 and 741 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed the amended, Senate Bill No. 181. As yet to add a new section to the Political Code, to be numbered 430th, relating to fees of inspectors, and to repeal some conflicting acts and parts of acts.

ARTHUR A. OHNIMUS, Chief Clerk of Assembly.  
By R. W. GLOSS, Assistant Clerk.

#### CONSIDERATION OF SENATE REPORTS.

The Senate took up for consideration Assembly amendment to Senate Bill No. 181. As yet to add a new section to the Political Code, to be numbered 430th, relating to fees of inspectors, and to repeal some conflicting acts and parts of acts.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER ONE HUNDRED EIGHTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill strike out the word "and" and insert in lieu thereof the word "that."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 181?

The roll was called, and the Senate refused to concur in the Assembly amendment to Senate Bill No. 181 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Rogers, Carson, Call, Crowley, Edwards, Evans, Follom, Garsson, Gray, Henry, Huber, Jones, RAY, Maloney, Macomber, McKinley, Merriam, Murphy, Nelson, Plummer, Rochester, Stanford, Sargent, Wagner, Weston, West, and Young—28.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 5. Relative to the appointment of California in the Great Lakes-St. Lawrence Telewriter Association to facilitate

and expedite the prosecution of the construction of a seaway connecting the Great Lakes with the Atlantic Ocean.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Joint Resolution No. 5 read for a third time and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 11: Resolutive to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Concurrent Resolution No. 11 read and referred to Committee on Public Health and Quarantine.

REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Baker:

SENATE CHAMBER, SACRAMENTO, March 8, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 19c24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

Request referred to Committee on Rules.

REPORT OF SPECIAL COMMITTEE.

The following report of the special committee appointed to investigate concerning the existence of a reputed cement trust was read, and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, March 8, 1929.

MR. PRESIDENT: We, the undersigned, your committee to whom was referred the investigation of a reported illegal combination or conspiracy among manufacturers and dealers in cement in the State of California for the control of the market price of cement and the suppression of free competition, with full power to act in the premises and to issue subpoenas and bring witnesses before a duly convened forum to the facts or the purported facts as to such reputed combination or conspiracy, and to compel the production for examination by your committee of all necessary books, papers, documents, records and information, all as more fully and particularly set forth and provided in that certain resolution adopted by the Senate on the seventeenth day of January, 1929, under and pursuant to which resolution we were appointed a committee, hereby report to your honorable body, the Senate of the State of California:

That we, your committee, undertook to make said investigation and held meetings in San Francisco on January 24 and 25, 1929; in Los Angeles on February 4, 5 and 6, 1929, and in Sacramento on February 25 and 26, and March 5 and 7, 1929, for the purpose of examining witnesses, and examining books, papers, documents, records, and information; that in the case of each witness and prior to his attendance we caused a subpoena duces tecum to be duly and regularly issued and served and the same was duly and regularly issued and served upon him requiring his presence to testify and requiring him to bring with him certain books, papers, documents, records, and information in his possession or under his control, designated and described in the subpoena, and that the following named persons were present and appeared before your committee, viz:

Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, and A. Emery Wishon; that said witnesses hereinabove named were examined individually, and required to give certain testimony and to produce certain documents, records, and information for examination by your committee:

That said witnesses and each thereof contumaciously refused and declined to answer questions material to the issues and refused to produce material and proper books, papers, documents, records and information required of them and in their possession or under their control, all as more particularly appears from the transcript





section thereto to be numbered 4a, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the figure "4", insert the following: "and 5".

**Amendment adopted.**

##### AMENDMENT NUMBER TWO.

On page 2, line 17, of the printed bill, after the period following the word "system", add the following:

"The state park commission may in its discretion receive such gifts and lands in the manner herein provided, subject to the condition, limitation, restriction and reservation imposed upon the use thereof by such grantor or donor as may be approved by the state park commission."

**Amendment adopted.**

##### AMENDMENT NUMBER THREE.

On page 2, line 35, of the printed bill, after the period following the word "injury", begin a new line and add the following:

"Sec. 4. Section 5 of said act is hereby amended to read as follows:

"Contracts may be entered into between the state park commission and cities, counties, and other political subdivisions of the state and with the government of the United States through its authorized officers and constituted agencies for the care, maintenance, and control for the purposes of the state park system by either party to such a contract of lands under the jurisdiction of the other party to such a contract and the expenses of such care, maintenance, and control may be paid from the general fund of such city, county, or other political subdivision of the state, or from the funds of the United States, or from the funds of the state park commission as the case may be."

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 24—An act to amend section 2141 of the Political Code, relating to the powers of the Department of Institutions.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out all of line 4, and insert in lieu thereof the following:

"(1) To appoint a secretary of the department of institutions, whose term of office shall be four years from and after the date of his appointment and to fix his salary, which shall be paid at the same time and in the same manner as are the salaries of other state officials, and to appoint such other employees as it may deem necessary and fix their compensations;"

**Amendment adopted.**

##### AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the numeral "1", and insert in lieu thereof the numeral "2".

**Amendment adopted.**

##### AMENDMENT NUMBER THREE.

On page 1, line 10, of the printed bill, strike out the numeral "2", and insert in lieu thereof the numeral "3".

**Amendment adopted.**

## AMENDMENT NUMBER FOUR.

On page 1, line 23, of the printed bill, strike out the word "succeeding", and insert in lieu thereof "preceding".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 4, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 4, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 12, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "6".

Amendment adopted.

Bill read second time, ordered to print, and to be referred to Committee on Governmental Efficiency.

Senate Bill No. 712. An act providing for the creation and establishment of the Contractors' State License Board, prescribing the powers and duties of such board, defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting and fixing the fees for such licenses, providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, in section 2, between lines 8 and 9, add the following new subsection:

"(7) The public utilities operating under the regulation of the state railroad commission on construction work incidental to their own business."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 45, of the printed bill, in section 7, subdivision (c), after the semicolon, add the following: "all employees however except the executive secretary shall be appointed under civil service regulations."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, line 5, of the printed bill, in section 7, subdivision (d), after the word "the", strike out the words "board of control", and substitute the words "department of finance".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 18, line 41, of the printed bill, in section 24, subdivision (a) after the word "board", eliminate the period and add the following: "with the approval of the department of finance".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 19, line 26, of the printed bill, in section 25, after the word "board", eliminate the semicolon and substitute therefor a period, then eliminate the remainder of this section ending with the word "recorded" on line 46.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 19, line 47, of the printed bill, in section 26, after the figure "26" beginning with the word "All", strike out all of the remainder of line 47, and all of lines 48, 49, 50, 51, 52; on page 20 all of lines 1, 2, 3, 4, 5, 6, 7, 8, and line 9 to and including the word "fund", and insert in lieu thereof the following:

"All fees and moneys collected under this act shall each month be reported to the state controller in such form as he may prescribe and at the same time deposited in the treasury of the state to the credit of a fund to be known as the "contractors state license fund," which fund is hereby created. All moneys which shall be credited to said fund are hereby appropriated in accordance with the provisions of law to be used by said board in carrying out the provisions of this act."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 20, line 14, of the printed bill, in same section, after the word "the", strike out the words "board of control", and substitute the words "department of finance".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 20, line 20, of the printed bill, in same section, after the word "the", strike out the words "thirty-first day of December", and substitute therefor the words "thirtieth day of June".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 20, line 21, of the printed bill, in same section, after the word "succeeding", strike out the word "January", and substitute the word "July".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 20, line 23, of the printed bill, in same section, strike out the final word "and" on this line.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 764—An act creating the California State Trade Commission; providing for the appointment, compensation and removal of its members; prescribing its powers and duties; providing for the enforcement and review of its orders; prohibiting unfair methods of competition in intrastate commerce; making an appropriation for the purposes of the act; and prescribing penalties for violation thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, after the word "unfair", insert "trade ethics, practices, or".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, lines 2 and 3, of the printed bill, strike out the word "hereafter" and insert in lieu thereof "hereinafter".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, strike out "by and with the advice and consent of the Senate".

Amendment adopted.



## AMENDMENT NUMBER SEVEN.

On page 2, line 5, of the printed bill, strike out the word "year" and insert in lieu thereof "month"; also, in line 9, strike out the words "five hundred".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 4, of the printed bill, after the word "unfair", insert "trade ethics practices, or"; also, in line 17, after the word "unfair", insert "trade ethics practices, or"; also, in line 29, after the word "law", insert "unfair trade ethics practices"; also, in line 30, after the word "the", insert "trade ethics practices, or".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 38, of the printed bill, after the word "the", insert "trade ethics practices, or".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5, line 16, of the printed bill, after the comma following the word "conduct", insert "trade ethics".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 6, line 7, of the printed bill, strike out the word "year" and insert in lieu thereof "month"; also, in line 26, strike out the word "year" and insert in lieu thereof "month".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 7, line 38, of the printed bill, strike out the words "five hundred", and insert in lieu thereof "one thousand"; also, in line 39, strike out the word "and" and insert in lieu thereof "one year"; also, in line 44, strike out the word "thousand" and insert in lieu thereof "thousand".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 8, line 11, of the printed bill, strike out "a month", and insert in lieu thereof "one month"; also, in line 12, following the word "year", insert "month", and insert in lieu thereof "month"; also, in line 13, following the word "five", strike out "thousand" and insert in lieu thereof "thousand"; also, in line 14, strike out "in the county of"; also, in line 15, strike out "month", and insert in lieu thereof "year"; also, in line 24, strike out "one month", and insert in lieu thereof "one month"; also, in line 25, strike out "one month", and insert in lieu thereof "one year"; also, in line 45, strike out "one" and insert in lieu thereof "two".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section, to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorneys and employees, submission of written instruments to attorney or Attorney General, assessment of insurance companies for salary and expenses in case of delinquency; creation of insurance fund and transfer and addition of Insurance Commissioner's special fund.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, after the word "commissioner", strike out the words "and he" and insert "and no such attorney is employed by the commissioner, to the attorney general of the State of California".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 3, of the printed bill, after the word "commissioner", strike out the following: "or of the attorney general".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, after the word "commissioner", strike out "or the attorney general."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in the heading of the printed bill above the title of said bill, strike out the words "Senator Macdonald," and insert in lieu thereof the words, "Senators Mendenhall and DeVal.".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning in said line 1, strike out all of lines 1 to 24, inclusive, and all of pages 2 to 11, inclusive, and insert in lieu thereof the following:

"SECTION 1. The duties, powers and jurisdiction conferred by this act are invested in the department of public works and shall be exercised and exercised through the state engineer. The word "department" when used in this act shall mean the department of public works and shall include and be construed with said administration and exercise of duties, powers, and jurisdiction through the agency of the state engineer. The state engineer shall be responsible to the director of public works for the proper administration of this act."

SEC. 2. The word "dam" whenever used in this act shall mean any dam and appurtenant works for the impounding, diversion, or control of water which will be either fifteen feet or more in height from ground level to crest of spillway or whose impounding capacity will be ten million or more gallons. That no obstruction used to raise or lower water in a canal or divert water therefrom shall be considered a dam within the meaning of this act. The word "structure" whenever used in this act includes the state and all its departments, institutions and agencies whatsoever, every municipal or quasi municipal corporation, political subdivision, public utility, district, corporation, company, association or person and their duly authorized agents, bosses, trustees, and producers of income, whether or not they own, operate, own, owning, controlling, operating, maintaining or managing any dam as defined in this act.

SEC. 3. The department is hereby invested with authority under the police-power of the state and directed to supervise dams for the protection of life and property as hereinafter provided. All dams in the State of California whether heretofore or hereafter built or now under construction shall be under the jurisdiction of the department and it shall be unlawful to construct, enlarge, repair, alter, remove, maintain or operate any dam except upon approval of the department as hereinafter provided. The department shall employ such clerical, engineering and other assistants and at such compensation in accordance with civil service regulations as may be necessary for carrying on the work of dam supervision in accordance with this act. The department may employ such consultants none of whom need be civil service employees, as may be necessary. The records pertaining to the supervision of dams shall be public documents. The department shall adopt and revise from time to time such rules and regulations and issue such general orders for carrying out the provisions of this act as may be necessary.

SEC. 4. Every owner of a dam completed prior to the effective date of this act shall, within six months after the effective date of this act, file an application for the





been completed at the effective date of this act. All filing fees collected under the provisions of this act shall be paid once each month into the state treasury. The fees herein provided for shall be required of all enumerated in the definition of owner as made in section 2 of this act.

SEC. 6. Before commencing the repair, alteration or removal of a dam, whether it was completed before or after the effective date of this act, the owner must secure the written approval of the department, except as hereinafter provided. Application for such approval shall give the name and address of applicant, and shall adequately detail, with appropriate references to the existing dam, the changes which it is proposed to effect and shall be accompanied by maps and plans and specifications which shall be a part of said application and which shall be of such character and size and set forth such pertinent details and dimensions as the department may require; *provided*, that the department may waive any of the above requirements if found by it unnecessary. Such application shall also give such other pertinent information or data concerning the dam and reservoir as may be required by the department and such information as to other matters appropriate to a thorough consideration of the safety of such a change as may be required by the department and shall also state the proposed time of commencement and of completion of construction. In case of an emergency where repairs are necessary to safeguard life and property repairs may be started immediately, but in the event of such emergency repairs the department shall be notified at once of proposed repairs and of work under way and said proposed repairs and work shall be made to conform to such orders as the department shall issue.

SEC. 7. Upon receipt of an application, the department shall give its consideration thereto and shall approve or disapprove, or approve subject to such conditions as may be necessary to insure safety. A defective application made in a bona fide attempt to conform to the law and rules and regulations of the department shall not be rejected but notice of defect shall be sent to the applicant by ordinary and registered mail and it within thirty days of the date of mailing, said notice applicant shall not file an amended and perfected application, said application shall be rejected and canceled unless for good cause shown, the department shall allow applicant further time. No application shall be subject to a less than ten days stay for receipt of said application, nor shall an application pend unacted upon for more than sixty days after it has been filed in the required form and content, unless the department shall find that additional information or data are necessary and that action must therefore be deferred for the time found necessary to acquire and study such information or data. Approvals shall be granted under terms, conditions and limitations necessary to safeguard life and property. Actual construction shall be started within one year after date of approval, otherwise the approval shall become void; *provided, however*, that the department may upon written application and for good cause shown, extend the time for beginning of construction. Notice shall be given the department at least ten days before construction is to be started and such other notices shall be given to the department as may be required by it.

SEC. 8. During the construction, enlargement, repair, alteration or removal of any dam under an approval of the department, it shall make or cause to be made such continuous or periodical inspections, investigations or examinations as may be necessary to secure conformity with the provisions of such approval and approved plans and specifications. If, after any such inspections, investigations or examinations, or at any time as the work progresses it shall be found by the department that amendments, modifications or changes are necessary to insure safety, the department shall have authority to revise the approval as may be necessary or, if conditions are revealed which will not permit or the construction of a safe dam in accordance with the approved plans and specifications, the approval may be revoked. In the event that conditions imposed may be waived or made less burdensome without sacrificing a proper margin of safety, the department shall have authority to revise the approval accordingly. If at any time during construction, enlargement, repair or alteration of any dam the department shall find that the work is not being done in accordance with the provisions of the approval and the approved plans and specifications or in accordance with the approval or plans and specifications as same may have been revised, it shall give a written notice and order by registered mail or by personal service to the owner. Said notice and order shall state the particulars in which the approval and approved plans and specifications or the approval and approved plans and specifications as revised are not being or have not been complied with and shall order the immediate compliance with the approval and approved plans and specifications or with the approval and approved plans and specifications as revised as may be the case. Also, the department may order that no further work be done until such compliance has been effected and approved by the department. A failure to comply with the approval and approved plans and specifications as originally approved or revised as may be the case, shall render such approval subject to revocation by the department, if compliance is not made in accordance therewith after notice and order from the department as above provided.

SEC. 9. Immediately upon completion of a new dam or enlargement of a dam the owner shall give a notice of completion to the department and as soon thereafter as possible there shall be filed with the department supplementary drawings or



be returned but if after an inspection made on account of a complaint, the complaint is found by the department to have been without merit, any money deposited therefor shall be payable into the state treasury.

SEC. 14. For the purpose of enabling decisions to be made which will be as compatible with economy and public safety as possible the department shall make or cause to be made such investigations and shall gather or cause to be gathered such data as may be needed for a proper review and study of the various features of the design and construction of dams, reservoirs, and appurtenances and shall also make or cause to be made such watershed investigations and studies as may facilitate such decisions. In the making of any of its investigations or inspections as required or authorized by this act the department or its representatives shall have the right to enter upon private property as may be necessary.

SEC. 15. No action shall be brought against the state or the department or its agents or employees for the recovery of damages caused by the partial or total failure of any dam or through the operation of any dam upon the ground that such defendant is liable by virtue of the approval of such a dam or by virtue of the issuance or enforcement of orders relative to maintenance or operation, or by virtue of control and regulation of such a dam or by virtue of measures taken to protect against failure during an emergency.

SEC. 16. Nothing in this act shall be construed to relieve an owner or operator of a dam of the legal duties, or obligations, or liabilities incident to such ownership or operation.

SEC. 17. Every violation of the provisions of this act or of any approval, order, rule, regulation or requirement of the department shall constitute a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00) or by imprisonment in the county jail not exceeding six months, or both, and in the event of a continuing violation each day that such a violation continues shall constitute a separate and distinct offense.

Any person willfully obstructing, hindering or preventing the department or its agents or employees from performing the duties imposed by this act or who willfully resists the exercise of the control and supervision conferred by this act upon the department or its agents or employees shall be guilty of a misdemeanor and punishable as herein provided.

Any owner, or any person acting as a director, officer, agent or employee of such owner, or any contractor or agent or employee of such contractor who shall engage in the construction, enlargement, repair, alteration, maintenance, or removal of any dam, who shall knowingly do work or permit work to be executed thereon without an approval or in violation of or contrary to any approval as provided for in this act or any inspector or agent or employee of the department who shall have knowledge of such work being done and who shall fail to immediately notify the department thereof shall be guilty of a misdemeanor and punishable as herein provided.

SEC. 18. Whenever any owner or any person acting as a director, officer, agent or employee of any owner or any contractor or agent or employee of such contractor is failing or omitting or about to fail or omit to do anything required of him by this act or by any approval, order, rule, regulation, or requirement of the department under the authority of this act or is doing or permitting anything or about to do or permit anything to be done in violation of or contrary to this act or any approval, order, rule, regulation, or requirement of the department under this act and the department may commence an action or proceeding in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the owner or person complained of has its principal place of business, or in which the person complained of resides, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The department shall bring such action or proceeding by petition in such superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall then be the duty of

such court to hear and determine the matter and to grant such relief as may be proper, and in the meantime said owner or person may be restrained. In case of default in answer or after answer the court shall immediately inquire into the facts and circumstances of the case. Such parties shall be joined as the court may deem necessary or proper in order to make its judgment, order or writ effective. The final judgment or order of the court shall either dissolve the writ of mandamus or injunction or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. The department is hereby authorized and empowered to employ necessary counsel to institute any and all proceedings to carry out the provisions of this section.

SEC. 19. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to cause such sum to be paid to the state treasurer and of the department for the purposes of this act and the state treasurer is hereby directed to pay such warrants.

SEC. 20. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof,



irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or parts as he designated are unconstitutional.

Sec. 21. All acts or parts of acts in conflict herewith are hereby repealed and the provisions hereby contained are hereby enacted as emergency enactments.

### Amendment adopted.

Bill read second time, ordered to print, and referred to Committee on Governmental Efficiency.

Senate Bill No. 505.—An act to add a new article to chapter 2 of title I of part III of the Political Code, to be numbered article IIe, embracing sections 376 to 379/, inclusive, relating to a Department of Penology.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 512.—An act to amend section 4 of an act entitled, "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the land and buildings of the San Diego State Teachers College. And from the proceeds of such sale to purchase and improve a tract and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to erect such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 44.—An act to amend section 2 of an act entitled, "An act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 24, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 278.—An act to amend section 479 of the Political Code, relating to employees in Controller's office.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 540.—An act to amend section 3 of an act entitled, "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," approved May 26, 1927.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 29, of the printed bill, strike out the words "practitioner of medicine", and in lieu thereof substitute the following: "one who holds a physician's and surgeon's certificate".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 31, of the printed bill, after the word "examiners", insert the following: "or the state board of osteopathic examiners".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3627a, 3628, 3629 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill, strike out the following: "3627a,".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the word "code", and insert in lieu thereof the word "title".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 19, of the printed bill, after the word "pledged" in said line, insert the following: "as security".

Amendment adopted.

## AMENDMENT NUMBER FOUR

On page 2 of the printed bill, strike out lines 6 to 13, inclusive, and insert in lieu thereof the following:

"1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines."

Amendment adopted.

## AMENDMENT NUMBER FIVE

On page 2, line 20, of the printed bill, strike out the word "stood", and insert in lieu thereof the word "stand".

Amendment adopted.

## AMENDMENT NUMBER SIX

On page 2 of the printed bill, strike out lines 22 and 23, and insert in lieu thereof the following: "been removed; *provided*, that forest trees or timber shall be considered mature for the purpose of this section at such time after forty years from the time of planting or removal of the original timber as above provided, as a board consisting of a representative from the state board of forestry, a representative from the state board of equalization and the county assessor of the county in which the timber is located, shall by a majority thereof so determine."

Amendment adopted.

## AMENDMENT NUMBER SEVEN

On page 3 of the printed bill, strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "denial of the owner or claimant thereof, regardless of the physical presence of instruments evidencing the same, *provided*, that any".

Amendment adopted.

## AMENDMENT NUMBER EIGHT

On page 3, line 9, of the printed bill, after the word "except" in said line, insert the following: "under the laws of this state".

Amendment adopted.

## AMENDMENT NUMBER NINE

On page 3, line 11, of the printed bill, strike out the word "outside" after the word "arising", and insert in lieu thereof the word "out".

Amendment adopted.

## AMENDMENT NUMBER TEN

On page 3, line 19, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN

On page 3 of the printed bill, strike out lines 36 to 50, inclusive; strike out all of pages 4 and 5; strike out lines 1 to 22, inclusive, on page 6.

Amendment adopted.

## AMENDMENT NUMBER TWELVE

On page 6, line 23, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "3".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN

On page 7, line 1, of the printed bill, strike out the word "and", and insert in lieu thereof the word "including".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN

On page 7, line 6, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "4".

Amendment adopted.



## AMENDMENT NUMBER FIFTEEN.

On page 7, line 15, of the printed bill, after the word "after" in said line, insert the words "such dates".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 8, line 12, of the printed bill, after the word "after" in said line, insert the words "such dates".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 8, line 15, of the printed bill, after the word "security" in said line, insert the words "for payment".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 8, line 25, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 9 of the printed bill, strike out lines 19 to 34, inclusive, and insert in lieu thereof the following:

"9. The amount of money.

10. The cash value of all other personal property.

11. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstance shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

12. The school, road, and other revenue districts in which each piece of property assessed is situated.

13. The total value of all property, exclusive of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any assessable legal or equitable interest therein.

14. Such other things as the state board of equalization".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 9, line 36, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "6".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 9, line 43, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "7".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 3, line 28, of the printed bill, after the word "as", strike out the words "the same as defined in", and in lieu thereof insert the words "provided by".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104a, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all after the enacting clause and substitute the following:

"SECTION 1. A new section is hereby added to the Penal Code, to be numbered 1104a, to read as follows:

1104a. Subdivision 1. No evidence of any confession made by a person while in the custody of any peace officer or while under arrest or detention shall be admissible upon the trial of such person for any crime or public offense except:

1. Evidence of declarations admissible under the provisions of section 1850 of the Code of Civil Procedure.

2. The testimony of any person who is neither a peace officer nor under the direction or control of a peace officer, provided such confession be shown to have been made freely and voluntarily.

3. The written declarations or statements made to a person who is neither a peace officer nor under the direction or control of a peace officer, provided such written declaration or statement be shown to have been made freely and voluntarily.

4. The typewritten or written transcript of any statement made in the presence of a magistrate by the person on trial, taken directly by a photographic reporter or stenographer in shorthand or by any other person in English, provided that such statement be in the form of questions and answers and severally certified by such magistrate and such photographic reporter, stenographer or other person, who shall have made said transcript, to be a true and accurate statement of all questions asked and all answers given, provided further that such transcript and certificates show that the statement made by the person interrogated was made freely and voluntarily and after he had been informed by said magistrate of his right to have the aid of counsel, and also that he could not be legally compelled to make any statement or give evidence or be a witness against himself.

5. A record of the testimony given by the person so on trial in the presence of a duly organized grand jury in this state taken and transmitted as provided in section 925 of the Penal Code, if it shall appear from such record that such person was informed of his legal rights by the foreman or forewoman pro tempore of such grand jury, including his right not to be compelled to give evidence or to be a witness against himself.

Subdivision 2. Nothing in this section contained shall be construed to authorize or permit the admission in evidence of any portion of any such confession, written declaration or statement that is not material and relevant."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 207—An act to add a new section, numbered 1027, to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, lines 4 and 5, of the printed bill, strike out the comma following the word "alienists" in said line 4; also strike out the words "and may select and appoint three alienists."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, after the comma following the word "hospitals" in said line insert the following: "and may select and appoint three alienists from such staffs."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 125—An act to add a new section to the Penal Code, to be numbered 1308, relating to bail bonds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 138—An act to add a new section to the Penal Code, to be numbered 1127*c*, relating to instructions on evidence of flight.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 139—An act to add a new section to the Penal Code, to be numbered 1127*a*, relating to instructions on indirect evidence.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 140—An act to add a new section to the Penal Code, to be numbered 1127*b*, relating to instructions to the jury with reference to the opinions of expert witnesses.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15*a*, 21*a*, 23, 31*a*, 31*c*, 31*d*, 60, 61, 61*a*, 82, 83, 90, 127, 130, and 136, and by repealing section 132*a*, all relating to the definition and regulation of the business of banking.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3 of the printed bill, strike out all of line 18 beginning with the word "that", all of lines 19 and 20 and that part of line 21 to and including the word "such", and in lieu thereof insert the following: "that any building and loan".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 5, line 7, of the printed bill, strike out the word "obligation", and insert in lieu thereof the word "obligations".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 11, line 50, of the printed bill, following the words "private trusts", insert the following: "and other relations to any person, creditor, depositor, trustee,".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 12, line 11, of the printed bill, strike out the word "instrument", and insert in lieu thereof the word "instruments".

Amendment adopted.



## AMENDMENT NUMBER FIVE.

On page 17, line 37, of the printed bill, strike out the word "and" appearing after the word "of" and before the word "consequently", and insert in lieu thereof the word "the".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 17, line 51, of the printed bill, strike out the word "dead" and insert in lieu thereof the word "deed".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 18, line 25, of the printed bill, strike out the word "same", and insert in lieu thereof the word "said".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 21, line 32, of the printed bill, following the word "banks", add the following: ", which fee shall be deducted to the treasurer of the notes who shall present the same to the credit of the state banking fund".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 22 of the printed bill, strike out that portion of line 14 beginning with the words "Is more" and line 15 to and including the word "but".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 24, line 23, of the printed bill, insert the word "or" after the word "and" and before the word "any".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 24, line 26, of the printed bill, strike out the word "names", and insert in lieu thereof the word "names".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 28, line 42, of the printed bill, following the word "shall", insert the following: "at the time of said application".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 28, line 43, of the printed bill, following the word "dollars", strike out the following: "in addition to the license fee heretofore provided for".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 29, line 17, of the printed bill, following the word "bank", insert the following: "which fee shall be in addition to the fee paid at the time of the application".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 15, of the printed bill, following the word "persons", insert the following: "whether minor or adult".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 15 of the printed bill, between the lines 31 and 32, insert the following: "(c) Notes or bonds secured by mortgage on deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided, however*, that if the superintendent of banks shall ascertain that any mortgage participation certificate issued by any mortgage insurance company and owned or held by any bank exceeds fifty per centum of the market value of the real estate, with improvements, covered by the same, the superintendent of banks shall give thirty days

written notice to the mortgage insurance company issuing such certificate of the facts ascertained by him, including a statement of the appraisals on which such ascertainment is based, and if such mortgage insurance company shall not within said period of thirty days have corrected such condition to the satisfaction of the superintendent of banks, he may order such mortgage participation certificate removed from the assets of the bank owning or holding such certificate;".

Amendment adopted.

AMENDMENT NUMBER SEVENTEEN.

On page 15, line 32, of the printed bill, strike out the letter "e", and insert in lieu thereof the letter "g".

Amendment adopted.

AMENDMENT NUMBER EIGHTEEN.

On page 20 of the printed bill, strike out lines 15 to 22, inclusive.

Amendment adopted.

AMENDMENT NUMBER NINETEEN.

On page 21 of the printed bill, following the line 32 and before the line 33, insert the following: "The superintendent of banks shall keep an official list of all bonds and securities certified by him."

Amendment adopted.

AMENDMENT NUMBER TWENTY.

On page 26 of the printed bill, following the word "act" on line 10, insert the following: "and which shall have paid up in cash a surplus and contingent fund equivalent to twenty-five per centum of such capital."

Amendment adopted.

AMENDMENT NUMBER TWENTY-ONE.

On page 32, line 26, of the printed bill, strike out the following: "at least fifteen days".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 12, of the printed bill, strike out the word "resolution", and insert in lieu thereof the following: "ordinance of intention".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 17, of the printed bill, strike out the word "resolution", and insert in lieu thereof the word "ordinance".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 18, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 19, of the printed bill, commencing with the word "It", strike out all printed matter down to and including the word "moments" in line 40 of page 2, and insert in lieu thereof the following: "the city clerk shall cause said ordinance of intention to be published twice in one or more newspapers published and circulated in said city. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 16, of the printed bill, following the period after the word "details", insert the following: "Said notice shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, line 17, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "ten".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 41, of the printed bill, strike out the word "resolution", and insert in lieu thereof the word "ordinance".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 406—An act to amend sections 2, 3, 4, 7, 8, 11, 12, 21 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of said bill, strike out the numeral "3" and the comma following.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, strike out the words "city council", and insert in lieu thereof the words "said legislative body".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 7, of the printed bill, strike out the words "city council", and insert in lieu thereof the words "legislative body".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 2, line 8, of the printed bill, commencing with the word "By", strike out all printed matter down to and including the period following the word "contents" in line 34 thereof.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 15, of the printed bill, following the word "the", strike out the words "city council", and insert in lieu thereof the words "legislative body".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, line 39, of the printed bill, beginning with the word "provided", strike out all down to and including the word "work", in line 39, page 4.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4 of the printed bill, commencing with the line 40, strike out all printed matter down to and including line 14 on page 6.

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 15, of the printed bill, strike out the numeral "2", and insert in lieu thereof the numeral "3".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 7, line 1, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "3".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 7, line 15, of the printed bill, following the word "clerk", strike out the period, and insert in lieu thereof the following: " : provided, that the failure of said commission to cause said notices to be mailed, or the failure of property owners or any of them, to receive the same, shall in no wise affect the validity of the proceeding or the jurisdiction of the legislative body to proceed with the same."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 7, line 22, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 7, line 43, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 8, line 18, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "6".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 8, line 26, of the printed bill, following the word "thereto", strike out all printed matter down to and including the word "objections" in line 27, page 8.

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 9, line 39, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "7".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN

On page 10, line 23, of the printed bill, strike out the numeral "9", and insert in lieu thereof the numeral "8".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 558.—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

On page 2, line 7, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty".

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 2, line 12, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

## AMENDMENT NUMBER THREE

On page 2, line 25, of the printed bill, following the word "be", insert the following: "dated as of the day following the expiration of said thirty day period, and be".

Amendment adopted.

## AMENDMENT NUMBER FOUR

On page 2, line 43, of the printed bill, commencing with the word "and", strike out all printed matter down to and including the word "forty" in line 52.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 508.—An act to amend "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Amend the title by inserting in line 1 of the title after the word "amend" the following: "section 8 of".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, preceding the word "Section", insert the following: "Section 1."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41, and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add 14 new sections to said act, to be numbered sections 2a, 2b, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j, and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3 of the printed bill, strike out lines 31, 32, 33 and 34, and insert in lieu thereof the following: "are necessary because of varying benefits), with a statement as to what per-".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 39, of the printed bill, strike out the word "descriptions", and insert in lieu thereof the words "a description".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 6, line 34, of the printed bill, strike out the words "If the", and strike out all of lines 35 to 38 inclusive, and insert in lieu thereof the following: "Said resolution shall state that the first payment on the aggregate principal of the bonds issued will be made ----- (either two or three years, as said legislative body shall determine) after the issuance thereof."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 7, line 41, of the printed bill, strike out the word "the", which precedes the word "benefits", and insert in lieu thereof the word "varying".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 7, line 43, of the printed bill, strike out the word "may", and insert in lieu thereof the word "shall".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 7 of the printed bill, strike out lines 44 to 52, both inclusive, and insert in lieu thereof the following: "may be divided into as many zones, not to exceed twenty in number, as may be deemed necessary because of varying benefits, and each zone shall be composed of and include the lands within the district which will be benefited in a like measure. If more than twenty zones are necessary because of varying benefits, the".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 8, line 2, of the printed bill, strike out the following: ", and the", and insert in lieu thereof a period.

Amendment adopted.



## AMENDMENT NUMBER EIGHT.

On page 8 of the printed bill, strike out all of lines 3, 4, 5 and 6 and the following in line 7: "under)."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 9, line 8, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "thirty".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 9, line 13, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twenty".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 9, line 18, of the printed bill, strike out the word "following", and insert in lieu thereof the word "following".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 9, line 19, of the printed bill, strike out the words "a separate".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 9, line 20, of the printed bill, strike out the first word in the line, being the word "and", and insert in lieu thereof the word "an".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 9, line 26, of the printed bill, insert the word "estimated" before the word "benefit".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 9, line 37, of the printed bill, strike out the period, and insert in lieu thereof the following: " , setting forth the rate of interest, if determined, otherwise the maximum rate at which bonds may be issued, which shall not exceed eight per cent per annum, payable semiannually, the first interest payment to be made on the second day of January or July next succeeding one year after the date of issuance of the bonds. Said resolution shall also state that the first maturity of the said bonds shall be on the second day of July next succeeding \_\_\_\_\_ (two or three years as determined by said legislative body) after the date of issuance thereof, and the number of annual installments in which the bonds to be issued under the proceeding shall be payable, and the last maturity of said bonds shall not exceed for acquisition and immediate possession bonds thirty years from the second day of July next succeeding the date of issuance thereof and for improvement bonds twenty years from the second day of July next succeeding the date of issuance thereof."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 9 of the printed bill, insert the following new paragraph following line 37:

"In all matters not specifically provided for under the direct assessment method provisions, the provisions elsewhere in this act shall be followed and govern, where applicable."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 9, line 50, of the printed bill, strike out the comma following the word "assessed".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 10, line 5, of the printed bill, strike out the words "After the adoption of the resolution of intention", and insert in lieu thereof the following: "Not later than twenty days prior to the date fixed in the resolution of intention for the hearing".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 10, line 17, of the printed bill, strike out the word "length", and insert in lieu thereof the word "height".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 10, line 30, of the printed bill, strike out the words "to be", and insert in lieu thereof the following: "of the total amount to be levied each year which shall be levied upon the lands within each zone,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 10, line 31, of the printed bill, strike out the following: "raised from each of such zones,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 10, line 40, of the printed bill, insert the following after the word "county,": "as the case may be,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 11, line 2, of the printed bill, strike out the word "diligently", and insert in lieu thereof the word "diligently".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 11, line 6, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifteen".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 11, line 28, of the printed bill, strike out the word "one-half", and insert in lieu thereof the following: "fifty per cent but less than sixty per cent".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 11, line 37, of the printed bill, strike out the period, and insert in lieu thereof the following: ", unless such protests shall be overruled by a four-fifths vote of the legislative body; and if upon such hearing it appears that the owners of sixty per cent or more of the area of such property have made such objection no further proceeding for substantially the same acquisition or improvement, or both, as the case may be, may be begun within a period of six months from the date of such finding unless such protest shall be overruled by the affirmative vote of all of the members of said legislative body."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 11, line 38, of the printed bill, strike out the words "operate as", and insert in lieu thereof the word "constitute".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 11, line 49, of the printed bill, strike out the period, and insert in lieu thereof the following: "and if the owners of more than fifty per cent and less than sixty per cent of such area have made such written objection and such objection has been overruled by a four-fifths vote of the legislative body, or if the owners of sixty per cent or more of such area have made such written objection and such objection has been overruled by the affirmative vote of all of the members of such legislative body, it shall thereupon proceed with the hearing."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 12, line 45, of the printed bill, strike out the word "one-half", and insert in lieu thereof the words "fifty per cent".

Amendment adopted.

## AMENDMENT NUMBER THIRTY

On page 12, line 17, of the printed bill, strike out the words, and insert in lieu thereof the following: "or if more than fifty per cent of the members of the assembly have made an objection to more than fifty per cent and less than sixty per cent of such objection, such objection was overruled by an affirmative vote of two-fifths of the members of the legislative body, or if such objection has been made by the majority of such vote and on none of such vote then such written objection was sustained by the affirmative vote of all of the members of such legislative body."

Amendment adopted.

## AMENDMENT NUMBER THIRTY ONE

On page 13, line 2, of the printed bill, insert the following new matter after the word "modify": "either as to number or boundaries".

Amendment adopted.

## AMENDMENT NUMBER THIRTY TWO

On page 13, line 4, of the printed bill, strike out the word "correspond"; and insert in lieu thereof the word "like".

Amendment adopted.

## AMENDMENT NUMBER THIRTY THREE

On page 13, line 5, of the printed bill, strike out "and" at the beginning of said line.

Amendment adopted.

## AMENDMENT NUMBER THIRTY FOUR

On page 13, line 7, of the printed bill, strike out the comma at the end of the line, and insert in lieu thereof a period.

Amendment adopted.

## AMENDMENT NUMBER THIRTY FIVE

On page 13 of the printed bill, strike out all of lines 8, 9 and 10 and the following matter in line 11: "parcels of land included therein."

Amendment adopted.

## AMENDMENT NUMBER THIRTY SIX

On page 14 of the printed bill, strike out lines 14 to 21 inclusive, and insert in lieu thereof the following: "body shall be fixed and consistent."

Amendment adopted.

## AMENDMENT NUMBER THIRTY SEVEN

On page 16, line 24, of the printed bill, insert the following new matter after the comma: "file a certificate of said fact with the legislative body and stand."

Amendment adopted.

## AMENDMENT NUMBER THIRTY EIGHT

On page 17, line 25, of the printed bill, strike out the following words: "performing services".

Amendment adopted.

## AMENDMENT NUMBER THIRTY NINE

On page 17, line 26, of the printed bill, insert the following new matter following the word "of": "or any interest in".

Amendment adopted.

## AMENDMENT NUMBER FORTY

On page 17, line 28, of the printed bill, insert the following new matter after the comma: "or has not been condemned".

Amendment adopted.

## AMENDMENT NUMBER FORTY ONE

On page 17, line 34, of the printed bill, strike out the words "performing services".

Amendment adopted.



## AMENDMENT NUMBER FORTY-TWO.

On page 17, line 40, of the printed bill, strike out the word "determinations", and insert in lieu thereof the word "determination".

Amendment adopted.

## AMENDMENT NUMBER FORTY-THREE.

On page 17, line 41, of the printed bill, strike out the word "omit", and insert in lieu thereof the word "amend".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FOUR.

On page 17, line 43, of the printed bill, strike out the word "just", and insert in lieu thereof the following: "proportional to the estimated benefits".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FIVE.

On page 17, line 45, of the printed bill, strike out the word "correct", and insert in lieu thereof the word "change".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SIX.

On page 18, line 10, of the printed bill, strike out the words "the correctness of the assessment," and insert in lieu thereof the following: "the work and the assessment, it shall by resolution accept the said work and confirm the assessment, and".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SEVEN.

On page 19 of the printed bill, strike out all of lines 25 and 26, and insert in lieu thereof the following: "expenses which are chargeable to the improvement. The provisions of section 21 of this act relating to labor and materialmen's liens on bonds shall apply to money derived from assessments paid in cash within the thirty-day period and to the bonds to be issued against the assessments unpaid at the expiration of said period: *provided*, that prior to the expiration of said thirty-day period the verified statement provided in said section 21 has been filed, demanding the withholding of sufficient of said bonds and money to satisfy said claim and all costs which can reasonably be anticipated."

Amendment adopted.

## AMENDMENT NUMBER FORTY-EIGHT.

On page 20, line 40, of the printed bill, strike out the words "January or July", and insert in lieu thereof the following: " - - - (here insert the month, January or July, whichever next succeeds the date of the bond)".

Amendment adopted.

## AMENDMENT NUMBER FORTY-NINE.

On page 23, line 4, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER FIFTY.

On page 25 of the printed bill, strike out all of lines 18 to 52, both inclusive, and on page 26 of the printed bill strike out all of lines 1 to 42, both inclusive, and insert in lieu thereof the following:

"Sec. 25g. All unpaid assessments shall be payable in such installments, not necessarily equal, as shall be annually determined by the legislative body which conducted the proceedings. Such unpaid assessments shall bear interest to the dates of maturity of the bonds issued against the same at the rate stated in the bonds. The city or county treasurer with whom the assessment is recorded shall annually prepare during the term of the bonds a statement of the amount of interest and principal, if any, which shall be payable upon said bonds on January two and July two of the next year, together with a statement of the total amount in the fund which may be used for the payment of said principal and interest, a statement of the amount in the funds derived from the assessments paid in full, if any, and a statement of the total amount of unpaid assessments not due.

Such statement shall be filed with the legislative body which conducted the proceedings at least two weeks before the first business day in August of each year. Thereafter said legislative body shall, prior to said first business day in August, call an installment of the unpaid assessment sufficient to pay the said principal, if any.

and, if the legislative body deems it advisable to provide an additional sum with which to call a bond, the balance it deems necessary to call such bond, and order the collection of interest on all unpaid assessments to July two of the next year. In addition to such installment of assessment and interest, and such balance deemed necessary to call a bond, if any, said legislative body shall levy such an additional percentage of the installment of assessment and interest as it may deem necessary to provide for anticipated delinquencies, not exceeding, however, fifteen per cent of the said installment of assessment and interest, and also one-fourth of one per cent of the total amounts shall be added thereto for costs of collection and shall be retained by the city or county making such collection, and all of said sums shall comprise and shall hereinafter be referred to as the "annual levy."

When the said legislative body shall have determined the annual levy as hereinbefore in this section provided it shall order the treasurer of the city or county, as the case may be, to prepare an assessment roll which shall describe separately each lot, piece or parcel of land within the district as the same appears on the assessment on file with said treasurer, the number by which the same is designated thereon; the name of the owner of each such lot, piece or parcel of land, if known, otherwise the word "unknown" shall be placed opposite the description of each such lot, piece or parcel; the total assessment against each such lot, piece or parcel as shown on the original assessment on file with the treasurer, the amount of the annual levy against each such lot, piece or parcel and the installments, if any, in which such amount is payable. No mistake in the name of the owner or supposed owner shall render the levy on any such lot, piece or parcel invalid.

If the assessment district is entirely within the boundaries of one municipality such assessment roll for said annual levy shall be filed with the city tax collector, except as hereinafter provided, and the amounts thereon shall be payable and be collected at the same time and in the same manner and become delinquent at the same time and with the same penalties as the general city taxes. In all other cases and in those cases in which county officers collect the general city taxes for the city in which such district lies, said assessment roll for said annual levy shall be filed with the county tax collector and the amounts thereon shall be payable and be collected at the same time and in the same manner and become delinquent at the same time and with the same penalties as general county taxes.

Notice of the amount to be paid on any lot, piece or parcel shall be given and in the discretion of the tax collector, may be given by a separate bill, to be sent with the general tax bill, or by a separate statement of such amount on the general tax bill, or the amount may be included in the total amount to be paid as shown on the general tax bill, with a statement on such general tax bill in substance that there is included in the amount to be paid as shown on such bill a sum for a direct assessment for acquisition and improvement district number \_\_\_\_\_ of the city (or county) of \_\_\_\_\_ (inserting proper designation). Failure to send or receive the tax bill or any informality or irregularity in same shall in no wise affect the validity of any penalty or any sale of any lot, piece or parcel for delinquency in the payment of the amount of such annual levy.

When any amount payable has become delinquent said amount and the penalties thereon may be paid to the treasurer prior to the date of sale as in this act provided.

All payments on assessments against which bonds have been issued, as provided in section 25d, together with all interest and penalties thereon and any additional levy to provide for anticipated delinquencies, shall be placed in a fund to be designated "acquisition and improvement district number \_\_\_\_\_ of the county (or city) of \_\_\_\_\_, direct assessment fund," and shall be used exclusively for the purpose of paying the said bonds, and the interest thereon.

If any assessment is fully paid prior to the maturity thereof, as provided in section 25j hereof, such portion thereof as is available for calling a bond shall be placed in a fund to be designated acquisition and improvement district number \_\_\_\_\_ of the county (or city) of \_\_\_\_\_, bond redemption fund, and any sum included in the annual levy for the purpose of calling a bond shall be paid into the said fund and the moneys in said fund shall be used to call a bond or bonds as herein provided. Such portion of the assessment paid in full as would have been included in any annual levy thereafter made, had such assessment not been paid in full, may be transferred to the direct assessment fund and used to pay principal and interest of bonds to be paid from such annual levy.

When said bonds and the interest thereon have been fully paid, any surplus remaining in said fund shall be repaid to the various property owners in the district in the percentages in which they paid into the total fund."

#### Amendment adopted.

##### AMENDMENT NUMBER FIFTY-ONE.

On page 26, line 51, of the printed bill, strike out the words "once a week for three suc.", and insert in lieu thereof the following: "by two insertions".

#### Amendment adopted.

##### AMENDMENT NUMBER FIFTY-TWO.

On page 26, line 52, of the printed bill, strike out the words "cessive weeks".

#### Amendment adopted.

## AMENDMENT NUMBER FIFTY-THREE.

On page 27, line 10, of the printed bill, strike out the word "ten", and insert in lieu thereof the following: "fifteen".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FOUR.

On page 27, line 10, of the printed bill, strike out the word "last", and insert in lieu thereof the following: "first".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FIVE.

On page 28 of the printed bill, insert a new paragraph following the existing line 7, to read as follows:

"No action, suit or proceeding to set aside, cancel or question the validity of such sale or to quiet title of lands affected thereby shall be maintained by any persons unless the same shall have been commenced within six months after the date of such certificate of sale, and thereafter all persons shall be barred from commencing or prosecuting any such action or maintaining any defense of any action based upon the invalidity of such sale. Upon the expiration of one year after the date of said certificate of sale the city or county treasurer, as the case may be, or his successor in office, shall upon application of the purchaser or his assignee, if no redemption shall have been made, execute and deliver to the purchaser or his assignee a deed to the property, which deed shall transfer to the grantee therein named the title to said property, free and clear of all encumbrances, except that the title thereby conveyed shall be subordinate to all special assessment liens previously levied upon the said property and subordinate to all liens for state, county and municipal taxes."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SIX.

On page 28, line 38, of the printed bill, strike out the words "upon the".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SEVEN.

On page 28 of the printed bill, lines 39 to 43, both inclusive, strike out the words "ordering of any such foreclosure suits the tax collector shall be credited upon the assessment roll then in his hands with the amount charged against him on account of such assessments ordered to suit and be relieved of further duty in regard thereto."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-EIGHT.

On page 30 of the printed bill, strike out all of lines 6 to 20, both inclusive, and insert in lieu thereof the following:

"Whenever any single parcel of land within the district is subdivided or the ownership of a portion of said parcel is transferred to another person, the legislative body which conducted the proceeding may in its discretion order any public officer or other competent person to file with the clerk of said legislative body an amended assessment of the original parcel of land affected by such subdivision or transfer of ownership, segregating and apportioning said original assessment in accordance with the benefits to said portions of said original parcel. The person so appointed shall file with the clerk of the legislative body a report and an amended assessment of such parcels of land as have been ordered by said legislative body, together with a map or plat showing how such parcels have been divided. Said report shall conform in all respects to the original and the total amount of the assessments of the several portions of any one original parcel shall be equal to the unpaid assessment of said original parcel of land. Each portion of the parcel of land of which an amended assessment is made shall retain the original number designating said parcel of land and shall be further identified by a secondary number or suffix and thereafter reference to said portion by said original number and suffix shall be a sufficient description for all purposes. Upon the filing of said report and amended assessment the clerk of said legislative body of the city or county, as the case may be, shall fix a time and place for hearing upon said amended assessment and shall give notice of said hearing by publication by two insertions in a newspaper. Said notice shall contain a statement of the date fixed for the hearing upon said amended assessment and any objections thereto, which date shall not be less than fifteen days from the first publication of said notice. Said notice shall contain a reference to the original assessment and to the proceedings in which it was issued and shall refer to the report and map or plat of the amended assessment for the particulars and no other description shall be necessary. All persons interested in said original assessment or in the lands affected thereby, or in the bonds secured by assessments thereon, may at any time prior to the date of hearing object in writing to the amended assessment and may at the time of said hearing, or at the time to which said hearing may be continued, appear and



protest against the same. At such hearing said legislative body shall have full power to hear and determine all objections as to the division of such assessment and shall confirm or modify the same. All determinations and decisions of said legislative body upon notice and hearing as aforesaid shall be final and conclusive upon all persons entitled to object under the provisions of this section. Final action of said legislative body upon said report and amended assessment shall be taken on or before the fifteenth day of July in any year. After confirmation or modification in accordance with the order of the legislative body said amended assessment shall be recorded with the treasurer of the city or county, as the case may be, and thereafter shall supersede and replace the assessment of the original period and all subsequent installments, levies and other charges shall be collected upon such amended assessment."

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-NINE.

On page 32 of the printed bill, strike out all of lines 17 and 18, and insert in lieu thereof the following: "bonds for an acquisition and bonds for immediate possession, and not to exceed twenty in the case of bonds for an improvement,".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY.

On page 32, line 39, of the printed bill, strike out the following: "one,".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-ONE.

On page 37, line 37, of the printed bill, strike out the words "to be raised from each zone," and insert in lieu thereof the following: "of the total amount to be levied each year which shall be levied upon the lands within each zone in the district,".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-TWO.

On page 38 of the printed bill, strike out lines 15 to 26, both inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-THREE.

On page 1 of the printed bill, strike out all of lines 4 to 13, inclusive, and on page 2 of the printed bill, strike out all of lines 1 to 51, inclusive, and on page 3 of the printed bill, strike out all of lines 1 to 11, inclusive, and insert in lieu thereof the following:

"SEC. 2a. Before any resolution of intention can be adopted under the provisions of this act, a report shall be made and action shall be taken thereon by the legislative body conducting the proceeding, as hereinafter herein.

The legislative body, which is to conduct the proceeding shall designate and order some city or county officer, or body, as the case may be, to prepare and furnish a report as in this section provided. The officer or body so designated must be one who will not receive any remuneration in connection with the proceeding, if subsequently carried out, unless it be as incidental expenses, payable to him or it for deposit in the public funds, by reason of his or its office.

Such report shall set forth the following matters with respect to the proposed proceeding: a statement of the assessed valuation of the lands proposed to be assessed in the proceeding (in case all the lands to be assessed are within one municipality, the last equalized assessment roll used by said municipality for general municipal tax purposes shall be used, and in all other cases the last equalized assessment roll of the county shall be used); a statement of the indebtedness of the said lands by reason of outstanding bonds against such lands issued to defray the expenses of acquiring or improving street or road areas, under special assessment procedure statutes of this state; a statement of the amount, if any, proposed to be contributed from public funds toward the proposed proceeding; and a statement of the total estimated cost of the proposed proceeding. In the event that said officer or body discovers, in the preparation of said report, that the total estimated cost of the proceeding, less any sum or sums to be contributed from public funds, shall, when added to the amount of the above described indebtedness, exceed one hundred per cent. for the estimated cost of an acquisition, and one hundred per cent. for the estimated cost of an improvement (or the combined percentages where both are included in a single proceeding) of the total assessed valuation, of the lands proposed to be assessed in the proceeding, as shown in said report (which shall constitute "an excess of the limitation," as that term is herein employed), then said officer or body shall include in such report a statement of his or its opinion upon the following matters: first, the total market value of the lands proposed to be assessed, estimated as of the date of the report; second, the reasons or necessity

for the proposed proceeding; third, the estimated total market value of said lands as the same will be upon the completion of the things proposed to be done in the proceeding; fourth, the feasibility of the proposed proceeding from the standpoint of the ability of the said lands to carry the burden of the proposed proceeding; and fifth, such other matters as may appear advisable to be included in said report. In reporting upon the outstanding indebtedness, as required above, in those cases where the proposed assessment district is not coextensive with other districts in which such bonds are outstanding, or where apportionment of a specific amount of indebtedness to each parcel of land has not been made, or where both such conditions exist, said officer or body shall estimate as fairly as possible, computing, where necessary, according to area or by such other method as to him or it shall appear most accurate, the bonded indebtedness of the lands in the proposed district by reason of such other bonds outstanding. In those cases where land which is owned and used in the performance of a public function, or land not assessed for purposes of general city or county taxes but subject to the payment of special assessments, or both such kinds of property, is included within the proposed district and such property is proposed to be assessed, such property shall be included in the computation and report as to the relation between the estimated cost plus the said bonded indebtedness and the assessed valuation; and in those cases where an assessed valuation of such land has not been made said officer or body shall estimate such assessed valuation as accurately as possible in accordance with the assessed valuation placed upon other lands of similar character in the proximity of such land.

In the event the proceeding is thereafter carried on the cost of making such report shall be included in the incidental expenses of the proceeding.

Upon the receipt of said report the said legislative body shall at its earliest convenience proceed to consider the same. It shall first determine whether the carrying on of the proceeding will constitute an excess of the limitation above set forth. If it finds, upon a consideration of said report and all other information presented to it, that said limitation will not be exceeded, it may proceed as in this act provided and adopt a resolution of intention. If it finds upon such a consideration that said limitation will be exceeded if the proposed proceeding is carried on, no resolution of intention shall be adopted unless said legislative body, by a two-thirds vote of its members, shall by resolution to be entered upon its minutes (which minutes shall show the name and vote of each member voting thereon) find that the proposed proceeding is feasible from the standpoint of the ability of the lands to be assessed to carry the burden thereof and that the circumstances warrant it in carrying out the proceeding, setting forth its reasons, in which case it may proceed.

The finding of the legislative body upon any and all of the above matters shall be final and conclusive, and shall not be open to contest or attack in any way, except in case of fraud.

Where a proceeding is carried on after the above provisions have been followed, upon the execution of a contract for an improvement or upon the filing of a complaint in court to condemn lands for an acquisition all actions attacking any of the proceedings, or any assessments, or any bonds, or any assessments or taxes levied to pay the same, based upon the exceeding of said limitation, shall be forever barred."

#### Amendment adopted.

##### AMENDMENT NUMBER SIXTY-FOUR.

In line 10 of the title to the bill, strike out the following: "2b,".

#### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce.

##### COMMITTEE AMENDMENT.

During the reading of the resolution, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed resolution, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"WHEREAS, In the absence of such control, there has grown up a class of interstate motor stage operation which is entirely unregulated and altogether irresponsible and subject to the regulation of no state or federal authority whatever; and

WHEREAS, The traveling public is being constantly harassed by such operators crossing state lines between California and neighboring states, and who found to be all sorts of illegal acts and numerous violations of the laws of the states in which they are unable to obtain redress; and

WHEREAS, The recently formed state lines operating within the state railroad commission are a source of large revenue to the state, but have consideration of the state's major public utility; and

WHEREAS, The activities of the unregulated interstate "wildcat" operators subject both the legitimate state lines and other forms of transportation to unfair, malicious and unscrupulous competition; and

WHEREAS, The present condition is being detrimental to the interests of the State of California, to the legitimate transportation interests, to the traveling public, and to the public generally; and

WHEREAS, Such conditions present an urgent need for federal legislation, at least as to carrier certification and standard rates, submitted by it.

Resolved by the Senate and Assembly of the State of California, solemnly That the Legislature of the State of California recommend to the Congress of the United States and to the executive committee thereof, that legislation providing for such federal regulation be immediately passed.

### Amendment adopted.

Resolution read, and ordered on file.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof, a new section to be numbered 31a, relating to the indemnification of owners of condemned cattle.

#### COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed constitutional amendment, after the word "animal", insert a period, and strike out the word "up".

### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed constitutional amendment, strike out the word "disseised".

### Amendment adopted.

Constitutional amendment read, ordered to print, engrossment, and on file.

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 2a of article XIII thereof, relative to revenue and taxation.

#### COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed constitutional amendment, as amended in the Senate March 1, 1929, strike out the word "is", and insert in lieu thereof the word "are".

### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 4, of the printed constitutional amendment, as amended in the Senate March 1, 1929, after the word "collection", insert the following: "by the state".

### Amendment adopted.



## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed constitutional amendment, as amended in the Senate March 1, 1929, after the word "fee", insert the following: "graduated or otherwise,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2 of the printed constitutional amendment, as amended in the Senate March 1, 1929, strike out lines 6 and 7, and insert in lieu thereof the following: "assessed, levied, or collected thereon. Not".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2 of the printed constitutional amendment, as amended in the Senate March 1, 1929, strike out lines 9, 10 and 11, and insert in lieu thereof the following: "or fee shall be returned by the state to the county or city and county from which such vehicles are registered, under any act providing for the registration of motor vehicles of the state, to be distributed between such county or city and county and such political subdivisions therein as may be prescribed by law. Nothing in this section".

Amendment adopted.

Constitutional amendment read, ordered to print, engrossment, and on file.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 1§, relating to the taxation of hospitals conducted not for profit.

## COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out line 5 of the title of the printed constitutional amendment, and insert in lieu thereof the following: "taxation of hospitals and sanatoriums conducted not for private profit."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed constitutional amendment, strike out all of lines 9 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 1§. Any hospital or sanatorium, charitable or otherwise, within the state of California, not organized or conducted for private profit, shall take and hold exempt from taxation, its property and income, when such property and income are used exclusively for hospital or sanatorium purposes. The Legislature shall prescribe the method of determining from time to time the tax exempt status of all hospitals and sanatoriums."

Amendment adopted.

Constitutional amendment read, ordered to print, engrossment, and on file.

Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

On page 2, line 23, of the printed bill, insert the following paragraph:

"Sec. 7. Any appropriation or fund used or expended shall available for expenditure by the division of narcotic enforcement under the direction of the state board of pharmacy is hereby transferred to such same purposes for expenditure by the office of chief of narcotic law enforcement."

**Amendment adopted.**

## AMENDMENT NUMBER TWO

On page 2, line 24, of the printed bill, strike out "Sec. 7", and insert in lieu thereof "Sec. 8".

**Amendment adopted.**

## AMENDMENT NUMBER THREE

On page 2, line 28, of the printed bill, strike out "Sec. 8", and insert in lieu thereof "Sec. 9".

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

## CONSIDERATION OF DAILY FILE

## THIRD READING OF SENATE BILLS

Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Hurley moved to refer Senate Bill No. 227 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE

On page 1, line 4, of the printed bill, after the word "and", insert the words "or by express dedication".

## AMENDMENT NUMBER TWO.

On page 1, line 19 of the printed bill, after the word "the", strike out the words "Code of Civil Procedure", and insert in lieu thereof the words "Political Code".

**Motion carried.**

## REPORT OF SPECIAL COMMITTEE OF ONE

## SENATE CHAMBER, SACRAMENTO, MARCH 8, 1929

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 227, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Hurley adopted.

**Bill ordered to print, and re-engrossment.**

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 545—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500,' providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers,

and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Bill read second time, and ordered on file for third reading.

#### WITHDRAWAL OF SENATE BILL.

Senator Weller asked unanimous consent to withdraw Senate Bill No. 382 from Committee on Municipal Corporations for purpose of amending.

Unanimous consent granted.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 382—An act providing a debt burden limit for lands within counties, cities and counties, and cities, and providing the method of ascertaining the amount thereof.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out lines 1, 2 and 3 of the title to the bill, and insert in lieu thereof the following:

"An act prescribing limitations on the amount of indebtedness which may be placed upon lands or real property for street improvements or street acquisitions; providing procedure therefor; the effect thereof, and the conditions under which said limitation shall apply."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

Strike out lines 1 to 26, inclusive, on page 1 of the printed bill, and all of pages 2, 3 and 4 of the printed bill, and insert in lieu thereof the following:

"SECTION 1. Prior to the adoption of any ordinance of intention or resolution of intention to make any improvement of any street or acquisition of any street or any portion thereof under any statute of the State of California which provides that the cost of such improvement or acquisition, or any part thereof, shall be payable by an assessment upon lands or real property, the legislative body of the city or the county, as the case may be, conducting or proposing to conduct the proceedings shall proceed as herein provided.

The legislative body conducting the proceeding shall designate some city or county officer, as the case may be, who shall prepare a report showing the matters hereinafter stated. The officer so designated must be one who will not receive any remuneration in connection with the proceeding, if subsequently carried out, unless it be as incidental expenses, payable to him for deposit in the public funds, by reason of his office. The report shall show first, the assessed valuation of the lands to be assessed to pay the costs and expenses of the proposed acquisition or improvement, or both, as said valuation appears upon the last equalized assessment roll of the county. If an assessed valuation of publicly owned and used land or any other land has not been made, and the same is proposed to be assessed in the proceeding, the person preparing the report shall estimate the assessed valuation thereof as accurately as possible in accordance with assessed valuations placed upon other lands of similar character in the immediate proximity of such lands. The report shall show second, the outstanding bonded indebtedness of the lands proposed to be assessed, which shall include only bonds issued to defray the costs and expenses of acquiring or improving streets under special assessment procedure statutes of this state. In cases where the proposed assessment district is not coextensive with other districts for which bonds are outstanding, where apportionments of a specific amount of indebtedness to each parcel of land has not been made, or where both these conditions exist, he shall estimate as fairly as possible, computing, where necessary, by area or by such other method as may appear to him most accurate the bonded indebtedness of the lands in the proposed district or of the lands to be assessed for the proposed acquisition or improvement, or both, by reason of such outstanding indebtedness. The report shall show third, the total estimated cost of the acquisition or improvement, less the amount, if any, to be contributed from public funds, and if both are included in one proceeding the total estimated cost of each, less such contribution, shall be set forth and such estimate may be made by the officer preparing the report or shall be furnished to the officer by the city engineer or other person performing his duties, if the legislative body of the city is to conduct the proceeding, and by the county surveyor if the legislative body of the county is to conduct the



proceeding, or if a special engineer has been or is to be appointed, his estimate may be used.

If the officer preparing the report discovers in the preparation thereof that the total of the estimated cost and expenses of the proposed improvement, less the amount, if any, to be contributed from public funds together with such outstanding indebtedness, if any, will exceed one hundred per cent of the assessed value of the lands to be assessed or that the total of the estimated cost and expenses of the proposed acquisition, less the amount, if any, to be contributed from public funds together with such outstanding indebtedness, if any will exceed one hundred per cent of the assessed value of the lands proposed to be assessed he shall make an investigation and in his report state (a) his estimate of the total present market value of the lands to be assessed, (b) his estimate of the total market value of such lands after the proposed acquisition or improvement, or both, if both be contemplated in the proceeding, has been made and completed, (c) his opinion as to whether or not the proposed project is feasible and whether or not the lands proposed to be assessed are able to carry the burden thereof, and any other matters which he deems advisable.

Said report shall be signed by the officer making the same and filed with the clerk of the legislative body. In the event the proceeding is thereafter carried on the cost of making such report shall be included in the incidental expenses of the proceeding. Said legislative body, at its earliest convenience thereafter, shall consider said report.

If the total amount of the estimated cost and expenses of the proposed improvement, less the amount, if any, to be contributed from public funds together with said outstanding bonded indebtedness, if any, does not exceed one hundred per cent of the assessed value of the lands to be assessed, the legislative body shall so find.

If the total amount of the estimated cost and expenses of the proposed acquisition, less the amount, if any, to be contributed from public funds together with said outstanding bonded indebtedness, if any, exceed one hundred per cent of the assessed value of the lands in the assessment district, the legislative body shall so find. Until such finding is made the legislative body shall have no jurisdiction to adopt an ordinance of intention or resolution of intention in the proceeding, except that in the event the said limitation would be exceeded, the legislative body may so find and if said legislative body by a vote of two-thirds of the members thereof further finds that the proposed project is feasible and that the lands proposed to be assessed are able to carry the burden thereof it shall have jurisdiction to carry on the proceeding. The findings of the legislative body herein required shall be expressed by resolution entered on its minutes together with the names of the persons voting for and against the same.

The finding of the legislative body shall be final and conclusive and shall not be open to contest or attack in any way except in the case of fraud.

Where a proceeding is carried on after a finding made as herein provided that said limitation will not be exceeded, or findings that said limitation will be exceeded and that the proposed project is feasible and that the lands proposed to be assessed are able to carry the burden thereof, upon the execution of a contract for an improvement or upon the filing of a complaint in court to condemn lands for an acquisition, all actions attacking any of the proceedings, or any assessments or any bonds, or any assessments or taxes levied to pay the same, based upon the exceeding of such limitation, shall be forever barred."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

#### RE-REFERENCE OF SENATE BILL.

Senator Weller asked for and was granted unanimous consent to have Senate Bill No. 750 re-referred to Committee on Motor Vehicles.

#### ADJOURNMENT.

At twelve o'clock and forty-seven minutes p.m., on motion of Senator Nelson, the President declared the Senate adjourned until eleven o'clock a.m., Monday, March 11, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, March 11, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 8, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John L. McNab of San Francisco.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glenn Whitney, Glendale.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harold, Fred Hexner, and William Harold Hexner of Berkeley.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George L. Barclay, Huntington Park, California.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lloyd E. Harter of Marysville, and to Fred E. Lindley, San Diego, California.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. G. D. Aldrich of Bakersfield, California.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Political Science Class of the College of Holy Names, Sister Mary Loyola and Sister Imelda Maria, teachers, and pupils as follows: Regina Comstock, Mary Comstock, Margaret Cunningham, Alice Schween, Mary G. Long, Margaret Concannon, Marian Oeverndick, Virginia Delury, Adeline Donnelly, Marjorie Osborne, Rose Kauffman, Meryl Furth, Eileen Quinn, Alice Bronner, Virginia Flynn, Lucille Gillick, Thelma Porter, Grace Wilson, Dorothy Watson, Mary Mahoney, Leone Mahoney and Marian Fears.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. G.

Bonelli, president, and Howard W. Davis, member of the city council, Los Angeles.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. L. Pollard of Los Angeles.

On request of Senator Mueller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. L. Strobach of San Diego, Dr. Carlson of La Jolla and H. Nelson, San Francisco.

On request of Senator Rochester, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pearson M. Hall, Los Angeles.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and on motion of Senator Breed, seconded by Senator Slater, ordered printed in the Journal.

#### EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, March 11, 1929.

*To the Members of the Senate and the Assembly.*

I am herewith transmitting to you the final report of the California Tax Commission—a body created by chapter 455, Statutes of 1927—to investigate the systems of revenue and taxation in force in this and other states, and particularly to examine into any and all matters appertaining to the subjects of receipts and taxation in this State. This portion of the Commission's investigation is embodied in Part One, as found on pages 11 to 132 of the report.

The same statute also specifically required the making of "a special investigation and report upon the matter of the relative burden of taxes borne by general property values and such property values as are taxed directly by the State under the existing system of taxation." The Commission's *Year Book* and illuminating discussion of this phase of the subject comprises Part Two of the report, and is printed on pages 133 to 241.

A final portion of the report concerns itself with the emergency problem of bank taxation with which practically every state in the Union is now struggling, and which California has solved in advance of the others by our recent constitutional amendment and bank tax legislation. Most of this portion of the report has already been transmitted to the Legislature by special message under date of September 4, 1928, but, in order to read it out, is here enclosed as Part Three, pages 243 to 291, and Part Four, pages 293 to 305. The latter was submitted on January 15 of this year, and contains the Commission's recommendation against a real estate offset to the proposed State franchise tax. This offset in a modified form, however, was subsequently granted by the Legislature.

The remainder of the report, and the portion which will probably receive the most intensive study is the general introduction, particularly as found on pages 4 through 9, and the summary of recommendations included in the preface under the roman numerals XXI to XXIV. The report as a whole, however, is exceedingly well worth reading, and its careful perusal will richly repay every legislator and every student of State finance.

#### WORK OF THE COMMISSION.

In presenting this report I should be remiss if I did not render proper acknowledgment to the California Tax Commission and its staff of experts for their faithful and untiring work in making possible its preparation. Many conferences and hearings in all portions of the State, a large number of meetings of the Commission itself, the continuous, daily labors of Mr. Irving Martin, president of the Commission, and other commissioners with whom he has been in constant contact—all these help fill out the picture of a very fine, unselfish public service.

This report of the Commission, which I am transmitting to you, is a fitting result of its endeavors. It must not be imagined that California is the only state which is wrestling with these problems of taxation. It is more than probable that a substantial majority of all the states, either through permanent or temporary tax commissions, are engaged in precisely similar work; but it is also probable that this report of California's Commission will be pronounced as outstanding among them all. In fact, it will unquestionably take rank as one of the best and most comprehensive taxation studies ever made.

I would particularly call attention to the large number of statistical and financial tables with which the report is interspersed. These will be found of almost incalculable value, whether use of them is made this year or in future years. Many of these tables, occupying only a single page in the report, obviously must have taken weeks of preparation. Through their use any tax revision, whenever undertaken, may be based on solid fact, rather than on guess-work or theory. The money value of the Commission's activities in helping to save our past and future bank taxes,





should be secured by an increased license fee, as the Commission proposes, or some other plan shall be evolved which will permit the tax to be paid at the same time the license is issued. It should be kept constantly in mind that whatever form of tax replaces the present unsatisfactory personal property tax on automobiles, or whatever method of tax collection may be employed, the proceeds, as at present, are entirely for local and not for State uses. At all events, this is something which can be attended to at once.

The third group of recommendations concerns a reduction in the taxes of insurance companies and an adjustment and reduction in inheritance taxes, so as to conform more nearly to similar taxes in other States. The type of these reductions can be effected partly, and the amount wholly, without a constitutional amendment. If both things were done, the State would have nearly \$4,000,000 a year more, which would have to be compensated for by other tax adjustments.

This brings us to group number two, comprising a major tax change which the Commission recommends as an ultimate objective, but which it does not propose send the people have had full opportunity to study it and to express themselves clearly upon it. This is the abolishment of personal property taxes, and the substitution of a personal income tax based on ability to pay. Regarding this, however, the Commission says, "It would be advisable to propose the adoption of a personal income tax in advance of the development of a selling public sentiment in its favor. Such a tax requires a full assent, even an enthusiastic assent from the taxpayers, if it is to be successfully administered. In the face of that such action would be premature, the Commission does not at this time propose the legislation of a personal income tax." However, it does propose a careful study, and this, at least, would appear a reasonable request.

Now we come to the major tax change included under number one which the majority of the Commission would immediately like to see enacted as either a constitutional amendment, and to which the Legislature is respectfully referred. As shown above, this is the virtual abolishment of the so-called "Constitutional Amendment No. 1," and would mean our State reversion to an ad valorem State tax on all property, rather than by a gross receipts tax on public utilities as at present. Meanwhile the operative real estate and public utilities would be subject to tax both by the State and by local subdivisions, on a valuation to be fixed by a central assessing body. Finally, the personal property taxes of public utilities would be abolished, and be supplanted by a business tax based on net income, as in the case of other corporations.

#### WHEN A MAJOR TAX CHANGE SHOULD BE MADE

I believe that anyone who studies the Commission's report will agree that the time is coming when we must devise some other tax system to take the place of the one created by "Constitutional Amendment No. 1." The thing for the Legislature to determine is whether the change should be attempted now, or whether it should be preceded by a more thorough public discussion and a more pronounced public demand.

I would suggest that a Tax Commission might perform extremely valuable service during the next two years, not only through a discussion of tax problems and tax systems in various portions of the State, but also by carrying out the recommendations of the present Commission as expressed on page 4 of their report, in which attention is called to "the advisability of making a study of public expenditures to ascertain what, if any, limitations on such expenditures may be imposed, and what economies may be made, in the public interest." The Commission further advises that this survey of public expenditures should include those of counties and municipalities, as well as of the State, and that the findings of this investigation should be reported to the Governor and the Legislature.

After all, the real purpose of any tax revision must be the reducing of the tax burdens of the ordinary taxpayer, rather than the mere creation of any new tax system. The taxpayer at the present time especially feels the weight of the local taxes which he has to pay; and if by a change in the system an ad valorem State tax were to be added, I feel that he would want to be convinced that there would be absolute certainty of a corresponding reduction in his county or city or school district taxes. If in spite of the wider local tax base only moderate reductions were made, it might easily transpire that the new local tax plus the new ad valorem State tax might together constitute a tax burden greater than now exists. I believe that a plan can be devised by which a genuine tax reduction may be safeguarded; but I am wondering if such a plan should not be thoroughly worked out before any major change in our tax system is attempted.

Whatever plan is finally adopted, it will fail of its purpose if it does not succeed in lightening the tax burden upon the property of the average taxpayer. Real estate and the improvements thereon are ever visible to the local assessor, and in consequence now bear more than their just share of the load. The man who has worked and saved for many years, and has put the results of his labor into a home or a farm, finds that the tax collector is taking more from him than from his more prosperous neighbor who has put his money into investment securities of various kinds. Some way must be found to compel that neighbor to pay his share of the cost of

government, to the end that the burden upon the home owner may be correspondingly lightened. The Tax Commission believes that the only way to give adequate relief to the existing tax burden on visible property is to provide for a tax on persons, based on their prosperity and ability to pay. It may be well to defer any major tax revision until the people of the State can thoroughly study into this report of the Commission, and can determine for themselves how this spread of the tax burden may most justly and equitably be accomplished.

#### READJUSTMENT OF PUBLIC UTILITY TAX RATES.

On the assumption that a constitutional amendment might be proposed by the present Legislature, doing away with the present gross receipts taxes on public utilities, no revision of their rates was suggested by the Commission in the report, although the need for such revision is clearly shown. If, however, the Legislature decides not to recommend a major change in the tax system at the present time, I would submit that there should at least be a readjustment of public utility tax rates, especially in view of the fact that no readjustment or revision has been made during the past eight years. This suggestion by no means implies a second "King Tax Bill" contest, since the very splendid studies included in Part Two of this report have given us a basis of accurate knowledge as to comparative tax burdens which was altogether wanting at the time of the King Tax Bill. Heads of public utilities have been kept in touch with the computations of experts during the preparation of the report, and have generally expressed themselves as agreeing to the substantial fairness and accuracy of these figures.

As may be seen in the table on page 185, and in numerous other places of the report, as compared with \$1.79 or \$1.81, which the Board of Equalization has determined to be the tax burden on common property, the tax burden on the properties of certain public utilities is distinctly too high, just as on those of some others it is clearly too low. I am satisfied that public utilities have no desire to evade their fair share of the tax burden, and that, in view of the very carefully compiled existing data, no resistance will be offered to such moderate readjustment as the Legislature may see fit to make.

#### NECESSITY FOR THIS READJUSTMENT.

Aside from the mere equalizing of tax burdens, there is great present necessity for a readjustment of public utility rates, since the net increase of revenues coming from such readjustment is needed to offset the loss we are sustaining through changes in our tax system. For instance, in the note on page 244, the experts of the Commission figure that through the liberalizing of the franchise tax law and the addition of the real estate offset, there will be produced about \$2,300,000 less revenue per year than had been anticipated, or approximately \$2,300,000 less than our present revenues. Computation has shown that a fair and reasonable readjustment in public utility gross receipts rates will almost exactly make up for this loss of revenue.

Moreover, if we are to make the recommended changes in insurance and inheritance tax rates, this will mean an additional loss of nearly \$2,000,000 per year. But there is still another expense which I believe we should undertake, and for which we must clearly have additional income in order to prevent our surplus from being too rapidly used up. I refer to a moral obligation to come to the aid of certain counties which have been suffering from an undue tax burden, owing to the continued operation of "Constitutional Amendment Number One," and the consequent removal from the local tax base of the operative property of public utilities.

These counties have a large proportion of operative property in comparison with the rest of the property in the county, and when this is withdrawn from taxation other property in the county has to pay a correspondingly higher tax rate. I accordingly would suggest a constitutional amendment to provide that a certain limited portion of our State surplus shall be allocated to these counties on the basis of the relative proportion which the value of their operative property bears to property which is nonoperative. While it is probably true that such allocation can not meet the relative deserts of these counties with mathematical exactness, I am of the opinion that some formula may be devised by which substantial justice may be done.

#### CONCLUSION.

In concluding this message, I would again call attention to the long and faithful labors of the California Tax Commission, and to the excellence of their thoroughgoing and very valuable report. I can not too strongly commend to you a careful study of this report, for I am satisfied that such study on the part of yourselves and the public will suggest the basis of a future tax system so well founded that its permanence may be assured. Tax systems are not built up in a day. Even that embodied in "Constitutional Amendment Number One" was six years in the making; yet I imagine there are few who believe that to retain this as our permanent system would be wise. In working out a new system, however, I am satisfied that this report, with its thorough analysis and carefully prepared tables, will give us a foundation to build upon which we have never had before.



Meanwhile I would recommend that this Commission be continued with augmented personnel and powers, not to repeat the excellent technical study and investigation which has already been made, but rather to get into direct touch with public sentiment on the subject of taxation in all portions of the State, and to bring into one picture more thoroughly than has yet been done the whole subject of interrelated State and local taxation and expenditures. These questions are becoming large in every state of the Union, but in California this is especially true, owing to our exceedingly rapid growth and the necessarily continuous increase in governmental expense which this growth entails. I believe that such a study, continued for two years more and based upon the achievements of the past two years, will point the way to a State tax system, not only sound and permanent, but, in addition, so coordinated with the problems of local taxation as to insure that the total tax burden upon our people may be far better adjusted and very materially lightened.

Respectfully submitted

C. C. YOUNG, Governor.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committee were received and read.

##### ON RULES

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Baker to introduce a bill entitled—An act to amend section 19-24 of the Juvenile Court Law, approved June 5, 1915, as amended relating to the salary of the probation officer in counties of the twenty-fourth class—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes 5

BREED, Chairman

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Dorel, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maitney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—34.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Hurley to introduce a bill entitled—An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes and licenses and prescribing penalties for the violation of the act—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes 5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, and Wagv—30.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing to introduce a bill entitled—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any

moneys received therefrom—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—34.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Baker: Senate Bill No. 834—An act to amend section 19x24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hurley: Senate Bill No. 835—An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes and licenses; and prescribing penalties for the violation of the act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Swing: Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom.

Bill read first time, and referred to Committee on Governmental Efficiency.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivision; providing penalties for the violations of the provisions thereof;

Also: Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

Mr. PRESIDENT: Your Committee on Engineering, Lumbering and Printing has examined Senate Bill No. 210—An act to add a new section to be numbered 14 to the "California Irrigation District Act," relating to appointment and election of district officers;

Also: Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 6184, the same relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act;

Also: Senate Bill No. 125—An act to add a new section to the Penal Code, to be numbered 1308, relating to bad bonds;

Also: Senate Bill No. 157—An act to amend section 1306 of the Penal Code, relating to forfeiture of bad bonds;

Also: Senate Bill No. 138—An act to add a new section to the Penal Code to be numbered 1127, relating to instructions on evidence of guilt;

Also: Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on verdict evidence;

Also: Senate Bill No. 140—An act to add a new section to the Penal Code to be numbered 1127b, relating to instructions to the jury with reference to the opinions of expert witnesses;

Also: Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to own and control the rent and building of the San Diego State Teachers College, and those the proceeds of such sale to purchase with the same a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures, and improvements necessary and proper for said school, to purchase furniture, fixtures, appliances and other things necessary for said school, and to rent and lease property buildings, grounds and land necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925;

Also: Senate Bill No. 171—An act to amend section 352 of the Penal Code, relating to the description of an offense;

Also: Senate Bill No. 173—An act to amend section 187 of the Penal Code, defining grand theft;

Also: Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office;

Also: Senate Bill No. 477—An act to amend section 718 of the Civil Code, relating to the leasing of mineral property;

Also: Senate Bill No. 540—An act to amend section 1 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, prescribing for the collection and distribution of license taxes and adopting those provisions of the amendment herewith of an act entitled 'An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, prescribing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," approved May 26, 1927;

Also: Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, prescribing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended;

Also: Senate Bill No. 568—An act to add a new article to chapter 3 of title 1 of part 111 of the Political Code, to be numbered article 11e, embracing sections 376 to 376f, inclusive, relating to a Department of Pathology;

Also: Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases;

Also: Senate Joint Resolution No. 8—Relating to the federal income tax law;

Also: Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountants; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1904, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund;

Also: Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations;

Also: Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of



constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diversion of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Merriam:

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a freeholders' charter.

Request referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 502—An act to provide for the payment of pensions to veterans of the war with the Philippines and providing an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, strike out the following: "April 11, 1899, and discharged", and insert in lieu thereof the following: "December 10, 1898."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, strike out the following: "at San Francisco."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach.

Bill read second time, and re-referred to Committee on Finance.

Senate Bill No. 211—An act to amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and

licensing of any person, firm, or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates or amalgams bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b, relating to the enforcement thereof and the escheat of ores seized thereunder.

#### COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 2, of the printed bill, strike out the words "purchases or receives for sale", and insert in lieu thereof the following: ", purchases or receives for sale".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 3, of the printed bill, strike out the words "five hundred", and insert in lieu thereof the words "one thousand", and beginning in said line 3 strike out the words "or who purchases or receives for sale such ores, gold or silver, concentrates or amalgam of a value greater than two hundred dollars from any one person".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, immediately following the word "reduces" strike out the word "or", and immediately following the word "refines", insert the words "or who purchases or receives for sale".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 11, of the printed bill, strike out the words "five hundred", and insert in lieu thereof the words "one thousand", and beginning in said line 11 strike out the words "or who purchases or receives for sale such ores, gold or silver concentrates or amalgams of the total value of less than two hundred dollars from any one person".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 3, line 14, of the printed bill, strike out the word "mining", and insert in lieu thereof the words "ore buyer's license".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 3, line 28, of the printed bill, strike out the word "mining", and insert in lieu thereof the words "ore buyer's license".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 4, line 40, of the printed bill, strike out the word "mining", and insert in lieu thereof the words "ore buyer's license".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 5, line 5, of the printed bill, strike out the word "mining", and insert in lieu thereof the words "ore buyer's license".

Amendment adopted.

##### AMENDMENT NUMBER NINE.

On page 5, line 16, of the printed bill, strike out the word "mining", and insert in lieu thereof the words "ore buyer's license".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5, line 17, of the printed bill, strike out the period after the word "created", and insert in lieu thereof a semicolon and the following: "except that moneys deposited with the state mineralogist for fees for licenses which have not been granted shall be retained by the state mineralogist in the trust fund of the division to be remitted to the state treasurer upon the issuance of the license or returned to the applicant in case a license is refused under the provisions of sections 2 and 7 hereof."

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452*b*, 452*c*, 452*d*, 452*e* and 452*f*, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of fifty-five years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452*a* and 453 of the Civil Code; and providing for and limiting assessments and annual dues.

## COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 3, line 22, of the printed bill, after the word "dues", insert ", exclusive of membership fees",.

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 629—An act to amend section 453*hh* of the Civil Code, relating to the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act.

## COMMITTEE AMENDMENTS.

During second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the words "and fifty" appearing after the word "hundred".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 1, line 20, of the printed bill, strike out the word "entire" appearing after the word "the", and insert in lieu thereof the words "said initial".

**Amendment adopted.**



## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the letter "T", appearing after the figures "421".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 21, of the printed bill, strike out the word "five", appearing after the word "of", and in lieu thereof insert the word "ten".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 573—An act to amend section 453 of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter VI, division I, part IV, title II of the Civil Code.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, after the word "for" strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the insurance commissioner.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, after the comma following the words "of insurance", insert the following: "on property or risks located within this state".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 5, of the printed bill, after the comma following the word "excepted", insert the following: "on property or risks located within this state".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 11, of the printed bill, after the word "any", insert the following: "property or".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

Strike out commencing with the word "commit" in line 3 and ending with the word "circumstances" in line 9, and insert in lieu thereof the following: "offer or accept or join in the offer or acceptance of a bribe, or to commit or join in the commission of murder, robbery, burglary, grand theft, receiving stolen property, extortion, rape by force and violence, perjury, subornation of perjury, forgery, kidnaping, or arson, is punishable by imprisonment in the county jail not longer than one year or in the state prison not longer than five years, or by fine of not more than \$5,000. Such offense must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances."

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 17 of the printed bill, after the word "physician", insert the word "or".

**Amendment adopted.**

AMENDMENT NUMBER TWO.

In line 17 of the printed bill, strike out the words "nurse, mid-wife or other person".

**Amendment adopted.**

AMENDMENT NUMBER THREE.

In lines 19, 20 and 21 of the printed bill, strike out the words "or any person who is asked to render aid or treatment to a wounded or injured person".

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 27, inclusive, and also strike out all of pages 2 to 4, inclusive, and insert in lieu thereof the following:

"SECTION 1. As used in this act the term "part four of this division" means part four of division five of the School Code as adopted at the forty-eighth session of the Legislature.

SEC. 2. The provisions of part five of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of division five of the School Code as adopted at the forty-eighth session of the Legislature.

Part five of this act, embracing sections 5.1100 to 5.1138, inclusive, hereof, reads as follows:

## PART V RETIREMENT OF TEACHERS AND EMPLOYEES BY SCHOOL DISTRICTS.

### CHAPTER I FOR WHOM RETIREMENT SALARIES MAY BE PROVIDED.

5.1100. The governing boards of any two or more school districts having the same personnel, in which districts five hundred or more teachers are employed in the elementary and secondary schools thereof, provided said teachers are not entitled to the benefits of the pension or retirement system maintained by a city, city and county or county comprising said districts, or by which said districts are situated, shall have power, by resolution or order to provide a plan or system for a district retirement salary under the provisions of this article to be paid by the districts to all teachers in the public schools of such districts, and to such other employees of the districts as the said governing boards may determine, who may be retired under such plan or system as provided in this part.

5.1101. Whenever the governing boards of such school districts shall adopt the provisions of this part as hereinafter provided, every teacher or other employee whom the boards may designate who at the time of such adoption is employed in the schools of the districts and who signs an agreement to be bound by the benefits and burdens of this part shall be subject to the benefits and burdens of this part.

5.1102. Every teacher employed in the public schools of the districts after the adoption of the provisions of this part by the governing boards of the districts, and such other employees as the board may determine, shall be bound by the benefits and burdens of this part.

### CHAPTER II—FUNDS.

5.1110. For the purpose of providing such retirement salaries the governing boards of the districts shall require from every school teacher of the public schools of the district, or other employee, bound by the benefits and burdens of this part, an annual contribution not to exceed four per cent of the annual salary paid each such teacher or other employee. The school districts shall contribute an equal amount; *provided, however*, that the governing boards of the districts with the consent of the teacher or other employee, may provide by contract, for the retirement of such teacher or other employee at a date not more than two years after the date of such contract, and that during the term of such contract, not exceeding two years, the governing boards of the districts may contribute a greater amount than that contributed by the teacher or other employee. For this purpose a district tax may be levied and collected annually at the same time and in the same manner as other district taxes are levied and collected. Such tax shall be in addition to any other district tax now or hereafter authorized by law and shall not be considered in fixing maximum rates of tax for school district purposes.

5.1111. All taxes and contributions so collected shall be paid into the county treasury and placed to the credit of the district in a special fund hereby created to be known as the "district retirement fund", which fund shall be used for the sole purpose of carrying out the provisions of this part.

### CHAPTER III—PAYMENT OF SALARIES.

5.1120. Every teacher bound by the benefits and burdens of this part shall be entitled to a district retirement salary under the provisions of this part who: first, is, after July 1, 1930, duly retired under the provisions of part five of this division; and second, who at the time of such retirement has served as a teacher in the public schools of the districts for at least twenty school years of full time teaching including all such years so served prior to July 1, 1930, immediately preceding such retirement, except where the teacher is retired because of disability, in which case such teacher need only have so served for fifteen years as a teacher in the public schools of the districts at the time of such retirement.

5.1121. Every employee of the districts, other than a teacher, bound by the benefits and burdens of this part, shall be retired on a district retirement salary under the provisions of this part, who at the time of such retirement shall have attained the age of seventy years and shall have been employed by the districts for at least ten school years of full time employment preceding such retirement. Every employee of the districts, other than a teacher, bound by the benefits and burdens of this part, may, at his option, retire on retirement salary under the provisions of this part who, at the time of such retirement shall have attained the age of sixty-five years and shall have been employed by the districts for at least twenty school years of full time employment preceding such retirement; *provided*, that in case such employee is retired because of disability, he need only have been employed by the districts for at least ten school years of full time employment preceding such retirement.

5.1122. The governing boards of the districts shall in all cases determine the teachers and other employees who are entitled to retirement salaries, as provided in this part, and make and keep a list, which said list of such teachers and other employees shall be known as the retired list. For the purpose of making such retired list the boards may take testimony and examine witnesses under oath, which said oath shall be in the form used in courts of law.



5.1123. In determining a school year of full time teaching the governing boards of the districts shall follow the provisions of part four of this division, and the rules of the state board of education established thereunder, and part-time teaching shall be so proportionately counted in determining a school year.

#### CHAPTER IV.—ADMINISTRATION.

5.1130. The governing boards of the school districts shall have power to make all necessary and proper rules and regulations in aid or furtherance of the provisions of this part and in order to carry out and administer such provisions. A majority of the governing boards of the districts shall constitute a quorum for the transaction of all business under this part.

5.1131. All incidental expenses, including actual and necessary clerical or other help, incurred in carrying out the provisions of this part shall be paid out of the said fund at the same time and in the same manner as other expenditures are paid from district funds; but the members of the said governing boards shall discharge the powers, duties, purposes, responsibilities and jurisdiction conferred on or imposed upon said governing board under this part without extra or additional compensation.

5.1132. The governing boards shall enter into a contract with the public school teachers' retirement salary fund board mentioned in part four of this division, for the administration of such fund and the payment of retirement salaries. Whenever any such contract is entered into, all sums in the district retirement salary fund, after the payment of incidental expenses as hereinbefore provided for, must be transferred once each year to the public school teachers' retirement salary fund board, and thereafter all retirement salaries theretofore or thereafter given or allowed shall be paid as hereinafter provided by the public school teachers' retirement salary fund board.

5.1133. When such contract is entered into a copy of the retired list of the districts must be submitted to the public school teachers' retirement salary fund board, at the time of the consummation of such contract, and thereafter whenever any teacher or other employee is added to such retired list by the governing boards of the districts notice thereof must be given by said governing boards to the public school teachers' retirement salary fund board.

5.1134. The public school teachers' retirement salary fund board mentioned in part four of this division shall have power and it shall be its duty to contract with the governing bodies of school districts for the administration of district retirement salary funds and the payment of district retirement salaries from such funds as hereinbefore in this part provided.

5.1135. All sums so received by the said public school teachers' retirement salary fund board from districts must be kept separate and distinct from all sums received by said latter board from other districts under the provisions of this part and except as may be otherwise provided in said contract, such board shall have power to invest and reinvest moneys so received by it in any securities in which the funds of savings banks may be legally invested. Persons placed on the retired list of such districts by the governing boards of such districts must be paid a retirement salary consisting of two parts, as follows:

(1) The annuity which is the actuarial equivalent of his contributions, with interest accumulations, provided that if he die before he receive in such annuity payments the amount of accumulated contributions as it was at his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate.

(2) The annuity which is the actuarial equivalent of the contributions, with interest accumulations, made for his benefit by the districts, provided that such annuity payments shall cease with the last payment due prior to the death of the annuitant.

Calculations of the amount of retirement salary payable in accordance with the above provisions shall be made by the public school teachers' retirement salary fund board. Payments shall be made at the same time as the payments of the state retirement salary.

5.1136. Any teacher, or other employee of such districts, who shall have contributed to the district retirement salary fund, and who shall because of death or for any other reason whatsoever, sever his connection with those districts before retirement under the provisions of this part, shall thereupon receive back all contributions paid in by him, plus accrued interest.

5.1137. The retirement salaries provided for in this act shall be in addition to any other retirement salaries received by any teacher under part four of this division, or as may be otherwise provided by law.

5.1138. The retirement salaries provided for in this act, for all employees other than teachers, shall be in addition to any other retirement salaries that may be provided by law."

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Education.

Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and

providing for the enforcement of the provisions of this act and for the punishment of violations thereof.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered.

##### AMENDMENT NUMBER ONE

In section 1, line 1, of the printed bill, strike out words "automobile" and "or van". Add words "or other vehicle" after words "auto truck", so that line 1 will read: "every auto truck or other vehicle used in".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 2 of the printed bill, strike out words "business of" and "for compensation or" and add words "over the public highways" after the word "property", so that line 2 will read: "the transportation of property over the public highways".

Amendment adopted.

##### AMENDMENT NUMBER THREE

In line 3 of the printed bill, strike out words "private use", so that line 3 will read: "must have printed on each side thereof in letters".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

In line 4 of the printed bill, add the word "certified" after the word "the" at the end of said line so that it shall read: "or numerals not less than one and one-half inches high, the certified".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

In line 5 of the printed bill, strike out the words "or vehicles" after the word "vehicle", so that line 5 will read: "tate of said vehicle".

Amendment adopted.

##### AMENDMENT NUMBER SIX

In section 3, line 10, of the printed bill, strike out words "automobile or van" after word "auto-truck" and add in place the words "or other vehicle", so that line will read: "an auto truck or other vehicle shall fail, refuse or neglect".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

In line 12 of the printed bill, strike out the words "or vehicles", so that line 12 will read: "the division of motor vehicles of the department of".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

In section 4, line 19, of printed bill, strike out the words "for hire or for private use" after the word "property", so that line 19 will read: "tion of property who has not com-".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Utilities.

Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 580—An act creating a Division of School House Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 193—An act to amend section 629a of the Political Code, relating to group insurance.

AMENDMENTS FROM FLOOR.

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator Hurley:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, beginning with the word "Medico" in line 9, strike out the word "Medico" and the word "Actuarial" at the beginning of line 10, and insert in lieu thereof the following: "American Men Ultimate".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, after the word "section.", in line 17, add the following:

"The following form of life insurance is also declared to be group insurance within the meaning of this chapter: life insurance covering the members of any labor union, written under a policy issued to such union which shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or by the union and its members jointly, and insuring only all of its members who are actively engaged in the same occupation, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or its officials; *provided, however*, that when the premium is to be paid by the union and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per centum of such members may be so insured; *provided, further*, that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations.

2. No policy of group life insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the commissioner of insurance and approved by him; nor shall such policy be so issued or delivered unless it contains in substance the following provisions: (a) A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

(b) A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

(c) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

(d) A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability and upon application made to the company within thirty-one days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

(e) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

Policies of group life insurance, when issued in this state by any company not organized under the laws of this state, may contain, when issued, any provision required by the law of the state, or territory, or district of the United States under which the company is organized; and policies issued in other states or countries by companies organized in this state, may contain any provision required by the laws of the state, territory, district, or country, in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this state which in the opinion of the commissioner of insurance contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

3. In every group policy issued by a domestic life insurance company, the employer shall be deemed to be the policyholder for all purposes within the meaning of this chapter, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

4. No policy of group life insurance, nor the proceeds thereof, when paid to any employee or employees thereunder, shall be liable to attachment, garnishment, or



other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment; nor shall the proceeds thereof when not payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

(a) This act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 2, line 3, of the printed bill, after the word "a", insert the word "cash".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or making inspection of electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, strike out the words "making inspection of" and insert in lieu thereof the words "construction on".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the title of the printed bill, strike out the words "or inspection".

**Amendment adopted.**

## AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, strike out the words "the making of inspections of", and insert in lieu thereof the words "construction work on".

**Amendment adopted.**

## AMENDMENT NUMBER FOUR.

On page 1, line 10, of the printed bill, strike out the words "or inspection".

**Amendment adopted.**

## AMENDMENT NUMBER FIVE.

On page 1, line 13, of the printed bill, strike out the word "inspection", and insert in lieu thereof the word "construction".

**Amendment adopted.**

## AMENDMENT NUMBER SIX.

On page 1, line 14, of the printed bill, after the word "of", insert the words "or on".

**Amendment adopted.**

## AMENDMENT NUMBER SEVEN.

On page 1, line 17, of the printed bill, strike out the word "inspection", and substitute in lieu thereof the word "construction".

**Amendment adopted.**

## AMENDMENT NUMBER EIGHT.

On page 1, line 18, of the printed bill, after the word "equipment", add the words "so situated that it is necessary to pass through restricted areas caused by the proximity of high tension wires or equipment".

**Amendment adopted.**

## AMENDMENT NUMBER NINE.

On page 1, line 19, of the printed bill, strike out the word "such".

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Labor and Capital.

Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 54 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

## COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 3, of the printed bill, after the period insert the following:

"The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside, in securing the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the time the sponsor certifies of the candidate are left with the county clerk or registrar of voters for filing or for examination. Said document shall be in substantially the following form:

"I, the undersigned, a candidate for the \_\_\_\_\_ party nomination for the office of \_\_\_\_\_, which nomination is to be made by direct vote at a primary election to be held on the \_\_\_\_\_ day of August, 19\_\_\_\_, do hereby appoint the following registered qualified electors of the county of \_\_\_\_\_, as verification deputies to obtain signatures of sponsors in said county to a nomination paper placing me in nomination as a candidate of said \_\_\_\_\_ party for said office of \_\_\_\_\_.

## VERIFICATION DEPUTIES

Name.

Residence.

etc.

etc.

(Signature)

(Residence)

Filed in the office of the county clerk (or registrar of voters) of the county of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted.

In the event the said declaration of candidacy is made by sponsors, as herein provided, any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination, and in appointing verification deputies to serve within the county or city and county in which such deputies reside in securing the signatures of sponsors to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the declaration of candidacy by sponsors is left with the county clerk or registrar of voters for filing or examination.

In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

State of California, \_\_\_\_\_ ss.  
County of \_\_\_\_\_

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of \_\_\_\_\_, State of California, and that we are each registered as intending to affiliate with the \_\_\_\_\_ party and we do hereby propose \_\_\_\_\_, who resides at No. \_\_\_\_\_ street in the city of \_\_\_\_\_ (or in the town of) \_\_\_\_\_ county of \_\_\_\_\_, as a candidate for the nomination of such party for the office of \_\_\_\_\_ to be voted for at the primary election to be held on the \_\_\_\_\_ day of August, 19\_\_\_\_; and we do solemnly swear (or affirm) that said \_\_\_\_\_ has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in





## AMENDMENT NUMBER EIGHT.

On page 5, line 49, of the printed bill, strike out the following "(d)", and insert in lieu thereof the following "(g)".

**Amendment adopted.**

## AMENDMENT NUMBER NINE.

On page 6, line 43, of the printed bill, after said line 43, insert the following

## "VERIFICATION DEPUTY'S AFFIDAVIT.

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision (a), section 5 of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of \_\_\_\_\_ to the nomination paper of \_\_\_\_\_ as a candidate for the nomination of the \_\_\_\_\_ party for the office of \_\_\_\_\_, that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

[SEAL]

Notary Public (or other official)."

**Amendment adopted.**

## AMENDMENT NUMBER TEN.

On page 6, line 48, of the printed bill, strike out the following "(d)", and insert in lieu thereof "(h)".

**Amendment adopted.**

## AMENDMENT NUMBER ELEVEN.

On page 7, line 1, of the printed bill, strike out the following "(j)", and insert in lieu thereof "(i)".

**Amendment adopted.**

## AMENDMENT NUMBER TWELVE.

On page 7, line 5, of the printed bill, strike out the following "(d)", and insert in lieu thereof "(j)".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTEEN.

On page 7, line 11, of the printed bill, strike out the following "(c)", and insert in lieu thereof "(k)".

**Amendment adopted.**

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 17, of the printed bill, strike out the following "senators and assemblymen".

**Amendment adopted.**

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 19, of the printed bill, after the word "except", insert the following: "said senators, assemblymen and".

**Amendment adopted.**

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 21, of the printed bill, strike out the word "pamphlets", and insert in lieu thereof the word "pamphlet".

**Amendment adopted.**

## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 32, of the printed bill, strike out all of lines 32 to 35, inclusive, and insert in lieu thereof "print therein".

**Amendment adopted.**

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 45, of the printed bill, beginning in said line 45, strike out the following: "a table of contents indicating the offices for which candidates are to be selected,".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 8, line 18, of the printed bill, beginning in said line 18, strike out the following: "An index of the names of all candidates shall be appended to the pamphlet."

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 8, line 20, of the printed bill, strike out the following: "(m)", and insert in lieu thereof "(l)".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 8, line 43, of the printed bill, strike out the following: "(n)", and insert in lieu thereof "(m)".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 8, line 47, of the printed bill, strike out the following: "(o)", and insert in lieu thereof "(n)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23 and 24 of said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

Bill read second time, ordered engrossed, and on file for third reading.



## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to assent from its amendments to Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts, and appointed Assemblymen Sewell, Ryne and West as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk  
By C. W. BOOTH, Assistant Clerk.

## COMMITTEE ON CONFERENCE APPOINTED.

The President announced the appointment of Senators Pedrotti, McKinley and Lyon as a Committee on Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 183.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Conference.

## SPECIAL ORDER.

Senator Inman moved that the consideration of the report of the special committee appointed to investigate concerning the existence of a reputed cement trust be made a special order for two o'clock and thirty minutes p.m. this day.

Motion carried.

## POINT OF ORDER.

Senator Fellom raised the point of order that a resolution or bill could not be debated until it was before the Senate.

## DECISION ON POINT OF ORDER.

The president announced his decision, and declared the point of order not well taken.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An act relating to courses of study for special day and evening classes in high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51—An act to amend section 384*a* of the Penal Code, relating to the protection of native trees, shrubs and plants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—35.

NOES—Senator Swing—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

Senate Bill No. 521—An act to amend sections 2319*a*, 2319*b* and 2319*c* of the Political Code, relating to the duties of the State Commissioner of Horticulture.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527—An act to amend section 2322*a* of the Political Code, relating to county horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriman, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 486 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriman, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Rochester:

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to days of grace for the payment of premiums on life insurance policies, and to prevent a waiver thereof or variations therefrom, and to prescribe penalties for violations of the provisions thereof.

Request referred to Committee on Rules.

By Senator Mueller:

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 450 of the Civil Code, relating to the provisions of life insurance policies issued in this State.

Request referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committee were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Rochester to introduce a bill entitled—An act relating to days of grace for the payment of premiums on life insurance policies, and to prevent a waiver thereof or variation therefrom, and to prescribe penalties for violations of the provision thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Mueller to introduce a bill entitled—An act to amend section 450 of the Civil Code, relating to the provisions of life insurance policies issued in this State—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Rochester: Senate Bill No. 837—An act relating to days of grace for the payment of premiums on life insurance policies, and to prevent a waiver thereof or variations therefrom, and to prescribe penalties for violations of the provisions thereof.

Bill read first time, and referred to Committee on Insurance.

By Senator Mueller: Senate Bill No. 838—An act to amend section 450 of the Civil Code, relating to the provisions of life insurance policies issued in this State.

Bill read first time, and referred to Committee on Insurance.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such association.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and thirty-five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371—An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining advocates, and advocating, requiring the filing of statements of money received and expended by such

persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violation hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 371 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—29.

NOES—Senators Carter, Christian, and Rochester—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack,



McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section, to be numbered 21687, providing for the arrest, without a warrant upon probable cause, of alleged insane persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—31.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tidelands heretofore made to the city of Newport Beach.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 315 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—30.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collection of taxes; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making

a violation of such provisions a misdemeanor; and to provide a method of dissolving such districts.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Senate Bill No. 47 to Senator Edwards, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 19 of the title of the printed bill, strike out the semicolon in said line.

AMENDMENT NUMBER TWO.

In line 21 of the title of the printed bill, immediately following the semicolon in said line, insert the following: "to prohibit any director".

AMENDMENT NUMBER THREE.

On page 13, line 15, of the printed bill, immediately following the word "levy", strike out the word "a" and insert in lieu thereof the word "an".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 47, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 765—An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 766—An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this State other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 766 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## RECESS.

On motion of Senator Slater, at one o'clock p.m., the President pro tempore of the Senate declared recess until two o'clock and thirty minutes p.m.

## RECONVENED.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the report of the Special Committee appointed to investigate concerning the existence of a reputed cement trust heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

## REPORT OF SPECIAL COMMITTEE.

The following report of the Special Committee appointed to investigate concerning the existence of a reputed cement trust was received, and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: We, the undersigned, your committee to which was referred the investigation of the reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California for the control of the market price of cement and the suppression of free competition, supplementing our report presented to and filed with the Senate on March 8, 1929, which report is by this reference as fully and completely made a part hereof as if fully set forth herein at length, hereby report to your honorable body, the Senate of the State of California:

That H. T. Battelle, in pursuance to a subpoena duces tecum duly and regularly issued and served upon him requiring his presence to testify and requiring him to bring with him certain books, papers, documents, records and information in his possession or under his control, appeared before your committee, at Sacramento, on March 7, 1929;

That said witness was examined, and required to give certain testimony and to produce certain documents, records and information for examination by your committee;

That said witness contumaciously refused and declined to answer questions material to the issues and refused to produce material and proper books, papers, documents, records and information required of him and in his possession or under his control, all as more particularly appears from the transcript of testimony given and proceedings had upon said investigation, which said transcript is a part of the report of this committee above referred to, and which by that reference is made a part hereof as if fully set forth herein at length.

Wherefore, we, your said committee, hereby render and file this report of said refusal of said witness so to testify or to produce said books, papers, documents, records and information, for such action as may be deemed necessary by the Senate.

Respectfully submitted.

F. S. BOGGS,  
HENRY E. CARTER,  
J. I. WAGY,  
J. M. INMAN,

Committee.

## RESOLUTION.

The following resolution was offered:

By Senators Waggy, Carter, Boggs and Inman:

WHEREAS, This honorable Senate has undertaken to investigate as to the existence or nonexistence of a reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California, for the control of the market price of cement and the suppression of free competition; and

WHEREAS, On January 18, 1929, the President of this honorable Senate, pursuant to the resolution of said Senate, adopted on January 17, 1929, appointed Senators Boggs, Carter, Inman, Herbert C. Jones and Waggy as a committee to investigate as to the existence or nonexistence of such reputed illegal combination or conspiracy, with full power to issue subpoenas and bring witnesses before it and examine them as to the facts or the purported facts as to such reputed combination or conspiracy,



and to compel the production for examination by said committee of all necessary books, papers, documents, and records material thereto; and

WHEREAS, Said committee so appointed by this Senate undertook to discharge its said duty of investigating as to the existence or nonexistence of such reputed illegal combination or conspiracy; and

WHEREAS, Subpoenas duces tecum were duly and regularly issued and duly and regularly served upon Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Wishon, requiring each of the said persons to appear before said committee to testify, and requiring each of them to bring with him certain books, papers, documents, and records, such being in his possession or under his control, and designated and described in the subpoena; and

WHEREAS, In pursuance of said subpoenas duly and regularly issued and served, said persons appeared before said Committee of Investigation of this Senate, and refused and declined to answer certain questions material to the issues and refused to produce proper books, papers, documents, and records required of them, such being in their possession or under their control and material to said issues, all as more particularly appears from the report of said committee presented to and filed with this Senate, on March 8, 1929, and from the supplemental report of said committee presented to and filed with this Senate on March 11, 1929, said questions being also set forth in the "Excerpts from the transcript of testimony" submitted to the Senate, March 8, 1929, to which reference is hereby made; and

WHEREAS, The truth as to the existence or nonexistence of such reputed illegal combination or conspiracy is supposed to rest and be within the knowledge of these said witnesses, or in the proper books, papers, documents, and records required of them, such being in their possession or under their control; and

WHEREAS, The said committee has reported to this Senate the contumacious refusal of said witnesses to answer questions material to the issues propounded to them by said committee and to produce proper books, papers, documents, and records material to said issues, for such action as may be deemed necessary by the Senate; now, therefore, be it

*Resolved*, That the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Wishon be and they are hereby declared to be guilty of contempt of this Senate; and be it further

*Resolved*, That the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emery Wishon be taken into custody by the Sergeant-at-Arms of the Senate, and that they be committed to the county jail in the county of Sacramento, State of California, until they shall have purged themselves of this contempt by answering the questions which were propounded to them by said committee and by producing the proper books, papers, documents, and records material to said issues required of them; that a copy of this resolution, duly attested by the Secretary of the Senate, be the authority of the Sergeant-at-Arms of the Senate and the sheriff of the county of Sacramento.

#### SPECIAL ORDER.

Senator Inman moved that the above resolution be made a special order for Thursday, the fourteenth day of March, 1929, at eleven o'clock a.m.

#### SUBSTITUTE MOTION.

Senator Christian, seconded by Senator West, moved as a substitute motion that the above resolution by Senators Waggy, Carter, Boggs and Inman be referred to the Judiciary Committee of the Senate, to report to the Senate whether the questions asked by the special committee were competent and pertinent, if the evidence sought was admissible, and if any of the witnesses named in the resolution were guilty of contempt of the Senate.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Crowley and Boggs.

The question being on Senator Christian's substitute motion.

The roll was called, and the substitute motion as offered by Senator Christian carried by the following vote:

AYES—Senators Allen, Baker, Canepa, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Tubbs, Weller, and West—23.

NOES—Senators Boggs, Breed, Carter, Cassidy, Cobb, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, Murphy, Slater, Swing, Waggy, and Young—16.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 101—An act to amend section 19x11 of the Juvenile Court Law approved June 5, 1915, as amended, relating to the salary of the probation officer of counties of the eleventh class;

Also: Assembly Bill No. 102—An act amending section 4240 of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class;

Also: Assembly Bill No. 198—An act to amend section 19x12 of the "Juvenile Court Law" approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twelfth class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—4; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 101, 102 and 198 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fee and expenses of officers in counties of the seventeenth class;

Also: Assembly Bill No. 793—An act to amend section 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 302 and 793 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime;

Also: Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expenses of sending defendant to State hospital;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Senate Bills Nos. 201 and 202 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities, or form the exterior boundary of any municipality where the same joins unincorporated territory of a county, or the territory of another municipality, whether partly or wholly within or without said boundary, for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Senate Bill No. 748 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 269—An act to add a new section to the Juvenile Court Law, approved June 5, 1915, as amended, to be numbered 19x51, relating to the salary of probation officers in counties of the fifty-first class;

Also: Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Senate Bills Nos. 269 and 440 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 196—An act to amend section 1151 of the Political Code, relating to boards for municipal elections;

Also: Assembly Bill No. 257—An act to add a new section to the Political Code to be numbered 1197d, relating to ballots;

Also: Assembly Bill No. 387—An act to amend section 4 of an act to permit the consolidation of elections and to provide a procedure therefor, approved June 11, 1913;

Also: Assembly Bill No. 90—An act to amend section 19x25 of the Juvenile Court Law, relating to probation officers in counties of the twenty-fifth class;

Also: Assembly Bill No. 625—An act to amend section 421 of the Civil Code, relating to investments of insurance companies;

Also: Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class;

Also: Assembly Bill No. 110—An act to amend section 848 of the Code of Civil Procedure, relating to service of summons outside of county;

Also: Assembly Bill No. 871—An act to amend section 7 and to add a new section numbered 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the number and compensation of judges, clerks and other officers and attaches of municipal courts and providing for the maintenance of a night court in cities of the first and one-half class.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 196, 257, and 387 read first time, and referred to Committee on Elections.

Assembly Bills Nos. 90, 674 and 871 read first time, and referred to Committee on County Government.

Assembly Bill No. 625 read first time, and referred to Committee on Insurance.

Assembly Bill No. 110 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 323—An act to amend section 1766 of the Code of Civil Procedure, relating to guardians;

Also: Assembly Bill No. 78—An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 323 read first time, and referred to Committee on Judiciary.



Assembly Bill No. 78 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day read and adopted Assembly Concurrent Resolution No. 2—Relative to veterans and widows of veterans engaged in the civil service of the several counties, cities and other political subdivisions of the State of California:

Also: Assembly Concurrent Resolution No. 4—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 2 and 4 referred to Committee on Military Affairs.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 5—Proposed amendment to article IV of the constitution, relative to initiative and referendum.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Constitutional Amendment No. 5 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 15—Relative to the death of Hon. Frank P. Flint.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

MOTION BY SENATOR BREED.

On motion of Senator Breed, Assembly Concurrent Resolution No. 15 was ordered on file without reference to committee.

ADJOURNMENT.

At five o'clock and five minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Tuesday, March 12, 1929.

HAROLD J. POWERS, Minute Clerk.

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IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, March 12, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—31.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 11, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Sharkey was, on motion of Senator Boggs, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Brooks, E. G. Hart, W. P. Pollard, S. H. Woodruff and T. J. Jordan, all of Los Angeles.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Swain-James, Mrs. I. M. Bancroft, Mrs. B. Chipron and Mrs. L. H. Cooper.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. C. Macleod of Balboa, California.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ex-Senator B. F. Rush, of Suisun.

On request of Senator Cobb, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. K. Wakefield, public administrator, Fresno County.

On request of Senator West, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. E. O'Neill of Suisun, and Mr. and Mrs. Clay M. Greene of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. L. Boothe, supervisor, Mariposa County, and C. I. Mentzer, supervisor, Mariposa County.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. E. Grier.

On request of Senator Cleveland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Virginia Shire and Mrs. Barton Bean.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution and attachment.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED  
SIXTY-FIVE.

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the period in said line, and insert in lieu thereof the following: ", and attachment."

AMENDMENT NUMBER TWO.

On page 4 of the printed bill, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following: "state as a pension from the United States government, whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him.

21. All money held, controlled or in process of distribution by the state or a city, county, city and county or other political subdivision of the state, derived from contributions from the state or such city, county, city and county, or other political subdivision, or by any officer or employee thereof for retirement or pension purposes or the payment of death benefits."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 465?

The roll was called, and Assembly amendments to Senate Bill No. 465 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 465 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 525—An act to amend section 41 of "The California Vehicle Act," relating to certificate of registration and display of certificate of registration, approved May 30, 1923, as amended:

Also: Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding three new sections to be numbered 11, 12, 13, and 14, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof:

Also: Senate Bill No. 207—An act to add a new section, numbered 1027 to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered:

Also: Senate Bill No. 508—An act to amend "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903:

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 13, relating to the taxation of hospitals and sanatoriums conducted not for private profit:

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof, a new section to be numbered 31a, relating to the indemnification of owners of condemned cattle;



Also: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California to enact a new section of the constitution to be known as article II, section 2½, relating to voting;

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation;

Also: Senate Joint Resolution No. 6—Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

EVANS, Chairman.

Senate Bill No. 252 ordered on file for second reading.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 585 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 760—An act to amend sections 1, 2, 2½, 2a, 3, 4, 5, 6, of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 760 ordered on file for second reading.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Merriam to introduce a bill entitled—An act relating to powers and

duties of city prosecutors of cities, or cities and counties, operating under a freeholder's charter—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Harley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Wagy, Weller, West, and Young—31.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Merriam: Senate Bill No. 839—An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a freeholders' charter.

Bill read first time, and referred to Committee on Municipal Corporations.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 18—An act to amend section 190 of the Penal Code, relating to punishment for the crime of murder and to repeal section 246 of the Penal Code, relating to punishment of persons undergoing life sentence:

Also: Senate Bill No. 46—An act to amend section 190 of the Penal Code, relating to the punishment of persons found guilty of murder;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—15; committee vote: Ayes—7; noes—6; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 18 and 46 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts:

Also: Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure relating to publication of notice to creditors in probate proceedings:

Also: Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property;

Also: Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 341, 347, 439 and 828 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawn-

brokers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—2; absent—5.

INMAN, Vice Chairman.

Senate Bill No. 677 ordered on file for second reading.

**Also:**

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills:

Also: Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof:

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 339 and 346 ordered on file for second reading.

**Also:**

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 274—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 274 ordered on file for second reading.

ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, March 11, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 30, 31, 43, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 85, 86, 89, 90, 94, 100, 102, 112, 114, 118, 120, 121, 122, 127, 129, 131, 132, 134, 135, 138, 141, 142, 151 and 154, and by adding thereto new sections to be numbered 74, 84, 224, 234, 284, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1464, 1504, 1524, 1534 and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and records to be kept by public garages and the renting of motor vehicles and restriction as to the size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and providing for carrying out the objects of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

CANEPA, Vice Chairman.

Senate Bill No. 714 ordered on file for second reading.

REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Christian:

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office,



fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

Request referred to Committee on Rules.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$1,663.81 in payment of the items set forth below, and the Treasurer is hereby directed to pay the same.

State Supply Department, supplies for the Senate and type writer rental for two months	\$1,237.87
Western Union Telegraph Company	7.07
Cascade Towel Supply Company-----	12.00
H. S. Crocker Company-----	15.00
Purnell Stationery Company	6.75
Postage for the Senate	390.00
Jos. E. Pipher, court reporter, reporting joint hearing of Committees on Revenue and Taxation	84.52
Total-----	\$1,663.81

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormick, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—33.

**NOES**—None.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred the request of Senator Christian to introduce a bill entitled—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagv, Weller, West, and Young—32.

**NOES**—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

By Senator Christian: Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing

the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

Bill read first time, and referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILLS.

Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities, or form the exterior boundary of any municipality where the same joins unincorporated territory of a county, or the territory of another municipality, whether partly or wholly within or without said boundary, for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use of its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In the sixth line of the title of the printed bill, on page 1 thereof, strike out the comma and all the balance of the line, together with all of the seventh, eighth and ninth lines, and all of line 10 down to and including the first comma therein, and insert in lieu thereof a semicolon.

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, in line 9, of the printed bill, strike out "unincorporated", and insert in lieu thereof "incorporated".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, in line 26, of the printed bill, strike out "not exceeding thirty (30) days in all".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4, in line 21, of the printed bill, strike out the period, and insert in lieu thereof ", in so doing the said legislative body may establish the boundaries of the

proposed district or describe the lands included therein as established or described in any petition or petitions theretofore filed praying for the establishment of the proposed district, or may alter or modify the boundaries of the proposed district or substitute new boundaries for those described in any petition, when in its discretion and judgment public interest and convenience so require."

**Amendment adopted.**

**AMENDMENT NUMBER FIVE**

On page 5, line 6, of the printed bill, strike out "constructions", and insert in lieu thereof "construction".

**Amendment adopted.**

**AMENDMENT NUMBER SIX**

On page 5, line 42, of the printed bill, strike out "in", and insert in lieu thereof "and".

**Amendment adopted.**

**AMENDMENT NUMBER SEVEN**

On page 6, line 3, of the printed bill, strike out "abandonment", and insert in lieu thereof "abandoned".

**Amendment adopted.**

**AMENDMENT NUMBER EIGHT**

On page 8, line 33, of the printed bill, strike out "board", and insert in lieu thereof "legislative body".

**Amendment adopted.**

**AMENDMENT NUMBER NINE**

On page 9, line 39, of the printed bill, after the word "facility", insert the following: "or portion thereof or property acquired, owned or constructed in connection therewith when no longer needed in connection therewith."

**Amendment adopted.**

**AMENDMENT NUMBER TEN**

On page 9, line 39, of the printed bill, strike out "in the manner provided by law for the" and all of line 40, and all of line 41 down to and including the word "other", and insert in lieu thereof the following: "to the highest bidder therefor. Any such sale shall be made only after not less than fifteen (15) days' notice thereof, which notice shall be published not less than once a week for two (2) consecutive weeks in a newspaper of general circulation within the territorial jurisdiction of the legislative body having jurisdiction over such transportation district. Such notice shall specify the time and place of the proposed sale and shall call for the filing, prior to such time, of sealed bids for the purchase of the transportation facility, or portion thereof or property to be sold or otherwise disposed of in making any such sale or other disposition the legislative body may impose such".

**Amendment adopted.**

**AMENDMENT NUMBER ELEVEN**

On page 9, line 43, of the printed bill, after the period therein, insert the following: "Such legislative body, at the time and place set for such sale or other disposition, after opening any sealed bids which may have been received, shall call for verbal bids for the sale and purchase or other disposition in the manner theretofore proposed in the notice herein provided for and may accept any such written or verbal bid, provided that any verbal bid must be at least ten per cent higher than any valid written bid and provided that any bid accepted by said legislative body must be found by it to be the best bid available and to be acceptable consistently with the public interest and convenience. The legislative body shall have the right to reject any and all bids."

**Amendment adopted.**

**AMENDMENT NUMBER TWELVE**

On page 9, line 51, of the printed bill, strike out the period, and insert in lieu thereof: ", provided, that before so applying any such funds the legislative body having jurisdiction of any transportation district may first set up and retain funds sufficient to meet the expenses of such district during the year next ensuing.

Whenever any transportation district has been created in accordance with the provisions of this act and thereafter any transportation facility has been acquired or constructed, or acquired and constructed, within the limits thereof, the legislative body having jurisdiction thereof, shall, in addition to any other powers hereinbefore or elsewhere granted, have authority and jurisdiction in order to enable it to operate and maintain any transportation facility acquired or constructed, or acquired and



constructed, within such transportation district. In the event that it shall be unable to lease the same or enter into an operating agreement, covenant or other contract in respect thereto, or to let a franchise in relation thereto which, in the judgment of said legislative body, is consistent with public interest and convenience, to cause an estimate to be made of the cost of operating said transportation facility for a period of one year and to levy upon all land in said transportation district an assessment to pay the cost of such operation during the year next ensuing after such levy or during the year next ensuing after any date fixed by said legislative body, which date shall not be more than three (3) months after the making of such levy. Any such levy shall be in the manner provided for the levying of assessments under the provisions of \_\_\_\_\_ as now or hereafter amended. In the making of any such levy the act last referred to shall be deemed and construed to authorize and permit the legislative body making such levy to proceed thereunder for the purpose of levying an assessment to pay the cost of operating or maintaining transportation facilities as well as for the purposes set forth in such act."

Amendment adopted.

AMENDMENT NUMBER THIRTEEN.

On page 10, line 7, of the printed bill, strike out "for", and insert in lieu thereof "have".

Amendment adopted.

AMENDMENT NUMBER FOURTEEN.

On page 10, line 19, of the printed bill, after "bridges," insert the following: "foot bridges, sidewalks or other ways for pedestrians,".

Amendment adopted.

AMENDMENT NUMBER FIFTEEN.

On page 10, line 24, of the printed bill, before the comma therein, insert the following: "for use on tracks, or in any subway, or on any right of way acquired or used by a transportation district exclusive of other use by the public."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Senate Bill No. 269—An act to add a new section to the Juvenile Court Law, approved June 5, 1915, as amended, to be numbered 19.51, relating to the salary of probation officer in counties of the fifty-first class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

Bill read second time, ordered engrossed, and on file for third reading.

SPECIAL ORDER.

Senator Inman moved that the resolution by Senators Waggy, Carter, Boggs and Inman, relative to a reputed cement trust and referred to Committee on Judiciary, be made a special order for eleven o'clock and thirty minutes a.m., Thursday, March 14, 1929.

Motion carried.

USE OF SENATE CHAMBER GRANTED.

Senator Inman asked for and was granted unanimous consent for the use of the Senate Chamber for a hearing on the resolution relative to the cement trust by the Committee on Judiciary on Wednesday, March 13, 1929, at eight o'clock p.m.

CONSIDERATION OF DAILY FILE.  
THIRD READING OF SENATE BILLS.

Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Allen moved to refer Senate Bill No. 219 to Senator Cobb, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In section 1, subdivision 18, page 4, line 15, of the printed bill, after the word "of", strike out the words "two thousand", and substitute in lieu thereof "one thousand six hundred".

AMENDMENT NUMBER TWO.

In section 1, subdivision 13, page 4, line 19, of the printed bill, after the word "than", strike out the words "two thousand", and substitute in lieu thereof "one thousand six hundred".

AMENDMENT NUMBER THREE.

In section 1, subdivision 18, page 6, line 30, of the printed bill, after the words "per day", strike out the word "three", and substitute in lieu thereof "four".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 219, with instructions to amend, respectfully reports the same back, amended as per instructions.

CORB, Special Committee.

Report read, and on motion of Senator Allen adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 121—An act to amend section 6 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to permits and records of employment and certificates of age of minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tabbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 568—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article II<sup>m</sup>, embracing sections 376 to 376<sup>1</sup>/<sub>2</sub>, inclusive, relating to a Department of Penology.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 568 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Waggy, Weller, and West—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the land and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Weller, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed, and providing penalties for violation of the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 172 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Tubbs, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rochester moved to refer Senate Bill No. 450 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, after the word "misdemeanor," insert the following: "provided, however, this shall not apply to service rendered by regular established service bureaus to individuals, companies or corporations, where such individuals, companies or corporations have previously informed in writing, the superintendent of the division of motor vehicles, of their desire to be represented by such service bureau, and the superintendent of the division of motor vehicles has granted permission to said service bureau to act as such representative."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 450, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding three new sections to be numbered 11, 12 and 13, relating to the levying of assessments for maintenance, operation and repair, the designation of such as and the constitutionality thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hutley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATE JOINT RESOLUTION No. 6.

Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act.

WHEREAS, In 1921 the Legislature of the State of California by appropriate resolution urged upon Congress the necessity for continued adherence to the policy of the United States, restricting the right of citizenship and likewise protested against any attempt by treaty or otherwise to permit the immigration of ineligible aliens; and

WHEREAS, In 1924, after full investigation and consideration, Congress by general law prohibited the immigration of aliens ineligible to citizenship; and

WHEREAS, Various organizations have since the passage of said act persistently sought to influence Congress to recede from such policy, and the adherence to said policy has been urged by the American Legion, American Federation of Labor, the Grange, and the Native Sons of the Golden West, the first three of which organizations have repeatedly in their annual conventions by resolution expressed their continued support of the congressional action; and

WHEREAS, There is now in progress a nation-wide campaign designed to substitute the quota system for the rigid and effective exclusion of Asiatic laborers as provided in the General Immigration Act of 1924; now therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of this State protests against any character of action designed to modify the present immigration laws relating to the exclusion of Asiatic laborers and reaffirms its belief that the privilege of American citizenship should continue to be restricted as at present, and that the privilege of immigration should be extended only to those people who may become citizens of the United States; and be it further

*Resolved.* That the Senators and Representatives in Congress from the State of California be urged to present the seriousness of the present situation to the attention of their colleagues and to the departments of the federal government, and to use all honorable means to prevent modification of the present naturalization and exclusion laws; and be it further

*Resolved.* That the Chief Clerk of the Senate of the State of California be and he is hereby authorized and directed to transmit a copy of this resolution to each member of the Senate and House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellon, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Tubbs, Wagy, and West—27.  
 NOES—Cleveland—1.

Title read and approved

Senate Joint Resolution No. 6 ordered transmitted to the Assembly.

Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Hurley,

Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Taber, Wagy, West, and Young—35.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 210—An act to add a new section, to be numbered 19c, to the "California Irrigation District Act," relating to elections, and declaring the urgency thereof.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 210 to Senator Breed, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, strike out the period and insert in lieu thereof the following: "and declare the urgency thereof."

##### AMENDMENT NUMBER TWO.

On page 2, line 38, of the printed bill, after said line 38 insert the following:

"Sec. 2. This act is hereby declared to be an emergency measure necessary to the immediate preservation of the public health and safety within the meaning of Section 1 of article four of the constitution of the State of California and as such it shall take effect immediately. The following is a statement of the facts constituting such urgency: Irrigation districts supply water for homes for purposes such as live stock and further through the canals and other conduits of the districts such districts supply drainage to the districts which is necessary to the preservation of the health of the people within and near the districts. In certain irrigation districts the land is owned by persons not residing within the district and there are not sufficient resident electors in such districts to conduct an election or to hold the offices of the district, consequently such districts have not held the recent elections as required by law and are without officers or organization as required by law and such districts are no longer able to function thus leaving the people residing within the district without a supply of water for domestic purposes or for live stock and leaving the district without the drainage and functions of sanitation performed by the district and without means of paying the bonded indebtedness or warrants of the district."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MARCH 12, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 210, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation,



supervision and licensing thereof; sale of lands for colonization or subdivision purposes; broker's bonds; providing penalties for the violation of the provisions thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Senate Bill No. 176 to Senator Inman, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 7, of the engrossed bill, beginning in said line 7, strike out the following: "makes appraisals of."

AMENDMENT NUMBER TWO.

On page 2, line 16, of the engrossed bill, strike out the following: "appraise,"

AMENDMENT NUMBER THREE.

On page 2, line 38, of the engrossed bill, strike out the following: "or making appraisal of".

AMENDMENT NUMBER FOUR.

On page 2, line 44, of the engrossed bill, beginning in said line 44, strike out the following: "or appraising."

AMENDMENT NUMBER FIVE.

On page 12, line 9, of the engrossed bill, after the word "subdivision", insert the following: "(not exclusively residential)".

AMENDMENT NUMBER SIX.

On page 13, line 18, of the engrossed bill, strike out the following: "the state prison or".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 176, with instructions to amend, respectfully reports the same back, amended as per instructions.

INMAN, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print, and re-engrossment.

MOTION TO RE-REFER.

Senator Handy, seconded by Senator Breed, moved that Senate Bill No. 525 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

Senate Bill No. 540—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925." Approved May 26, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray;

Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Harbey, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An act to amend "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Harbey, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECRETARY JOSEPH A. BEEK AT THE DESK.

Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman,

Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 29.

A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof, a new section to be numbered 31a, relating to the indemnification of owners of condemned cattle.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, at its forty-eighth regular session, commencing on the seventh of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the constitution of said State be amended by adding to article IV thereof, a new section to be numbered 31a and to read as follows:

SEC. 31a. No provision of this constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of cattle condemned, slaughtered and disposed of pursuant to law to prevent the spread of an infectious disease; *provided*, the amount paid in any case for a diseased animal shall not exceed the value of such animal.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 29 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Felson, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—32.

NOES—Senator West—1.

Title read and approved.

Senate Constitutional Amendment No. 29 ordered transmitted to the Assembly.

#### SENATE JOINT RESOLUTION No. 8.

##### Relating to the Federal Income Tax Law.

WHEREAS, Just and equitable taxation is a matter of paramount importance to all American citizens; and

WHEREAS, It is apparent that grave injustice results from the failure of the Federal Income Tax Law to properly differentiate between earned incomes and unearned incomes; and

WHEREAS, An earned income is the measure of value of service rendered by the worker to the community and unearned income is the measure of value received by the individual from the community, and earned incomes are thus received in return for service of any sort—mental or physical—as distinguished from incomes from investments or from property; and

WHEREAS, It is apparent that wealth received by an individual who did not create it should bear a heavier tax than wealth received by an individual who did create it; and

WHEREAS, To tax earned income heavily is to penalize thrift and industry, and is a direct tax on labor and tends to retard enterprise and achievement; therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President, the Secretary of the Treasury and the Congress of the United States be hereby memorialized and urged that a reduction of fifty per cent be made in the tax rate on earned incomes below the tax rate on unearned incomes; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives and to the Senators and Representatives, from California, in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Felson, Garrison, Gray, Handy, Harbo, Johnson, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Moffet, Murphy, Nelson, Pedrotti, Rochester, Slater, Tabbs, Waggy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 8 ordered transmitted to the Assembly.

#### MOTION TO RE-REFER.

Senator Cleveland moved that Senate Bill No. 502 be re-referred to Committee on Finance.

Motion carried, and such was the order.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 101—An act to amend section 19411 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer of counties of the eleventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 102—An act amending section 4240 of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 198—An act to amend section 19412 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twelfth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 27, of the printed bill, strike out the period and insert in lieu thereof a semicolon and the following: "*provided, further*, that there shall be, and hereby is, allowed to the county clerk such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided, however*, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand five hundred dollars in any one year."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 37, of the printed bill, strike out the comma, and insert in lieu thereof a semicolon and the following: "*provided, further*, that there shall be, and hereby is, allowed to the county recorder such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided, however*, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand two hundred dollars in any one year."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 793—An act to amend section 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 7, line 3, of the printed bill, preceding the word "The" insert the numerals "15".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 524—An act to amend section 84 of the Civil Code, relating to children of annulled marriages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 524 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY JOINT RESOLUTION No. 3.

Relative to memorializing Congress to adopt a bill to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

WHEREAS, There has been introduced a bill in the House of Representatives of the United States, which provides: "That the United States Government hereby assumes, subject to the conditions of this act or any subsequent act of Congress, the payment to the several states of sums of money equivalent to the amounts which such states would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

WHEREAS, Under an act of Congress of the United States approved March 3, 1891, large areas of territory with the timber and other resources thereon and therein were "set apart, reserved and withdrawn from entry" in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico and in a lesser degree in several of the other states of the Union; and

WHEREAS, The United States government has withdrawn, set apart and reserved within permanent national forests 18,891,161 acres of land within the State of California, approximating one-fifth of the total land area of the State, said lands being set apart, withdrawn from entry and reserved for the purpose of conserving the resources thereof and particularly the standing timber thereon for the benefit of future generations of mankind; and

WHEREAS, The lands of the United States above referred to, comprise in several of the counties upwards of one-half of the area within the borders of the counties, and, although exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all the people of the United States, which fact places these lands on the same basis, as to use, as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes, results in throwing a heavy tax burden on privately owned property in the same political subdivision of government thus making the financing of local government a difficult problem indeed; and

WHEREAS, This area is not and can not be taxed by any of the 39 counties of California wherein this vast domain is situated, although each of said counties is required to and do perform therein and thereon all necessary and requisite police powers, equip, maintain and operate schools; equip, maintain and operate courts for the punishment of offenders against the forest and other laws; construct, repair

and maintain trails, roads and bridges and to do and perform such other acts, duties and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

WHEREAS, When state government was instituted and the several states admitted into the Union they were divided into counties, and townships and each of the states, counties and townships were guaranteed the full right of enjoyment of all the territory and resources within their respective borders and the declared policy of the United States government being to dispose of all the public domain, and Article X of the declaration of rights, which formed the basis for the union of the states provides that "No state shall be deprived of territory for the benefit of the United States." In setting apart, reserving and withdrawing from entry 10,000,000 acres of land for national forest purposes within the boundaries of a single state, surely territory has been taken from that state for the benefit of the United States, and

WHEREAS, The following clause is contained in the enabling act of every state admitted into the Union, beginning with Ohio in 1803: "The state when admitted shall be on a basis of equality with the original states in all respects whatsoever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity (and we deem the national forests to be such a problem), and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government and "set apart, reserve or withdraw" the same from entry for the benefit of all the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

WHEREAS, The Congress of the United States has enacted legislation known as the "exchange bills," and under the provisions of said law, private owners are enabled to exchange cut-over lands for standing timber lands on the basis of the United States; and since said law has become operative, private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange, hundreds of millions of feet of standing virgin timber from the United States; and as a result of the operation of such laws, many counties in which such exchanges have been made or in which such exchanges were hereafter to be made, have had or will have taken from them and removed from the assessment rolls of such counties, many thousands of dollars in assessed valuation; and in addition to this loss of assessed valuation such counties are losing the percentage which they would receive were a sale made instead of an exchange; and as United Forester, Chief Forester of the United States, has said of this law, "The forest counties lose both going and coming"; and

WHEREAS, The Congress of the United States has enacted the so-called Clark McNary Law, and under the provisions of section 7 of said law, private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing and other rights and when so conveyed become a part of the National Forest Reserve and not open to entry or taxation, and should timber owners in some of the counties in several of the western states exercise their just right under this law, and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the west out of business, because such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same state the county to which it is annexed will receive not an asset but a liability; and

WHEREAS, It is only just and right that a heavy burden of local taxation should not be placed annually on the people of any state in which, and by reason of the fact that, extensive areas of territory having great national resources, guaranteed to them in the beginning and later legislated from them, have been set apart, reserved and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it; now, therefore, be it

*Resolved by the Assembly and Senate, jointly.* That the Legislature of the State of California approves of the purpose of the bill referred to and respectfully requests its support and adoption, by the Congress of the United States at the earliest possible date; and be it further

*Resolved.* That any moneys to be paid to the State of California, by the United States under the provisions of any law enacted by the Congress of the United States, based on forest values of the forest counties of California, shall be divided among said forest counties in proportion to the forest values fixed by the United States Bureau of Public Roads; *provided*, that by the term "forest counties" is meant those counties of California, a part of which are in the present national forests; and *provided, further*, that any portion of the timber sale, grazing or other receipts of national forests returned by the federal government to the State of California, are excepted herefrom; and be it further

*Resolved.* That the Chief Clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to the Governors of the states of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada,



Colorado, New Mexico and Arizona with the request that similar action be taken by their respective legislatures; and be it further

*Resolved*, That the Chief Clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail, to all the members of the Congress and Senate of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 3 ordered transmitted to the Assembly.

Assembly Bill No. 545—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500,' providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 545 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 15.

Relating to the death of Honorable Frank P. Flint.

WHEREAS, It has pleased an All-Wise Providence to call from us Honorable Frank P. Flint, a former member of the Senate of the United States of America from California and the chairman of the Citizens Committee of Southern California, which said committee espoused and promoted the passage of the congressional act known as the Boulder Canyon Project Act; and

WHEREAS, He will be accounted in history as a foremost leader in his time in the advancement and progress of our State, and as one of California's illustrious men, and as a public-spirited citizen who gave freely and unselfishly of his time to promote the betterment of this State; now therefore, be it

*Resolved by the Assembly, the Senate concurring*, That a committee of two members, consisting of one member of the Assembly to be appointed by the Speaker of the Assembly, and one member of the Senate to be appointed by the President of the Senate, be appointed to attend the funeral of said Honorable Frank P. Flint; and be it further

*Resolved*, That when the respective houses of this Legislature of the State of California shall this day adjourn, they shall do so in respect of the memory of Honorable Frank P. Flint; and be it further

*Resolved*, That the Secretary of the Senate and the Chief Clerk of the Assembly are hereby directed to convey to the family this expression of tribute from the Senate and Assembly of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKimley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—34.  
 NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 15 ordered transmitted to the Assembly.

RECESS.

On motion of Senator Breed, at one o'clock p.m., the President declared recess until two o'clock and thirty minutes p.m.

RECONVENED.

At two o'clock and thirty minutes p.m., the Senate reconvened Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 76—An act to amend section 1026a of the Political Code, relating to elections:

Also: Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections:

Also: Assembly Bill No. 1045—An act to amend section 647 of the Penal Code, relating to vagrancy:

Also: Assembly Bill No. 694—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending section 28, relating to the definition and regulation of the business of banking:

Also: Assembly Bill No. 721—An act to add a new section to the Political Code of the State of California, to be numbered 3456c, relating to assessments levied by reclamation districts:

Also: Assembly Bill No. 682—An act to add a new section to the Civil Code to be numbered 2924a, relating to sales of trust property:

Also: Assembly Bill No. 684—An act to amend section 1592 of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement:

Also: Assembly Bill No. 641—An act to amend section 1274a of the Code of Civil Procedure of the State of California, relating to the deposit of unclaimed property in the estates of decedents:

Also: Assembly Bill No. 383—An act to add a new section to the Code of Civil Procedure, to be numbered 1952, relating to the admissibility of circular evidence:

Also: Assembly Bill No. 527—An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 76 and 431 read first time, and referred to Committee on Elections.

Assembly Bill No. 1045 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 694 read first time, and referred to Committee on Banking.

Assembly Bill No. 721 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 682, 641, 684, 383, and 527 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 781—An act to add a new section to the Political Code, to be numbered 625*b*, relating to bonds and undertakings of corporate sureties.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 781 read first time, and referred to Committee on Insurance.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 233—An act to amend sections 5, 11, 26, 31, 36, 45, 48, 49, 56, 58 and 60, of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas water heaters, and gas stoves, ventilation, porches in dwellings and yards;

Also: Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages;

Also: Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bills Nos. 233, 234 and 709 ordered on file for second reading.

##### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks and the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment for sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 97 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 25—An act to restrict the running of dogs at large; providing for the issuance of dog and kennel licenses by the State and the disposition of fees received therefrom; creating a live stock preservation fund; providing for the compensation of owners of live stock for damage thereto caused by dogs, and providing penalties for violation of the provisions of this act—has had the same under



consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re referred to this committee.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 25 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle thereon; to provide for the slaughter of cattle which positively react to said test; to provide the method of payment by the state for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for violation of the provisions hereof; to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 481 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927:

Also: Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower:

Also: Senate Bill No. 423—An act to amend sections 4, 7, 10, 11, and 12 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927:

Also: Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927:

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bills Nos. 421, 422, 423 and 424 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 232 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 474—An act to amend section 647 of the Civil Code, relating to investments by building and loan associations:

Also: Senate Bill No. 476—An act to amend section 15b of the "Building and Loan Commission Act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations:

Also: Senate Concurrent Resolution No. 17—Approving a certain amendment to the charter of the city of Eureka ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of January, 1929:

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of March, 1929, at eleven o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 30—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended by adding a new section thereto, to be numbered section 14, relating to registration of drug stores—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 30 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 801 ordered on file for second reading.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At three o'clock and five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### MOTION TO RECONSIDER.

Senator Rochester moved to reconsider the vote whereby the Senate concurred in Assembly amendments to Senate Bill No. 465.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby the Senate concurred in Assembly amendments to Senate Bill No. 465 carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, and Young—34.

NOES—None.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 465?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 465 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—36.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and ordered printed in the Journal:

#### MESSAGE ON HIGHWAYS.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

March 12, 1929.

*To the Members of the Senate and the Assembly.*

In the message transmitted to you at the opening of the present legislative session, and again in the message accompanying the budget, there was discussed the importance of our State highway system to the prosperity and growth of California. In these messages the following statement was made relative to the inclusion of new roads in the state system:

"At this time it will be necessary to establish some policy relative to the inclusion of new roads within the State highway system. There is a certain 'orphan' section of highway which, by error in description, by oversight, or through other fault, was not included in the State system when the parent roads were designated as State highways. This probably should be annexed to the present system at once. It comprises about five miles. But aside from this I am very doubtful whether other additions can be made just now without disrupting our entire highway program.

There are certain other roads, now a part of county highway systems, that are largely devoted to State rather than local uses. These roads clearly have prior rights to become a part of the State system, when that system is expanded. The question now is as to when such transfer should take place. I would suggest to the Director of Public Works that during the next two years he make a comprehensive traffic study of those county highways in California which now serve as arterial highways, or of routes not now in the State system of probable arterial value, to determine what roads should be added to the system, and the order in which they should be added as determined by State use and traffic needs, together with an estimate of the probable time when such roads can be included in the State system without imposing an impossible burden on that system.

No Governor should be asked or expected to sign a bill providing for the extension of the State highway system, except upon recommendation of the Department of Public Works—a recommendation in its turn based upon a careful study of traffic requirements and highway use, in line with the broad general policy of long-time planning. Any other plan will break down our program of highway construction and will savor of political expediency rather than of safe and business-like procedure. Whatever policy may be adopted must be based on traffic and not political pressure."

#### POLICY FOR INCLUSION OF NEW ROADS.

Having thus recognized that there are unquestionably roads which should be added to the State system, and having suggested a study of these roads during the next two years, it becomes necessary to adopt a policy which at the earliest possible moment may afford relief to those localities where county roads, due to the large volume of State traffic using them, have in effect become State roads, thus throwing an undue maintenance burden upon the counties in which these roads lie. It is only fair and proper that this situation be corrected through a gradual expansion of our secondary road system.

Accordingly I would suggest that by resolution the Legislature direct that a study of this problem be immediately begun in order to determine:

(1) Roads not now in the State highway system, which, in the opinion of the California Highway Commission and the Department of Public Works, should properly be included in it;



(2) The extent to which there is a lack of balance which prevents a well-ordered and unified system, and the manner in which such lack of balance may be corrected;

(3) A study of the State highway system, which will give information regarding the cost of bringing the system up to a stage where traffic on our highways is adequately and economically served;

(4) The extent to which highways may be added in the next two years to the State system without unduly jeopardizing existing and future maintenance and construction funds; and

(5) Some method by which these maintenance and construction funds may as soon as possible be made available for the new roads that may be added to the State system.

I think we would all agree that, considering the many hundreds of miles of unimproved and undeveloped roads in our existing State highway system, we should not add new roads to that system in any careless or haphazard way. I think we would agree that before a road is added a traffic and economic study should determine its necessity, and a survey as to rights of way, grades, economy of construction, and the like, should determine its location.

I think we would also agree that new roads should not be added more rapidly than they can be adequately cared for. Money spent on these new roads can be expended only on the theory that they are more immediately important to the State than other roads in the existing system whose development might thereby be postponed. I am of the opinion that the California Highway Commission and the Department of Public Works are justified in their belief that at the present time a mileage increase of approximately 10 to 12 per cent, or between 650 and 800 miles, is about all the system can safely stand.

#### NECESSITY OF EQUALIZING SECONDARY MILEAGE.

I think we would agree that in developing our highway system we must do justice to all sections of the State. The Breed law, in allocating gas tax funds, proportioned the amounts given to primary roads in the northern and southern portions according to the primary mileage in these two sections these being roads of state-wide interest and importance. For the secondary roads, however, an equal amount of funds was given to the north and to the south. I believe that the best interests of the State will be served by maintaining this equality of allotment.

However, the present highway system as built up during previous administrations included only 525 miles of secondary roads in the southern counties as against 1778 miles in the north. This means that whereas the north has 1778 miles over which to spread its allotment of secondary highway funds, the south has only 525 miles on which to use an equal allotment, thus requiring that, until this lack of balance is adjusted by taking in other roads which may qualify for a place in the State system, there must be an uneven development of the secondary system in the two ends of the State.

No one, I am sure, would wish to disturb the equal allotment of funds to northern and to southern secondary roads. It is obvious, therefore, that an unsatisfactory condition will exist until the present great disparity in secondary mileage is reduced. The Highway Commission assures me that on the basis of preliminary investigations it is also obvious that, in the 10 to 12 per cent increase referred to above, they must of necessity recommend the addition of three or four times as much mileage in the south as in the north. This addition will be confined to the secondary system and by so doing it will more nearly equalize the secondary mileage in the State.

#### UNDISPUTED FAIRNESS OF SOUTHERN POSITION.

I have noted certain newspaper accounts which would seem to indicate that it is proposed to change the present equal allocation of funds to northern and to southern secondary roads. Nothing can be further from the facts, since neither south nor north seeks to disturb this wise provision of the Breed law. The only change suggested is a rather generous increasing of the 525 miles of southern secondary roads until they shall more nearly approach in extent the 1778 miles of secondary roads in the north.

Fortunately no one wants to precipitate a conflict between the two ends of the State. The south is not asking for a single dollar additional for the construction or reconstruction of its secondary road system. It is asking, however, for an increased secondary mileage over which to spread the allotment which it now receives; and I have yet to meet a friend of good roads, in the Legislature or out of it, who considers this an unreasonable request. It is not right that, with practically equal traffic and almost equal area, one end of the State should continue to have nearly three and one-half times as much secondary mileage as the other; and that the latter, owing to this limited mileage, must continue to convey its equal traffic so largely over locally maintained county roads.

On one point, however, I must reiterate what I have already quoted from my biennial message, that we must see to it that no extensions whatever shall be made to the State highway system except after careful study and survey on the part of our highway engineers. To do otherwise would be to include roads which afterwards we might all regret, just as we now regret hundreds of miles which without sufficient study were long ago unwisely included in our present highway system. Having made this mistake once, we must not make it again. Even for the roads which are included we must make certain of the engineering data which shall make each

of them the very best road possible for the community which it serves. The Highway Commission and Department of Public Works have indicated that they are prepared to commence this work at once, thus assuring that the necessary new secondary roads shall be promptly added. I thoroughly approve of this, and also approve of the ratio by which it is proposed to begin the correction of the very indefensible disparity of secondary mileage in the two ends of the State.

Nevertheless, while this disparity is gradually being corrected, the study as proposed must ultimately include every road in every section of the State whose probable right to a place in the State system can be demonstrated. Thus from time to time other roads will be added, both north and south, until our secondary highway system is complete. This, when finally brought about, must be only through the admission of roads on which such adequate study has been made, and whose right to a place in the secondary highway system can not be disputed.

#### PROMPT INCLUSION OF NEW ROADS INSURED.

It only remains to discover a method by which, when new roads are recommended to the Legislature for adoption into the system, these roads may share in construction and maintenance funds as speedily thereafter as possible. In other words, if these roads are not formally adopted until the next legislative session, how can they be included in the proposed highway budget made just previous to the beginning of that session?

While it might be questioned whether authority can be delegated to a highway commission actually to "adopt" new roads into the system without legislative ratification, the Highway Commission can, at least, after proper study, submit those to the Legislature and include them in its proper highway budget, thus making certain that they can be cared for as State highways two years from next July.

By this procedure no time will be lost in providing for the construction and maintenance of the new roads thus to be taken into the system. The highway budget for the present biennium is already made up, but these roads will go into the next budget, will be recommended in my next biennial message, and beyond the shadow of a doubt will be formally ratified by the next Legislature. Meanwhile, with entire justice to every section of the State, we shall have established the principle that roads shall be added to our highway system, not through political pressure, but as the result of an impartial, unbiased study of our highway needs. This will also give to the members of the Legislature supporting data for the roads in which they are interested and which they may hereafter seek to have added to the system.

#### BASIC PRINCIPLES FOR HIGHWAY CONSTRUCTION.

I feel very strongly that the time is now ripe, and the opportunity here, to formulate a policy and establish a precedent that will govern future additions to the State highway system upon the basis of their ability to qualify as of State importance. This policy and precedent may be tersely stated as providing that expert study by State authorities must precede, rather than follow, the inclusion of roads into the State highway system.

In conclusion, permit me to call your attention to the fact that our major highway problems have been solved in a substantially satisfactory manner, with the exception of the method by which additions to the State highway system shall be made. The greatest contribution that this Legislature can make to our highway system is to formulate a policy of highway extension that will give to the system its necessary and proper measure of protection.

I feel that a program outlined in a concurrent resolution, embodying by reference what I have tried to express in this message, is one in which friends of good roads all over California can join. I feel also that this is a most happy time for the formulation of these principles, since at this particular time our action will not jeopardize the interest or delay the improvement of any road in any section of the State.

Respectfully submitted.

C. C. YOUNG, Governor.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

The following resolution was offered:

By Senator Handy: Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works.

Resolution referred to Committee on Roads and Highways.

#### ADJOURNMENT.

At three o'clock and thirty minutes p.m., on motion of Senator Slater, the President pro tempore declared the Senate adjourned until eleven o'clock a.m., Wednesday, March 13, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, March 13, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 12, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dale L. Ferguson, Modesto, California.

On request of Senator Hurley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. A. Bell, Hollis Thompson and Geo. E. Sheldon.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Claude F. Purkitt of the superior court of Glenn County, Willows, California.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bertha MacDiarmid, principal; Mrs. Helen Smart, and pupils of Moraga School, as follows: Mary Neves, Evelyn Azevedo, Hilda Ferreria, John Fagundes, Lucy Neves, Madeline Freitas, Frank Sanders, Amos Mason, Mabel Nelson, Clyde Nelson; also Miss Ruth Halsted, principal, and pupils of Pacheco School as follows: Catherine Rose, Adeline Vargas, Laura Vargas, Mary Magmaghi, Woodrow Roche, Ernest Bock.

## APPOINTMENT BY THE PRESIDENT.

In accordance with Assembly Concurrent Resolution No. 15, relating to the death of Honorable Frank P. Flint, the President announced the appointment of Senator Carter of Wilmington, California, to attend the funeral of the late Frank P. Flint.

## PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Crowley:

*To the Honorable the Legislature of the State of California.*

Protest of judges of the superior court of the State of California in and for the city and county of San Francisco against the passage of Senate Bill No. 86 (amending sections 258 and 259, Code of Civil Procedure) regarding powers of court commissioners.



We, the undersigned judges of the superior court, protest against the adoption of the above mentioned amendment.

Our fundamental objection is that no active practicing attorney should be given such power that he may decide judicial matters presented by fellow practicing attorneys. No judicial officer ought in any manner to be permitted to practice law.

Dated: February 21, 1929.

EDMUND P. MOGAN,  
Judge of the Superior Court, Department 7.  
DANIEL C. DEASY,  
Judge of the Superior Court, Department 13.  
MICHAEL J. ROCHIE,  
Judge of the Superior Court, Department —.  
FRANK H. DUNNE,  
Judge of the Superior Court, Department 9.  
T. I. FITZPATRICK,  
Judge of the Superior Court, Department 8.  
LOUIS H. WARD,  
Judge of the Superior Court, Department 16.  
JAMES G. CONLAN,  
Presiding Judge of the Superior Court, Department 12.  
JOHN J. VAN NOSTRAND,  
Judge of the Superior Court, Department 4.  
E. P. SHORTALL,  
Judge of the Superior Court, Department 15.  
GEORGE H. CABANISS,  
Judge of the Superior Court, Department 3.  
THOS. F. GRAHAM,  
Judge of the Superior Court, Department 10.  
FRANKLIN A. GRIFFIN,  
Judge of the Superior Court, Department 5.  
LILE T. JACKS,  
Judge of the Superior Court, Department 6.  
FRANK J. MURASKY,  
Judge of the Superior Court, Department 2.  
C. J. GOODSELL,  
Judge of the Superior Court, Department 11.

#### MESSAGE FROM THE ASSEMBLY

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 962—An act to add a new section to the Political Code to be numbered 686, relating to the creation of a Division of Personnel and Organization in the Department of Finance and the transference of the work, affairs and functions of the State Civil Service Commission to said department and providing for the performance and discharge of said duties by said department through the Civil Service Commission:

Also: Assembly Bill No. 325—An act to create a game refuge for quail in Marin County:

Also: Assembly Bill No. 651—An act to amend section 23222 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

Also: Assembly Bill No. 20—An act to amend section 1936 of the Political Code, relating to the powers of the Adjutant General:

Also: Assembly Bill No. 420—An act confirming and validating the formation or organization and existence of irrigation districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gross, Assistant Clerk.

Assembly Bill No. 962 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 325 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 651 read first time, and referred to Committee on County Government.

Assembly Bill No. 20 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 420 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 11, 1929, passed Senate Bill No. 499. An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 499 ordered to enrollment.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

HANDY, Chairman.

Senate Concurrent Resolution No. 19 ordered on file.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce:

Also: Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund;

Also: Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, by

amending sections 3617, 3627, 3628, 3629 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII;

Also: Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking;

Also: Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of postcards and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration;

Also: Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders;

Also: Senate Bill No. 580—An act creating a Division of Schoolhouse Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings;

Also: Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers;

Also: Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the Insurance Commissioner;

Also: Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1903," approved March 19, 1907, as amended, relating to statements of candidates;

Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates;

Also: Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended;

Also: Senate Bill No. 573—An act to amend section 453j of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division I, part IV, title II, of the Civil Code;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 718—An act to amend section 634 of the Penal Code, relative to the protection of fish and game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 718 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or



other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 453 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 466—An act to amend an act entitled "An act to create a flood control district to be called 'American River Flood Control District'; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments; and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing said indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption, and appropriating the sum of \$25,000 for said purpose," approved May 28, 1927, by adding a new section thereto to be numbered 18a making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—5; committee vote: Ayes—5.

MCCORMACK, Chairman.

Senate Bill No. 466 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 652—An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel Sanitary District—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

MCCORMACK, Chairman.

Assembly Bill No. 652 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

MCCORMACK, Chairman.

Senate Bill No. 548 ordered on file for second reading.

## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy:

Also: Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons:

Also: Senate Bill No. 802—An act to amend an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and unincorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and unincorporated cities and counties, and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof":

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bills Nos. 105, 107 and 802 ordered on file for second reading.

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 31—An act granting certain tidelands and submerged lands of the State of California to the city of Laguna Beach upon certain terms and conditions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Assembly Bill No. 31 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, strike out the words "it is", and insert in lieu thereof the words "they are".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 23, of the printed bill, change "Sec. 3" to "Sec. 4".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, after Sec. 2, add a new section to be numbered "Sec. 3", and to read as follows:

"SEC. 3. Except at the places or during the period designated by regulations set up under authority of the secretary of agriculture of the United States, it shall be unlawful for any person or persons to smoke or build a camp fire upon national forest land without the written permit issued by an authorized agent of the secretary of

agriculture of the United States, or without possession of the fire fighting tools required by such permit."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 760—An act to amend sections 1, 2, 2 $\frac{1}{2}$ , 2a, 3, 4, 5, 6, of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in line 1 of the title, strike out all that part of the line following the word "amend", and insert in lieu thereof the words "and to revise an act".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the words "Section 1 of an", and in lieu thereof insert the word "The".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, preceding the word "to", insert the following: "and revised".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of lines 12 and 13.

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of lines 24 and 25, and in line 26 the figures "2 $\frac{1}{2}$ ", and insert in lieu thereof the figure "3".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2 of the printed bill, strike out all of lines 30 and 31, and in line 32 the figure and letter "2a", and in lieu thereof insert the figure "4".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 35, of the printed bill, strike out the period and insert in lieu thereof the following: "; and all that portion of Siskiyou county lying east of the easterly bank of the Klamath river between the Oregon line and the Siskiyou line of the Southern Pacific railway and east of the Siskiyou line of the Southern Pacific railway between the south line of Siskiyou county and the Klamath river;



*provided, however, that in incorporated cities and towns through which said railway right of way passes the eastern boundary line of said incorporated city or town shall be the westerly boundary of said fish and game district one and three-fourths."*

### Amendment adopted.

#### AMENDMENT NUMBER EIGHT.

On page 2, line 36, of the printed bill, preceding the word "The", insert the following: "Sec. 5."

### Amendment adopted.

#### AMENDMENT NUMBER NINE.

On page 2 of the printed bill, strike out all of lines 40 and 41, and in line 42 the figure "3", and in lieu thereof insert the figure "6".

### Amendment adopted.

#### AMENDMENT NUMBER TEN.

On page 3 of the printed bill, strike out all of lines 5 and 6, and in line 7 the figure "3", and in lieu thereof insert the figure "7".

### Amendment adopted.

#### AMENDMENT NUMBER ELEVEN.

On page 3 of the printed bill, strike out all of lines 20 and 21, and in line 22 the figure "5", and in lieu thereof insert the figure "8".

### Amendment adopted.

#### AMENDMENT NUMBER TWELVE.

On page 3 of the printed bill, strike out all of lines 41 and 42, and in line 43 the figure "6", and in lieu thereof insert the figure "9".

### Amendment adopted.

#### AMENDMENT NUMBER THIRTEEN.

On page 4 of the printed bill, strike out all of lines 27 and 28, and in line 29 the figure "7", and in lieu thereof insert the figure "10".

### Amendment adopted.

#### AMENDMENT NUMBER FOURTEEN.

On page 5 of the printed bill, following line 21, insert the following:

"SEC. 11. Fish and game district one "F" shall consist of and include that certain tract of land lying in Lassen county within the following boundaries: Beginning at the fork of the Puls camp road and the Poison lake Harvey valley road near the quarter section corner between sections thirty-three and thirty-four, township thirty-three north, range eight east; thence northerly following the westerly side of said road by Dixie springs and Puls camp in section thirty-three, township thirty-four north, range eight east, to Shroder lake in section nineteen, township thirty-four north, range eight east; thence southwesterly about one mile to the junction of said Puls camp road and the Little valley road in section twenty-four, township thirty-four north, range seven east; thence northwesterly following the southerly side of said Little valley road to its junction with the Blacks lake road; thence westerly following the southerly side of said Blacks lake road to the Eddridge place in section thirteen, township thirty-four north, range six east; thence southerly following the easterly side of said road to Jelly camp in section twenty-five, township thirty-four north, range six east; thence southeasterly following the easterly side of the Susanville-Pittsville road to junction of the Poison lake-Harvey valley road; thence easterly following the northerly side of said Poison lake-Harvey valley road to the point of beginning. All townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

SEC. 12. Fish and game district one "G" shall consist of and include all lands within the county of Tehama within the following boundaries: Commencing at a point in section eighteen where Deer creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west along the north line of said section thirty-six to its intersection with Mill creek; thence northerly and easterly along Mill creek to where it is crossed by the Red Bluff-Chester highway between Morgan's and Childs in township twenty-nine north; range four east; thence along and following said highway easterly and southerly to its junction with the road running down the north fork of Deer

creek; thence along the road southerly down the north fork of Deer creek to where said road crosses the north fork of Deer creek at or near Gurnseys in township twenty-eight north, range five east; thence southerly down the north fork of Deer creek to its junction with Deer creek; thence southerly and westerly down Deer creek following the center line thereof to the point of beginning. All townships and ranges mentioned herein being referred to Mount Diablo base, line and meridian.

SEC. 13. Fish and game district one "II" shall consist of and include all lands within the county of Plumas within the following boundaries: Beginning at the confluence of Willow creek with the Feather river below Hartman bar; thence northerly along Willow creek to where the Claremont stock driveway crosses the head of this stream; thence in an easterly direction along the Claremont stock driveway to Claremont peak; thence south along the summit of the ridge to the middle fork of the Feather river; thence southwesterly along the Feather river to the point of beginning.

SEC. 14. Fish and game district one "I" shall consist of and include all lands within the county of Placer, within the following boundaries: Commencing at the junction of the north fork of the middle fork of the American river and the middle fork of the American river; thence northeasterly up the north fork of the middle fork to Grouse creek; thence northeasterly up main Grouse creek to its head at the approximate north one-quarter corner of section six, township fourteen north, range thirteen east, Mount Diablo base and meridian, thence due east along said township line to its intersection with Red Star ridge, this being the divide between Duncan's creek and the middle fork of the American river. Thence northeasterly following the summit of Red Star ridge to the new Westville French Meadows highway, thence northeasterly along said highway to a point in section four, township fifteen north, range fourteen east, where the said highway leaves the main divide between the north fork of the American river and the middle fork of the American river, thence easterly along the summit of the divide between the north fork of the American river and the middle fork of the American river to Needle peak, thence southerly following the summit of the divide to Mt. Mildred; thence following the divide between Grey Horse creek and the middle fork of the American river to its intersection with the Big Meadows-Grey Horse Valley trail; thence following said trail to the south fork of Long canyon, thence westerly down Long canyon and Rubicon river and the middle fork of the American river to the point of beginning at the mouth of the north fork of the middle fork of the American river.

SEC. 15. Fish and game district one "J" shall consist of and include all lands within the counties of Amador and Alpine within the following boundaries: Commencing at a point between sections thirteen and eighteen, township eight north, ranges fourteen and fifteen east, where the Alpine state highway enters section eighteen, township eight north, range fifteen east; thence northeasterly along the south side of said Alpine highway right of way to the Dufrane road in section thirty-two, township nine north, range sixteen east; thence southerly along the westerly side of said road to the old Amador ranger station cabin in section three, township eight north, range sixteen east; thence southerly and easterly along Bear river trail to Pardoes road in section fifteen, township eight north, range one east; thence northwesterly along the south side of said road to the Bear River Cedar Camp trail in section one, township eight north, range sixteen east; thence northwesterly to its intersection with the main Cedar Camp trail; thence southerly along Cedar Camp trail to intersection of said Cedar Camp trail with the Mokelumne river; thence down the north bank of the Mokelumne river in a southwesterly direction to the intersection of range line between township seven north, ranges fourteen and fifteen east; thence north along range line between township eight north, ranges fourteen and fifteen east, to the intersection of Alpine state highway to the place of beginning.

SEC. 16. Fish and game district one "K" shall consist of and include all lands in the county of Fresno within the following boundaries: Beginning at the confluence of the north fork of Kings river and the middle fork of Kings river; thence easterly along the summit of the divide separating the drainage area of the north fork of Kings river from the drainage area of the middle fork of Kings river to Spanish mountain; thence southeasterly along the summit of Tombstone ridge, which separates the drainage area of Crown creek from that of Tombstone creek, to the middle fork of Kings river; thence westerly along the north bank of the middle fork of Kings river to the point of beginning.

SEC. 17. Fish and game district one "L" shall consist of and include the area composing the watershed of Chimney creek north of the section line between sections eight and seventeen, township twenty-five south, range thirty-six east, Mount Diablo base and meridian, and all of the watershed of Long valley, all lying within the counties of Tulare and Kern.

SEC. 18. Fish and game district one "M" shall consist of and include all of that certain territory within the county of Kern bounded and described as follows: Beginning at the San Joaquin Power Company's plant located on the bank of the Kern river in section six, township twenty-nine south, range thirty east, Mount Diablo base and meridian, thence running in a northeasterly direction following the south bank of the Kern river to the mouth of Clear creek, thence following

Clear creek in a southerly direction to the intersection of the Caliente-Kernville highway, thence following said highway in a southerly direction to the intersection of Basin creek; thence following the northerly bank of Basin creek in a south-westerly direction to the intersection of the west boundary line of township thirty south, range thirty one east, thence following said township line north to the intersection of the west boundary line of township twenty nine south, range thirty one east, thence following said township line north to the intersection of the national forest boundary line as established January 1, 1919, thence following said national forest boundary line west to the San Joaquin Power Company's plant at the place of beginning.

SEC. 19. Fish and game district one "N" shall consist of and include all lands lying within the counties of Siskiyou and Medoc within the following boundaries: Commencing at the junction of the Lava ranger station road and the Medicine lake-Quaking Asp road, thence following westerly and northerly the northerly and easterly side of said Lava ranger station road to its junction with the Medicine lake-Quaking Asp road near the corner of section eighteen, township forty two north, range five east, Mount Diablo base and meridian, thence following the southerly and westerly side of the Medicine lake-Quaking Asp road to the point of beginning.

SEC. 20. Fish and game district one "O" shall consist of and include all that certain territory within the county of El Dorado within the following boundaries: Commencing at the junction of Silver creek with the south fork of the American river in section twenty four, township eleven north, range twelve east; thence following easterly the American river to where said river crosses the Tahoe state highway, thence following the northerly side of said Tahoe state highway to Georgetown Junction; thence northerly following the westerly side of the Georgetown Junction-Wilson road to Wilson; thence northerly following the westerly side of the Wilson-Blakely road to where said road crosses the north fork of Silver creek in section nineteen, township twelve north, range fifteen east; thence following westerly down the north fork of Silver creek to Silver creek; thence westerly down Silver creek to the American river, the point of beginning.

SEC. 21. Fish and game district one "P" shall consist of and include all lands within the county of Plumas, lying within the following boundaries: Beginning at the junction of the Milford Beckwith road and the Last Chance-Doyle road, thence following the easterly side of the said Milford Beckwith road to its junction with the Dixie Valley-Frenchman's cove road; thence following the easterly side of the Dixie Valley-Frenchman's cove road to its junction with the Little Last Chance road; thence following the westerly side of the Little Last Chance road to its junction with the last Chance-Doyle road; thence following the westerly side of the Last Chance-Doyle road to the place of beginning.

SEC. 22. Fish and game district one "Q" shall consist of and include all lands within the county of Lassen lying within the following boundaries: Beginning at the southeast corner of section twelve, township thirty four north, range seventeen east, thence following Painter creek to the northwest corner of section eleven, township thirty-four north, range sixteen east, thence westerly along the southerly side of the Spanish Springs road to Spanish Springs; thence southerly following the easterly side of the county road through Secret valley and the easterly side of the Wendell-Alturas road to the summit of the Hot Springs mountain divide between sections twenty-seven and thirty-four, township thirty north, range fifteen east, Mount Diablo base and meridian; thence following easterly the summit of the said divide to the head of Skedaddle creek in section thirteen, township twenty nine north, range sixteen east; thence easterly following said creek to the Nevada-California state line in section one, township twenty nine north, range seventeen east; thence northerly following said state line to the point of beginning; all townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

SEC. 23. Fish and game district one "R" shall consist of and include all lands within the county of Tuolumne lying within the following boundaries: Commencing at Forebay near the northeastern corner of section six, township two north, range fifteen east, Mount Diablo base and meridian; thence following easterly the Pacific Gas and Electric Company's flume to its junction with the middle fork of the Stanislaus river; thence easterly following the northerly bank of said river to the mouth of Shu-fly creek in approximate section eight, township five north, range eight east, Mount Diablo base and meridian; thence northerly following the westerly bank of said creek to its junction with the government trail in section eighteen, township six north, range eighteen east, Mount Diablo base and meridian; thence westerly following the government trail to its junction with Little Rattlesnake creek; thence westerly following the southerly bank of said creek to its junction with north fork of the Stanislaus river; thence southerly following the easterly bank of said river to a point due north of the place of beginning; thence due south to the point of beginning.

SEC. 24. Fish and game district two shall consist of and include all those portions of the following counties not included in other fish and game districts: Mendocino, Glenn, Lake, Colusa, Yolo, Solano, Napa, Sonoma and Marin.



SEC. 25. Fish and game district two and one-half shall consist of and include those portions of townships twenty-four north, ranges eighteen and nineteen west; twenty-three north, ranges seventeen and eighteen west; twenty-two north, ranges seventeen and eighteen west; twenty-one north, range seventeen west, west of the summit of the divide between the Pacific ocean and the south fork of the Eel river.

All of townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen north, range sixteen west; and townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty north, range seventeen west.

All being townships located in western Mendocino county.

SEC. 26. Fish and game district two "A" shall consist of and include all lands lying within the following boundaries, located in the counties of Mendocino, Lake and Glenn: Beginning at the summit of Hull mountain in Mendocino county, in the southwest corner of section two, township nineteen north, range ten west; thence in a northeasterly direction down Hull creek (sometimes known as Red Rock creek) to its junction with Sand creek, thence southeasterly down Sand creek to its junction with Corbin creek, thence in an easterly direction up Corbin creek to section thirty-six, township twenty north, range eight west; thence in a southerly direction up a ravine to the Sheetiron-Elk Creek road on the summit of the Coast Range mountains in section twelve, township nineteen north, range eight west; thence southwesterly along the road and summit over Sheetiron mountain to Low gap, where the Bloody Rock trail crosses the summit in section twenty-seven, township nineteen north, range eight west; thence in a westerly direction down the Bloody Rock trail and Cold creek to South Eel river in section twenty-six, township nineteen north, range nine west; thence down the river to the mouth of a ravine in the southeast quarter of section twenty-seven, township nineteen north, range nine west; thence in a northwesterly direction up the ravine through sections twenty-seven and twenty-eight to the summit of Boardman ridge; thence in a northwesterly direction up Boardman ridge to the summit of Hull mountain.

SEC. 27. Fish and game district two "B" (Mount Tamalpais game refuge) shall consist of and include that certain tract of land described in an act entitled "An act to amend section 1 of an act entitled 'An act to further divide the state into fish and game districts by establishing a district specially suited for propagation of game and to provide for the management and protection thereof,' approved May 26, 1917, as amended."

SEC. 28. Fish and game district three shall consist of and include all those portions of the following counties not included in other fish and game districts: San Francisco, Contra Costa, Alameda, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara, San Joaquin, Stanislaus, Fresno, Kings and Kern.

SEC. 29. Fish and game district three "A" shall consist of and include that certain area embraced in California Redwood Park, described as follows: All of section twenty-nine west of the China grade, the east half of section thirty, all of sections thirty-one and thirty-two, the west half of section thirty-three, township eight south, range three west, Mount Diablo base and meridian; the west half of section four, all of sections five and six; the northwest quarter of section nine except the southeast quarter of the northwest quarter, the northwest quarter of the southwest quarter of section nine, all of section eight except the southeast quarter of the southeast quarter; all of the east half of section seven except the west half of the southeast quarter, the north half of the northwest quarter of section seven, township nine south, range three west, Mount Diablo base and meridian; the east three-quarters of section one and the north quarter of section twelve except the northwest quarter of the northwest quarter, township nine south, range four west, Mount Diablo base and meridian.

SEC. 30. Fish and game district three "B" shall consist of and include those certain lands within the counties of San Benito and Monterey embraced within the Pinnacles national monument, and more particularly described as follows, to wit: All of sections twenty to twenty-nine, inclusive, all of sections thirty-three, thirty-four and thirty-five and the west half of section thirty-six of township sixteen south, range seven east; the west half of section one, all of sections two and three, the east half of section four, the east half of section nine, all of sections ten and eleven, the west half of section twelve, the west half of section thirteen and all of sections fourteen and fifteen of township seventeen south, range seven east. All townships and ranges mentioned herein being referred to Mount Diablo base and meridian.

SEC. 31. Fish and game district three "C" shall consist of and include all lands within the county of Santa Barbara within the following boundaries: Beginning at the summit of Mission Pine mountain, running thence northwest to the head of Mazana creek; thence along the north bank of said creek to its junction with the Sisquoc river; thence in an easterly direction along the south bank of the Sisquoc river to the junction of the south fork of the Sisquoc; thence along the west bank of the south fork of Sisquoc river to the point of beginning.

SEC. 32. Fish and game district three "D" shall consist of and include all lands lying within the county of Ventura within the following boundaries: Beginning at a point where the Cuyana trail crosses Sespe creek near the mouth of Cherry canyon in approximate section thirteen, township six north, range twenty four west, San Bernardino base and meridian; thence following the north bank of Sespe creek in an easterly direction to the mouth of Alder creek; thence following Alder creek trail to Stone corral; thence continuing along said trail to point where it crosses the divide between

the Agua Blanca creek and the Sespe watershed; thence southerly along the top of the ridge which forms the divide between the Pina and Sespe creeks to the point where said divide traverses the south boundary of the Santa Barbara national forest boundary which is the township line between townships four and five north, range nineteen west, San Bernardino base and meridian; thence following west along the township line to point where it intersects the top of the ridge which forms the divide between Sespe creek and Santa Paula canyon; thence along this divide to point where Sesar canyon trail intersects the top of the divide; thence down Sesar canyon trail to point where said trail intersects the south boundary of the Santa Barbara national forest; thence following said national forest boundary in a westerly direction to point where said boundary intersects the Matilija canyon road; thence along north side of said road up Matilija canyon to junction of the Matilija and upper north fork; thence following the Cuyama trail northerly to point of beginning.

SEC. 33. Fish and game district three "E" shall consist of and include all those portions of township seven south, range three east, Mount Diablo base and meridian, more particularly described as follows: All of sections three, four and nine; the south-west quarter of the southwest quarter of section two; the southeast quarter of section five; the northeast quarter of the northeast quarter of section eight; all of those portions of sections sixteen and seventeen of the southern three quarters of section eight lying east of the northeast boundary line of the Rancho Cuyama del Palo; and all of those portions of sections ten, fifteen and sixteen, and of the west quarter of section eleven, lying to the north of Sulphur creek.

SEC. 34. Fish and game district three "F" shall consist of and include all of sections twenty-nine, thirty, thirty-one and thirty-two, township one north, range one east, and all of sections five, six, seven and eight, township one south, range one east, all of sections twenty-five, twenty-six, thirty-five and thirty-six of township one north, range one west, all of sections one, two, eleven and twelve of township one south, range one west, all in Mount Diablo base and meridian.

SEC. 35. Fish and game district three "G" shall consist of and include all those lands of the Leland Stanford Junior University lying and being in the counties of San Mateo and Santa Clara, and consisting of lots numbers one to thirty-three, inclusive; that portion of lots thirty-five and forty-two lying outside of the town limits of the town of Mayfield; lots thirty-six, forty-three, forty-six to seventy-five, inclusive; eighty to eighty-six, inclusive; eighty-nine to ninety-eight, inclusive, as shown on the map entitled "Map of the lands of the Leland Stanford Junior University at or near the site of the university in the counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann or Herrmann Bros." dated November, 1908, which map is recorded in the office of the county recorder of the county of Santa Clara, State of California.

SEC. 36. Fish and game district four shall consist of and include all those portions of the following counties not included in other fish and game districts: Los Angeles, San Bernardino, Riverside and Orange.

SEC. 37. Fish and game district four and one-half shall consist of and include all those portions of the counties of Mono and Inyo not included in other fish and game districts.

SEC. 38. Fish and game district four and three-fourths shall consist of and include all those portions of San Diego and Imperial counties not included in other fish and game districts.

SEC. 39. Fish and game district four "A" shall consist of and include all land lying within the county of San Bernardino within the following boundaries: Beginning at the junction of the east fork of the west fork of the Mojave river and the west fork of the Mojave river, thence easterly following the said east fork of the west fork to where it crosses the Rock Camp-Ask meadow trail in section twelve, township two north, range four west, San Bernardino base and meridian, thence easterly following said trail to Deep creek, thence southerly following Deep creek to its junction with Holcomb creek, thence easterly following the ravine of Holcomb creek to Holcomb valley, thence easterly following the public road to the junction thereof with the road leading southeasterly to Rose mine, thence southeasterly following the southerly side of said road to the junction of the Round valley road, thence southerly following the Round valley-Cienega Sea trail to where said trail crosses the township line between ranges two and three east, thence due south to where said township line crosses the north fork of Mission creek, thence southerly following said creek and Mission creek to where Mission creek crosses the San Bernardino-Riverside county line, thence westerly following said county line to where said county line crosses the White Water-Raywood flat-Burnt canyon trail, thence westerly following said trail and Burnt canyon road to where it crosses the San Bernardino-Riverside county line, thence due west to the southwest corner of township one south, range one east, San Bernardino base and meridian, thence due north along the west line of township one south, range one east, San Bernardino meridian to the ravine of Mill creek, thence westerly along ravine of Mill creek to a point where Mill creek crosses the west line of township one south, range one west, San Bernardino meridian, thence north along the west line of township one, south, range one west, and township one north, range one west, to the southeast corner of section twenty-four, township one north, range two west, thence due west along the southerly line of sections twenty-four, twenty-three, twenty-two, twenty-one, twenty, and nineteen of township one, north, range two west, and the

southerly line of sections twenty-four, twenty-three, twenty-two, and twenty-one, township one north, range three west, San Bernardino meridian to the line of the San Bernardino forest reserve as established July 1st, 1926, thence in a general northwesterly direction to a point where the ravine of Devil's canyon crosses the said San Bernardino forest reserve line, thence northerly along the ravine of Devil's canyon, Sawpit canyon and the west fork of the Mojave river to the place of beginning.

SEC. 40. Fish and game district four "B" shall consist of and include all lands lying in Los Angeles and San Bernardino counties within the following boundaries: Beginning at the junction of the Tujunga canyon road and the Angeles national forest boundary in the northeast corner of township two north, range fourteen west, San Bernardino meridian, thence following the easterly side of said road to the Mount Gleason trail near the Ybana ranch, thence northerly following the said trail to the summit of Mount Gleason, thence easterly following the summit of the divide between the Los Angeles river watershed and the Santa Clara river watershed to the summit of North Baldy near the range line between ranges eight and nine west, thence north approximately one-half mile, thence east one-half mile to the boundary of the Los Angeles county park, thence following said park boundary north approximately one mile, east one-half mile, north one and one-half miles, east two and one-half miles, south one-half mile, east three and one-half miles to the northeast corner of section thirty-one, township four north, range seven west, San Bernardino meridian, thence south following the section line through township four north, range seven west, San Bernardino meridian, and township three north, range seven west—approximately six miles to the summit of Pine mountain and the east boundary of the Angeles national forest as it was established January 1, 1929, thence southerly and westerly following said national forest boundary to the point of beginning.

SEC. 41. Fish and game district four "C" shall consist of and include all that certain tract of land lying within the counties of Orange and Riverside within the following boundaries: Beginning at Sugarloaf peak in the southeast corner of township four south, range seven west; thence easterly along the main divide firebreak to a point where the McBride firebreak intercepts the main divide, thence southeasterly along the McBride firebreak to the Cleveland national forest boundary near the section corner common to sections thirty-three, thirty-four, twenty-eight and twenty-seven, township four south, range six west, thence due south two miles and east one mile along the said forest boundary to where it intercepts the Temescal firebreak, thence southerly following the westerly side of said firebreak to the section corner common to section twenty-eight, twenty-nine, twenty and twenty-one, township five south, range five west, thence south along the said national forest boundary three miles, thence east to the intersection of said boundary with the westerly side of the Elsinore-La Cienega road, thence southerly along the westerly side of said road to the summit of the Elsinore mountain divide, thence southeasterly following the summit to head of Wild-Horse canyon, thence southwesterly down Wild-Horse canyon and San Mateo canyon to the west boundary of the Cleveland national forest, thence northerly and westerly following said boundary to Verdugo canyon, thence northerly following the boundary firebreak to Santiago canyon, thence westerly down Santiago canyon to Harding canyon, thence easterly up Harding canyon about one mile to the Williams firebreak, thence northerly along said firebreak to Silverado canyon, thence westerly following said canyon to Ladd canyon, thence easterly up the main fork of Ladd canyon to the middle fork of Ladd canyon, thence northerly up said middle fork to the point of beginning. All townships and ranges mentioned herein being referred to San Bernardino base and meridian.

SEC. 42. Fish and game district four "D" shall consist of and include all of township six south, range five east; township six south, range six east, and township seven south, range six east, all lying within the county of Riverside.

SEC. 43. Fish and game district four "E" shall consist of and include all that certain tract of land within the county of San Diego within the following boundaries: Beginning at Garnet mountain in township fourteen south, range five east, San Bernardino base and meridian, thence southeasterly along the summit of the divide to Desert View, thence southerly following the easterly boundary of the Cleveland national forest to the head of the east fork of Kitchen creek, thence southeasterly down said creek to the easterly side of the San Diego-El Centro highway, thence northerly following the easterly side of said highway to the Glendell ranger pasture, thence southwesterly along the Glendell ranger pasture trail about one mile to the head of Bear valley creek, thence down said creek to the intersection with the Guard valley-Morena reservoir trail, thence northwesterly along said trail to Guard camp, thence northerly following the easterly side of Guard camp road to southerly side of the Corte Madera road, thence northeasterly following said road to where it intercepts the San Diego-El Centro highway, thence northwesterly following said road to Pine valley creek, thence northerly following up said creek to Indian creek, thence northerly up said creek to the end of the old wagon road, thence along trail northerly to a point where trail crosses the south fork of Green valley creek, thence easterly up said creek to the summit of the divide between Noble creek watershed and the Imperial valley, thence easterly along said divide to Garnet mountain, the point of beginning.



Sec. 44. Fish and game district four "F" shall consist of and include all lands lying within the following boundaries, located in the counties of Los Angeles, Ventura and Kern: Beginning at the point where the Cuddy canyon road joins the state highway near Tejon pass; thence following along the south line of the Cuddy canyon road in a westerly direction to point where Carley canyon road and road to Lockwood valley forks; thence along east side of road to Lockwood valley and continue along said road to point where said road intersects Seymour creek, thence southeasterly along east bank of Seymour creek to Lockwood creek, thence along east bank of Lockwood creek to junction of Lockwood and Piru creeks; thence following trail east along north side of Piru creek to where trail intersects old road at the Henderson place, thence along north and west side of said road to where it connects with Hungry valley road, thence northerly along west side of Hungry valley road to point where said road connects with the state highway in front of Tejon ranger station; thence northwesterly along south and west side of state highway to junction of said state highway and Cuddy canyon road, the point of beginning.

Sec. 45. Fish and game district four "G" shall consist of and include all lands lying within the county of Riverside within the following boundaries: Beginning at the northwest corner of section twenty-eight, township three south, range three east; thence in a southerly direction up the ridge between the branches of Snow creek to the summit of Mount San Jacinto, thence in a southeasterly direction along the summit of the main ridge of Marion mountain, thence to Pilot's peak, thence in a southeasterly direction along the summit of the main ridge of Ayres's rock, and thence following the ridge to the intersection of the east boundary line of the Cleveland national forest in the southeast corner of section twenty-four of township five south, range three east; thence in a northerly direction along the boundary line of said national forest to the northeast corner of section one of township four south, range three east; thence in a northwesterly direction along the boundary line of said national forest to point of beginning.

Sec. 46. Fish and game district five shall consist of and include the waters of Smith river in Del Norte county from its mouth to Bailey's falls.

Sec. 47. Fish and game district six shall consist of and include the ocean waters and tidelands of the state to the high water mark lying between the northern boundary of the State of California and a line extending due west from the west end of the north jetty at the entrance to Humboldt bay.

Sec. 48. Fish and game district seven shall consist of and include the ocean waters and tidelands of the state to high water mark between a line extending due west from the west end of the north jetty at the entrance of Humboldt bay and the southern boundary of Mendocino county and shall exclude the ocean waters between the north and south jetties at the entrance of Humboldt bay from the westerly end of each of said jetties in the Pacific ocean to their respective aprons on the shores of Humboldt bay, and shall also exclude all sloughs, streams and lagoons.

Sec. 49. Fish and game district eight shall consist of and include the waters and tidelands to high water mark of Humboldt bay lying north of a straight line running east from the center of apron at the approach of the south jetty at the entrance of Humboldt bay to the east shore line of said bay and shall include the entrance of Humboldt bay not included in fish and game district seven and shall be exclusive of all rivers, streams and sloughs emptying into said bay.

Sec. 50. Fish and game district nine shall consist of and include the waters and tidelands to high water mark of Humboldt bay lying south of a straight line running east from the center of apron at the approach to the south jetty at the entrance of Humboldt bay to the east shore line of said bay, and shall be exclusive of all rivers, streams and sloughs emptying into said bay.

Sec. 51. Fish and game district ten shall consist of and include the ocean waters and the tidelands of the state to high water mark lying between the south boundary of Mendocino county and a line extending west from the Pigeon point lighthouse in San Mateo county; and shall include the waters of Tomales bay, and shall be exclusive of all that portion of Bolinas bay lying inside of Bolinas bar, and of San Francisco bay lying east of a line drawn from Point Bonita to Point Lobos, and of all rivers, streams and lagoons.

Sec. 52. Fish and game district eleven shall consist of and include the waters and tidelands of San Francisco bay to high water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita; thence in a direct line to the extreme westerly point of Point Lobos; thence around the shore line of San Francisco bay to the foot of Powell street; thence in a direct line to the southerly extremity of Peninsula point; thence in a direct line westerly to the shore end of the North Western Pacific railroad ferry slip at Sausalito; thence southerly and westerly around the shore of San Francisco bay to the point of beginning.

Sec. 53. Fish and game district twelve shall consist of and include all waters and tidelands of San Francisco bay to high water mark not included in fish and game districts eleven and thirteen, the waters and tidelands of high water mark of San Leandro bay, Oakland creek or estuary, San Antonio creek in Alameda county, Raccoon straits and San Pablo bay to a line drawn due south from the lighthouse station at the end of the jetty to the south entrance of Mare Island straits and all lands and waters included within the exterior boundaries of said fish and game district and excluding all tributary sloughs, creeks, bays, rivers and overflowed

areas not specifically described herein. For the purpose of this act that portion of San Francisco bay lying westerly of a line drawn from California point to San Quentin point, and that portion of San Francisco bay lying westerly of a line drawn from San Quentin point to San Pedro point, in Marin county, and that portion of San Pablo bay lying westerly of a line drawn from San Pedro point to the south side of the mouth of Novato creek, and that portion of San Pablo bay lying northerly of a line drawn due east from the south side of the mouth of Novato creek to the westerly shore of Mare Island shall be included in fish and game district number two.

SEC. 54. Fish and game district twelve "A" shall consist of and include all the waters of the Sacramento river flowing within the main channel between the M street bridge at Sacramento and the Vina ferry near the town of Vina, in Tehama county.

SEC. 55. Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carpiniez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay; all waters of the Sacramento river flowing within the main channel between the mouth thereof and the M street bridge at Sacramento and main channel of Steamboat slough and Sutter slough; and the waters of New York slough and Broad slough; also all waters of the San Joaquin river flowing in the main channel thereof, between its mouth and the Santa Fe railroad bridge across said river near Stockton; all waters of Old river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection slough between the main channel of Old river and the main channel of Middle river; all waters of Columbia cut flowing therein between the main channel of Middle river and the main channel of the San Joaquin river; all waters of Lathan slough flowing therein between the main channel of Middle river and Empire cut; all waters of Burns cut-off around Rough and Ready island.

SEC. 56. Fish and game district thirteen shall consist of and include the waters and tidelands to high water mark of San Francisco bay lying to the south of a line drawn between the ferry building at the foot of Market street in San Francisco and the mouth of the Oakland creek or estuary in Alameda county, exclusive of all streams, sloughs and lagoons.

SEC. 57. Fish and game district fourteen shall consist of and include the waters of Scotts creek, in Santa Cruz county, between its mouth and the mouth of Mill creek.

SEC. 58. Fish and game district fifteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the north of a line drawn from the extreme westerly point of Point Santa Cruz to the extreme westerly point of Sequel point; and shall consist of and include the waters of the San Lorenzo river and its tributaries.

SEC. 59. Fish and game district sixteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the south of a line drawn from the extreme northerly point of Point Pinos in a straight line easterly to the eastern shore of Monterey bay to a point north of the town of Seaside, said point being marked by a permanent monument placed by the United States government surveyors, and designated as "Monterey N. O. T. C. and G. S. Sta."

SEC. 60. Fish and game district seventeen shall consist of and include the waters and tidelands to high water mark of Monterey bay and Pacific ocean, lying between a line extending west from Pigeon point lighthouse and a line extending due west from the mouth of Carmel river, in Monterey county, and exclusive of the areas included in fish and game districts fifteen and sixteen, and exclusive of all rivers, creeks, sloughs and lagoons emptying into the Pacific ocean and Monterey bay within the boundaries of this district.

SEC. 61. Fish and game district eighteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between a line extending due west from the mouth of Carmel river and the south boundary of Santa Barbara county, and shall exclude all rivers, streams, sloughs and lagoons.

SEC. 62. Fish and game district nineteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the south boundary of Santa Barbara county and the southern boundary of San Diego county, and shall include all islands and waters adjacent thereto belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays.

SEC. 63. Fish and game district twenty shall consist of and include Santa Catalina island and the portion of the state waters on the easterly and northerly side of said island lying between a line extending southeast from Southeast rock and a line extending northeast from Lion's head.

SEC. 64. Fish and game district twenty "A" shall consist of and include all the state waters lying around Santa Catalina island not included in fish and game district twenty.

SEC. 65. Fish and game district twenty-one shall consist of and include those waters and tidelands to high water mark of San Diego bay lying inside of a straight line drawn from Point Loma to the offshore end of the San Diego breakwater.

SEC. 66. Fish and game district twenty-two shall consist of and include the waters of Salton sea and the waters of the Colorado river.

SEC. 67. Fish and game district twenty-three shall consist of and include the waters of Lake Tahoe and the Truckee river, and all streams flowing into said lake and river, and all lands within the drainage basin of said lake and river lying within the State of California.

SEC. 68. Fish and game district twenty-four shall consist of and include the waters of Silver lake, Twin lakes, Blue lakes, Meadow lake and Wood lake and all streams flowing into said lakes and all lands lying within the drainage basin of said lakes and streams, all being within the counties of Alpine and Amador.

SEC. 69. Fish and game district twenty-five shall consist of and include the waters of Lake Almanor and all streams flowing into said lake and all lands lying within the drainage basin of said streams and lake, all being within the counties of Plumas and Lassen.

SEC. 70. Fish and game district twenty-six shall consist of and include all waters of Rae lakes and all waters flowing into said Rae lakes and all lands lying within the drainage basin of Rae lakes; all waters in all lakes lying within the Sixty lake basin; all waters flowing into said lakes; all waters flowing from the said lakes to the south fork of Woods creek and all lands lying within the Sixty lake basin, all lying in the county of Fresno.

SEC. 71. All acts and parts of acts inconsistent herewith are hereby repealed.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 18—An act to amend section 190 of the Penal Code, relating to punishment for the crime of murder, and to repeal section 246 of the Penal Code, relating to punishment of persons undergoing life sentence.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 46—An act to amend section 190 of the Penal Code, relating to the punishment of persons found guilty of murder.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure, relating to publication of notice to creditors in probate proceedings.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contents of wills.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the words, "serve a copy on the petitioner, on all persons, including minors and incompetents, interested in the estate, wherever residing," and insert in lieu thereof the following: "thereupon a citation shall be issued directed to the heirs of the decedent and to all persons interested in the will, including minors and incompetents, wherever residing, directing them to plead to the contest within thirty days after service".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 10, of the printed bill, strike out the words "a person who has had actual notice of a contest thereunder, may, at any time within one year after such probate, contest", and insert in lieu thereof the following: "a person who had actual notice of contest thereunder in time to have joined therein, may, at any time within six months after such probate, contest".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 17, of the printed bill, following the period in said line, insert the following:

"Any person so disbarred or suspended may, within sixty days after the filing of said certified copy of said decision, petition said supreme court to review said decision or to reverse or modify the same, and upon such review the burden shall be upon the petitioner to show wherein such decision is erroneous or unlawful. When sixty days shall have elapsed after the filing of said certified copy, if no petition for review shall have been filed, the supreme court shall make its order striking the name of such person from the roll of attorneys or suspending him for the period mentioned in said decision. If, upon review, the decision of said board of governors be affirmed, then said court shall forthwith make said order striking said name from the rolls or of suspension. The board shall have power to appoint one or more committees to take evidence on behalf of the board and forward the same to the board with a recommendation for action by the board. Nothing in this act contained shall be construed as limiting or altering the powers of the courts of this state to disbar or discipline members of the bar as this power at present exists."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 274—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, after the word "fees", strike out the colon, and insert in lieu thereof a semicolon, and add the following: "except in counties where a statute provides otherwise".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the period after the word "day", and insert in lieu thereof a semicolon and the following: "*provided, however*, that if any contested case lasts less than two hours, the fee shall be ten dollars".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, strike out the words "for reporting each default or", and strike out all of lines 7 and 8, and insert in lieu thereof the following: "For reporting default or uncontested cases lasting less than thirty minutes, the fee shall be twenty five dollars each; for reporting default or uncontested cases or proceedings lasting more than thirty minutes and less than sixty minutes, the reporter's fee shall be five dollars each, and for reporting uncontested probate proceedings the reporter's fee shall be fixed by the judge of the court".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out lines 9, 10, 11 and 12, and insert in lieu thereof the following: "For transcription, for one copy, twenty cents per one hundred words; for two copies made at one time, fifteen cents each per one hundred words; for three copies made at one time, eleven cents each per one hundred words; for four copies made at one time, nine cents each per one hundred words, and for five or more copies made at one time, eight cents each per one hundred words".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 20, of the printed bill, after the comma following the word "cases", insert the following: "the fee for the transcription of instructions to the jury shall be a legal charge against the county, payable out of the general fund in the county treasury in the same manner as any other claim against the county when properly approved by the judge ordering the same".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 20, of the printed bill, have the word "the" preceding the word "fees" in said line begin a new sentence, and after the second word "for" in said line 20, and preceding the word "transcripts" in said line, insert the words "all other".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 233—An act to amend sections 5, 26, 31, 36, 45, 48, 49, 56, 58 and 60 of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas heaters and ventilation.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 5, line 15, of the printed bill, after the words "water closet" and before the word "for", strike out the word "one".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 9, line 19, of the printed bill, strike out the last two words "or metal".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 9, line 20, of the printed bill, after the word "covered" and before the word "frames", insert the words "sash and".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 4, line 5, of the printed bill as amended, strike out all of the paragraph beginning with the word "All" to and including the period after the word "maintained" in line 10.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 2, of the printed bill as amended, after the word "less" and before the word "feet", strike out "twenty (20)", and insert in lieu thereof "ten (10)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected or used for the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 5, line 28, of the printed bill, strike out the word "provision", and insert in lieu thereof the word "provisions".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, line 30, of the printed bill, after the word "footings", insert the following: "or distributed over combined footings".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 6, line 29, of the printed bill, immediately preceding the word "veneering", insert the word "exterior".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 6, line 30, of the printed bill, strike out the following: "four (4)", and insert in lieu thereof the following: "two (2)".

Amendment adopted.



## AMENDMENT NUMBER FIVE.

On page 6, line 37, of the printed bill, strike out the word "which", and insert in lieu thereof the word "shall".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 8, line 7, of the printed bill, following the word "crypt", insert the word "floor".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 8, line 13, of the printed bill, strike out the word "where", and insert in lieu thereof the following: "In mansoleums where air ventilation is used and".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 25.—An act to restrict the running of dogs at large; providing for the issuance of dog and kennel licenses by the State and the disposition of fees received therefrom; creating a live stock preservation fund; providing for the compensation of owners of live stock for damage thereto caused by dogs, and providing penalties for violation of the provisions of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out all of lines 1 to 7, inclusive, and insert in lieu thereof the following:

"An act to amend an act entitled 'An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefrom; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor; and providing for collection of damages by owners of live stock injured by dogs,' approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 20, inclusive, also strike out all of pages 2 to 7, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an act entitled 'An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefrom; making violation of the provisions of this act a misdemeanor, and providing penalties therefor; and providing for collection of damages by owners of live stock injured by dogs,' approved June 3, 1921, as amended, is hereby amended to read as follows:

Section 1. It shall be unlawful for any person to suffer or permit any dog, owned, harbored, or controlled by him to run at large unless said dog has attached to his neck or leg a substantial collar on which is fastened a metallic tag giving the name and address of the owner of such dog. It shall be lawful for any person to seize or kill any dog, found running at large, on whose neck or leg there is no such collar and no action, civil or criminal, shall be maintained therefor against such person.

Sec. 2. Section 4 of said act, as amended, is hereby amended to read as follows:

Sec. 4. It shall be unlawful for any person to kill, injure or impound any dog, the owner of which has complied with the provisions of this act, except as otherwise provided herein.

Sec. 3. A new section is hereby added to said act as amended to be numbered 4a, to read as follows:

Sec. 4a. Any person shall have the right to kill any dog found in the act of worrying, wounding, chasing or killing any domestic animal or poultry, or if he shall have just and reasonable grounds that such dog has been killing, wounding, chasing or worrying such domestic animals or poultry, and no action, civil or criminal, shall be maintained therefor.

Any dog entering any enclosed or unenclosed property wherein live stock or poultry are confined may be seized or killed by the owner or tenant of such property or any employee of such owner or tenant, and no action, civil or criminal, shall be maintained therefor against such owner, tenant or employee.

The provisions of this section shall not apply to dogs under the reasonable control of their owner or keeper unless actually caught in the act of worrying, wounding, chasing or killing, any live stock or poultry.

SEC. 4. A new section is hereby added to said act, as amended, to be numbered 4b, to read as follows:

Sec. 4b. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or whenever any live stock of any person is necessarily destroyed because of having been bitten by a dog, such person may complain to any justice of the peace of the township or county within which the damage occurred. Such complaint shall be in writing, signed by the person making it, and shall state when, where, what and how much damage was done, and if known, by whose dog or dogs. If it shall appear who is the owner of the dog causing said loss, or damage, said justice of the peace shall forthwith issue a summons against said owner commanding him to appear before said justice of the peace and show cause why said dog should not be killed. Such summons shall be made returnable not less than two nor more than six days from the date therein and shall be served at least two days before the time of appearance mentioned therein. The service of said summons may be made by any person over the age of eighteen years or by registered mail and any expense connected therewith to be borne by the owner of the live stock or poultry injured or the party making the complaint. Upon the return day fixed in said summons, said justice of the peace shall proceed to determine whether said loss or damage to said live stock was caused by said dog, and if he shall so find, he shall forthwith notify the owner to kill said dog; failure of the owner to kill the dog as directed will make the said owner subject to penalties herein provided.

SEC. 5. A new section is hereby added to said act, as amended, to be numbered 4c, to read as follows:

Sec. 4c. The owner of any live stock or poultry injured or killed by any dog or dogs may recover as liquidated damages from the owner of such dog or dogs, twice the actual value of the animals killed or twice the value of the damages sustained by reason of said injuries as the case may be. If two or more dogs kept by two or more owners or keepers injure or kill any live stock or poultry at the same time, the owners or keepers of such dogs are jointly and severally liable for such damage."

#### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle therein; to provide for the slaughter of cattle which positively react to said test; to provide the method of payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act, including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for the violation of the provisions hereof; to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill strike out lines 1 to 22, inclusive, and in lieu thereof insert the following:

"An act to be known as the 'Bovine tuberculosis law' of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle thereon; to provide for the slaughter of cattle which positively react to said test, and for the payment by the state for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the director of agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled 'An act known as the 'Bovine tuberculosis law' of Cal. forma,' approved April 4, 1927, and all other acts or parts of acts in conflict herewith."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, after the word "tuberculin", insert the following: "as used in this act".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 10, of the printed bill, after the word "used", insert the following: "or calculated and/or intended to be used".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 45, of the printed bill, after the word "is", insert the following: "branded as provided for in section 9 of this act and/or".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5 of the printed bill, strike out line 43, and insert in lieu thereof the following: "Civil Procedure; *provided*, that nothing in this act shall apply to animals which are being used in research projects, conducted by the University of California, under the authorization of the board of research thereof."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 7, line 19, of the printed bill, strike out the period, and insert in lieu thereof the following: "; *provided, however*, that if section 14 of this act be for any reason declared unconstitutional, such decision shall be construed to defeat and invalidate the entire act."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

In line 10 of the title of the printed bill, strike out the word "all", and insert in lieu thereof the word "certain".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 28, of the printed bill, strike out the words "bovine animals", and insert in lieu thereof the words "dairy animals".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.



Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, immediately following the words "contain either", insert the following: "two dozen, two and a half dozen,".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, immediately following the comma after the word "apricots", insert the word "apples".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 423—An act to amend sections 4, 7, 10, 11 and 12 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act' approved May 23, 1925," approved June 2, 1927.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of line 1, and insert in lieu thereof the following: "An act to amend sections 4, 7, 9, 10, 11, 12, and 13 of an act entitled".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 9, of the printed bill, immediately following said line 9, insert the following:

"SEC. 3. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Excepting as hereafter specifically exempted, all containers of fruits, nuts or vegetables of a kind specified in this act, except subcontractors, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard or farm where the same was produced, with the post office address thereof; or the name of the person, firm, company, corporation or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Any containers, when used as subcontractors, excepting as hereafter provided in section 21, shall be exempt from the provisions regarding marking when the container in which they are placed is marked in compliance with the requirements of this act.

All markings required by this act except net weight, shall be plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate, box, lug, carton or chest, and on one side of each keg, drum or sack, and on either one side or the top cover of each basket, barrel or other container. All such markings shall be on the main portion of the container or a label attached thereto and shall not be on cleats or other removable portions of the container."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 10, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 27, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 33, of the printed bill, immediately following said line 33, insert the following:

"(1A) Standard four quart climax basket with following dimensions: length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 10, of the printed bill, beginning in said line 10, strike out all of lines 10 and 11, inclusive, and insert in lieu thereof the following:

"(17A) Half apple box	54	11½	18
(17B) Special pear box	54	11½	18
(17C) Standard pear box	84	11½	18
(18) Standard apple box	104	11½	18"

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 19, of the printed bill, strike out the numeral and fraction "7½", and insert in lieu thereof the numerals "11".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 21, of the printed bill, strike out the numerals "24", and insert in lieu thereof the numerals and fraction "22 $\frac{1}{2}$ ".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 36, of the printed bill, strike out the numerals and fraction "21 $\frac{1}{2}$ ", and insert in lieu thereof the numerals and fraction "21 $\frac{3}{4}$ ".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 36, of the printed bill, immediately following said line 36, insert the following:

"(37A) Half sweet potato crate.....	7 $\frac{1}{2}$	114	22 $\frac{3}{4}$
"(37B) Three-fourths sweet potato crate.....	9 $\frac{1}{2}$	14	22 $\frac{3}{4}$ "

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 38, of the printed bill, strike out all of line 38, and insert in lieu thereof the following:

"The inside length shown hereinabove for the half and the three-quarters sweet potato crates, Nos. 37A and 37B, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

The inside length shown hereinabove for the standard lettuce crate, No. 37, shall be a minimum length, with maximum outside length of this container of twenty-four and one-half inches."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 2, of the printed bill, immediately following said line 2, insert the following:

"In standard containers numbers 3, 11, 12, 13, 14, 15, 16, 17, 17B, and 17C an optional inside length of eighteen and three eighths inches; in standard containers numbers 9 and 10 an optional inside length of eighteen and one half inches; and in standard containers 37A and 37B an optional inside length of twenty-two and five eighths inches shall be permitted prior to January 1, 1930."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 5, line 3, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "6".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 6, line 7, of the printed bill, immediately following said line 7, insert the following:

"SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sec. 13. No provision of this act, except as hereinafter provided in section 21, shall be construed to prevent a grower of fruits, nuts or vegetables in the State of California from selling or delivering the same unpacked and unmarked, as a part of his crop in bulk to a packer for grading, packing or storage; or to prevent a grower or packer from manufacturing the same into any by-product, or from selling the same unpacked and unmarked to any person, firm, company, organization or corporation actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used in the State of California in the manufacture of a by-product for resale.

Any inspector of fruits, nuts or vegetables may require from the owner and/or shipper of such fruits, nuts or vegetables such written or other proof as he may deem necessary that they will be used only as permitted by this section, and shall hold same until satisfactory proof is given."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect



the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 36, of the printed bill, beginning in said line 36, strike out all of line 36 and the word "three" in line 37, and insert in lieu thereof the following: "5, 6, 7, 16, 17B, 17C or 23".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 40, of the printed bill, strike out the words "seventeen A", and insert in lieu thereof the following: "17B".

Amendment adopted.

Bill read second time, or lered to print, engrossment, and on file for third reading.

Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out all of lines 8 to 16, inclusive, and insert in lieu thereof the following:

"(c) 'Cash buyer' means every person (1) who has a regular business address in California and who has registered the same in the office of the director, and (2) who, if his permanent business address is located outside of California, has also registered such business address in the office of the director, and (3) who furnishes in writing to each grower with whom he does business his said regular California business address, and (4) who represents himself as a "cash buyer", and (5) who purchases any deciduous fruits in California from the grower or producer thereof for the purposes of resale, and (6) who agrees by his contract of purchase to pay the purchase price upon demand following delivery, and (7) who within 48 hours (Sundays and legal holidays excepted) after demand has been made by said grower upon him pays or remits to said grower the full purchase price of all or any delivered portion of said deciduous fruits either in lawful money of the United States or by bank check of said buyer certified by the bank upon which it is drawn, or by a cashier's check of a bank in California, payment of which can not be stopped.

Demand for the purchase price must be made upon the cash buyer in writing and the mailing of a registered letter making such demand, addressed to said buyer at his said California business address, shall be conclusive evidence that demand was made upon the mailing of said letter."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, strike out all of lines 17 to 21, inclusive, and insert in lieu thereof the following:

"(d) 'Consignment shipper' means every person (1) who represents himself as a "consignment shipper" and (2) who contracts with the grower of deciduous fruits for the marketing thereof for the sole account and risk of said grower and who pays to said grower the net proceeds derived from said sale, and (3) who does not, either in writing or verbally guarantee any price to said grower for his deciduous fruits, but a consignment shipper may, at his option, by a written contract with the grower recite that said shipper has an order for any deciduous fruits of the variety

covered by the contract at a named price and that said shipper agrees to use said grower's fruit to fill such order."

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 1, line 22, of the printed bill, strike out all of lines 22 and 23, and insert in lieu thereof the following:

"(c) 'Dealer' includes every person other than a cash buyer or consignment shipper who attempts to make money on any deciduous fruit by dealing with the grower thereof."

### Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 2, line 1, of the printed bill, strike out all of lines 1 to 12, inclusive, and insert in lieu thereof the following:

"Sec. 2. This act shall have no application to any 'cash buyer' except to such a person who fails to make payment as required by paragraph (c) of section 1; nor to any 'consignment shipper' except in so far as any consignment transaction involves a written or verbal price guarantee or involves a verbal contract of the person soliciting deciduous fruits that he has an order for said deciduous fruits at a named price and that he desires said grower's products to fill such order; nor shall this act apply to any deciduous fruit consumed fresh in this state, or dried, canned, preserved or concentrated in this state, and the purchase of any deciduous fruit from the grower for the purpose of any such use is hereby declared to be beyond the application of this act provided said deciduous fruit is actually so used."

### Amendment adopted.

#### AMENDMENT NUMBER FIVE.

On page 2, line 12, of the printed bill, following said line 12, insert the following:

"Sec. 3. Whenever any person although claiming to be a cash buyer either (1) causes a grower to part with the control of all or any portion of his deciduous fruits by any means of proposed payment other than that specified in paragraph (c) section 1, or (2) causes a grower to part with the control of all or any portion of his deciduous fruits by means of any contract under which the grower has waived the right to demand the purchase price as and when he parts with said control, then in either of said events said person is not a cash buyer but is a dealer within the meaning of this act. Whenever any person although claiming to be a consignment shipper either (1) causes the grower to part with control of a portion or all of his deciduous fruits under any agreement by which the price thereof is guaranteed to said grower either verbally or in writing, or (2) causes a grower to part with control of a portion or all of his deciduous fruits by any representation that said person has an order at a named price for deciduous fruit of the variety produced by said grower and that said grower's fruit is desired to fill said order, then in either of said events the said person is not a consignment shipper but is a dealer within the meaning of this act, notwithstanding the fact that the grower, because of said representation, is induced to, and does, enter into a consignment contract with said person in which no mention is made of said guaranteed price or of said order; and in all cases where any person represents to the grower either verbally or in writing that he holds or will get a cash deposit to support an order for deciduous fruit and by means of such representation causes a grower to part with control of a portion or all of his deciduous fruit, then such person shall upon the removal of said deciduous fruit from the grower's control be liable to said grower for the amount of said deposit less said person's legal charges; *provided*, that in the event any litigation be instituted by the person making said deposit to compel the return or release of said deposits then a consignment shipper may hold said deposit until the said litigation is determined."

### Amendment adopted.

#### AMENDMENT NUMBER SIX

On page 2, line 13, of the printed bill, strike out the words "Sec. 2.", and insert in lieu thereof the words "Sec. 4."

### Amendment adopted.

#### AMENDMENT NUMBER SEVEN.

On page 2, line 16, of the printed bill, strike out lines 16 to 21, inclusive, and insert in lieu thereof the following:

"Sec. 5. Any person desiring to engage in the business of a dealer in the State of California must first file in the office of the director an application for a license duly executed under oath upon a form provided therefor by the director, which application shall set forth the following information:"

### Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 35, of the printed bill, strike out the words "prior years", and insert in lieu thereof the words "either one of the two immediately preceding calendar years."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, lines 37 and 38, of the printed bill, strike out the words "and the amount due each of said growers respectively".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 46, of the printed bill, strike out all of lines 46 to 50, inclusive.

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 51, of the printed bill, strike out all of lines 51 to 53, inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 1, of the printed bill, strike out all of lines 1 to 3, inclusive.

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 4, of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "6."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 7, of the printed bill, strike out the figures "10", and insert in lieu thereof the figure "7."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 11, of the printed bill, strike out the figures "11", and insert in lieu thereof the figure "8."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 3, line 15, of the printed bill, strike out the words "Sec. 4.", and insert in lieu thereof the words "Sec. 6."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 3, line 17, of the printed bill, strike out the words "Sec. 5.", and insert in lieu thereof the words "Sec. 7."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 3, line 19, of the printed bill, after the word "rating", insert a comma and the word "character".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 3, line 21, of the printed bill, strike out said line 21, and insert in lieu thereof the following: "said applicant is in the matter of his business, business rating, character and reputation not properly qualified to".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 3, line 35, of the printed bill, in said line 35, after the word "applicant", strike out the period, and insert in lieu thereof a comma; also insert the words: "in the matter of his business, business rating, character and reputation."

Amendment adopted.



## AMENDMENT NUMBER TWENTY-ONE.

On page 3, line 40, of the printed bill, strike out the words "Sec. 6.", and insert in lieu thereof the words "Sec. 8."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 3, line 47, of the printed bill, strike out all of lines 47 and 48, and insert in lieu thereof the following: "forth in his application, up to and including one thousand tons and in addition the sum of one dollar per ton for each ton in excess of one thousand tons, but no bond shall be less than five thousand dollars in".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 4, line 23, of the printed bill, strike out the words "Sec. 7.", and insert in lieu thereof the words "Sec. 9."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 4, line 31, of the printed bill, strike out the words "Sec. 8.", and insert in lieu thereof the words "Sec. 10."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 4, line 45, of the printed bill, strike out the words "Sec. 9.", and insert in lieu thereof the words "Sec. 11."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 5, line 15, of the printed bill, strike out the words "Sec. 10.", and insert in lieu thereof the words "Sec. 12."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 6, line 6, of the printed bill, strike out the words "Sec. 11.", and insert in lieu thereof the words "Sec. 13."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 6, line 11, of the printed bill, strike out the words "Sec. 12.", and insert in lieu thereof the words "Sec. 14."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 6, line 36, of the printed bill, strike out the words "Sec. 13.", and insert in lieu thereof the words "Sec. 15."

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 7, line 3, of the printed bill, strike out all of lines 3 to 6, inclusive, and insert in lieu thereof the following:

"Sec. 16. Any person who acts as a dealer as defined in this act without a license or having a license, wilfully violates any provision of this act; or any person who represents himself as a "cash buyer" but who is not a cash buyer as defined in this act; or any person who represents himself as a "consignment shipper" but who is not a consignment shipper as defined in this act; or any cash buyer as defined in this act who wilfully refuses to make payment for deciduous fruits as and when required by this act, is guilty of a felony, and, upon conviction thereof,"

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 7, line 19, of the printed bill, strike out the words "Sec. 15.", and insert in lieu thereof the words "Sec. 17."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 7, line 25, of the printed bill, strike out all of lines 25 and 26, and insert in lieu thereof the following: "to all of the requirements and provisions of the said 'produce dealers act', with the exception that any person who has given or may give the five thousand dollar bond required by said 'produce dealers act' may have said bond so drawn that it will also apply to the first one thousand tons of deciduous fruits that he may during the same time handle as a dealer under this act, and in such a case the additional bond required of him under this act shall be computed upon the tonnage in excess of said one thousand tons."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 7, line 27, of the printed bill, strike out the words "Sec. 16.", and insert in lieu thereof the words "Sec. 18."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 7, line 34, of the printed bill, strike out the words "Sec. 17.", and insert in lieu thereof the words "Sec. 19."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 7, line 40, of the printed bill, strike out the words "Sec. 18.", and insert in lieu thereof the words "Sec. 20."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 7, line 51, of the printed bill, strike out the words "Sec. 19.", and insert in lieu thereof the words "Sec. 21."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 8, line 7, of the printed bill, strike out the words "Sec. 20.", and insert in lieu thereof the words "Sec. 22."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 30.—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, by adding a new section thereto, to be numbered section 1½, relating to registration of drug stores.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 801.—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 4, line 14, of the printed bill, strike out the word "ordinances", and insert in lieu thereof the word "ordinances".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 25, of the printed bill, immediately following the word "or", insert the word "be".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 7, line 11, of the printed bill, strike out the period after the word "act", and insert in lieu thereof a comma and the following: "provided, that where the space beneath said rear yard, not exceeding one story, is used for the storage of automobiles owned by the tenants or occupants of apartments within the building, the construction of said lower story and the floor of said rear yard shall be of fireproof material and said lower story shall not be more than eight feet six inches in height from floor to ceiling".

## Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 30, 31, 43, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 85, 86, 89, 90, 94, 100, 102, 112, 114, 118, 120, 121, 122, 127, 129, 131, 132, 134, 135, 138, 141, 142, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½ and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semi-trailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways, and relating to the powers and duties of the Division of Motor Vehicles and records to be kept by public garages and the renting of motor vehicles and restriction as to the size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and providing for carrying out the objects of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, line 4 in the title thereof, after the numeral "23", insert the numeral "25" and after the numeral "31" insert the numerals "42, 44" and after the numeral "62" insert the numeral "69"; in line 5, after the numeral "83" insert the numerals "84, 85" and after the numeral "100" insert the numeral "102"; in line 7, after the numeral "142" insert the numeral "145"; and in line 8, after the numeral "28½" insert the numeral "30½".

## Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, in the title thereof, strike out all of the last seven lines and insert in lieu thereof the following: "duties of the division of motor vehicles and creating a California highway patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act."

## Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, after the period, insert a new sentence reading as follows: "It shall be unlawful to move any special mobile equipment over or leave upon the public highways unless there shall be permanently attached to, or painted in a conspicuous place upon each unit of such special mobile equipment,



a sign in letters not less than two inches in height giving the name and address of the owner."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out all of lines 17 to 20, both inclusive, and insert in lieu thereof the word "and".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 25, of the printed bill, after the word "employed", insert the words "by another"; and in line 27, after the word "highways", insert the words "and receives compensation therefor".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3, between lines 11 and 12 of the printed bill, insert the following:  
"SEC. 64. Section 25 of said act is hereby amended to read as follows:  
Sec. 25. "Division." The division of motor vehicles of the department of public works of the State of California."

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 3, line 45, of the printed bill after the word "he", strike out the remainder of said line, and insert in lieu thereof the following "in the division of motor vehicles and under the control of the".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 4, line 4, of the printed bill, strike out the word "that", and after the word "and", at the end of the line, insert the word "the".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 4 of the printed bill, strike out all of lines 13 and 14, and insert in lieu thereof the following: "(c) The division shall".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 4, lines 18 and 19, of the printed bill, strike out the words "director of the department of public works", and insert in lieu thereof the word "division".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 4, lines 25 and 26, of the printed bill, strike out the words "director of the department of public works", and insert in lieu thereof the word "division", and in lines 35 and 36 strike out the words "director of the department of public works", and insert in lieu thereof the word "division".

Amendment adopted.

AMENDMENT NUMBER TWELVE.

On page 4 of the printed bill, strike out all of lines 48 to 52, both inclusive, and on page 5, strike out all of lines 1 to 21, both inclusive, and insert in lieu thereof the following:

"(f) The superintendent, assistant superintendent and the secretary to the superintendent of the California highway patrol shall be exempt from the provisions of the civil service act and all other persons appointed within one year from the date this act takes effect to serve as members of the California highway patrol shall be exempt from the provisions of the civil service act; *provided, however*, that at the end of such year, and thereafter upon the expiration of six months from the date of an appointment, made within such year, the name or names of all such persons holding positions as members of the California highway patrol shall be certified to the civil service commission by the chief of the division of motor vehicles and those whose efficiency ratings as reported by the chief of the division of motor vehicles meet the minimum standard required under the rules of the civil service commission shall be deemed to have been appointed under the provisions of the civil service act and to have acquired permanent civil service status."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 5, line 26, of the printed bill, after the word "status", insert a comma; and in line 27 after the words "holding office", insert the words "January 1, 1929".

## Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 5, after line 28, of the printed bill, insert the following:

"SEC. 81. Said California vehicle act is hereby amended by adding a new section to be numbered 30½ to read as follows:

Sec. 30½. The secretary to the chief of the division of motor vehicles, the branch manager and one assistant of the branch office of the division of motor vehicles at Los Angeles, and the branch manager of each branch office of the division of motor vehicles shall be exempt from the provisions of the civil service act."

## Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 5, line 51, of the printed bill, after the word "person", strike out the following: ", except when so authorized by the division".

## Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 6 of the printed bill, between lines 19 and 20, insert the following:

"SEC. 10½. Section 42 of the California vehicle act is hereby amended to read as follows:

Sec. 42. Number plates to be furnished by division.

(a) The division shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle, trailer or semitrailer, and two number plates for any motor vehicle other than a motorcycle.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "Cal" and the year number for which it is issued. (Number plates issued for motor vehicles, other than motorcycles, shall be rectangular in shape, thirteen and seven-eighths inches in length and six and one-eighth inches in width.)

(c) Number plates furnished for trailers, semitrailers and such vehicles as are exempt from the payment of fees under this act shall display suitable distinguishing marks or symbols, and the number assigned in such cases shall run in different numerical series from the number assigned to other vehicles registered under the provisions of this act."

## Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 6, line 20, of the printed bill, after the numeral "11", strike out the following: "display of plates"; and in line 22, after the numeral "43", insert the following: "Display of plates".

## Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 6 of the printed bill, at the end of line 32, insert the following:

"SEC. 12. Section 44 of the California vehicle act is hereby amended to read as follows:

Sec. 44. Renewal of registration. (a) Every vehicle registration under this act shall expire at midnight on the thirty-first day of December of each year, and shall be renewed annually upon application by the registered owner by presentation of the certification of registration for the current year and by payment of the same fees as provided for original registration, and such renewal shall take effect on the first day of January of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal whenever the legal owner of a vehicle is other than the registered owner the division shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle within fifteen days after annual expiration of license, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle until midnight of January thirty-first without displaying the registration certificate of

the current year, on condition that such owner shall, during said time display upon such vehicle the number plates or plate assigned thereto for the previous year."

Amendment adopted.

AMENDMENT NUMBER NINETEEN.

On page 6, line 33, of the printed bill, strike out the numeral "12", and insert the numeral "13".

Amendment adopted.

AMENDMENT NUMBER TWENTY.

On page 8, line 40, of the printed bill, strike out the numeral "13", and insert the numeral "14".

Amendment adopted.

AMENDMENT NUMBER TWENTY-ONE.

On page 9, line 7, of the printed bill, strike out the numeral "14", and insert the numeral "15".

Amendment adopted.

AMENDMENT NUMBER TWENTY-TWO.

On page 10, line 18, of the printed bill, strike out the numeral "15", and insert the numeral "16".

Amendment adopted.

AMENDMENT NUMBER TWENTY-THREE.

On page 11, line 10, of the printed bill, strike out the word "cumulative", and in line 11 strike out the word "total".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 11, line 14, of the printed bill, strike out the numeral "16", and insert the numeral "17".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 11, line 25, of the printed bill, strike out the numeral "17", and insert the numeral "18".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SIX.

On page 11, line 34, of the printed bill, strike out the period after the word "vehicle", and insert "or motor."

Amendment adopted.

AMENDMENT NUMBER TWENTY-SEVEN.

On page 11, line 35, of the printed bill, strike out the numeral "18", and insert the numeral "19".

Amendment adopted.

AMENDMENT NUMBER TWENTY-EIGHT.

On page 12, line 18, of the printed bill, strike out the numeral "19", and insert the numeral "20".

Amendment adopted.

AMENDMENT NUMBER TWENTY-NINE.

On page 12, line 39, of the printed bill, strike out the numeral "20", and insert the numeral "21".

Amendment adopted.

AMENDMENT NUMBER THIRTY.

On page 12, line 49, of the printed bill, strike out the word "cumulative".

Amendment adopted.



## AMENDMENT NUMBER THIRTY-ONE.

On page 13, line 31, of the printed bill, strike out the numeral "21", and insert the numeral "22".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 14, line 10, of the printed bill, strike out the numeral "22", and insert the numeral "23".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 15, line 4, of the printed bill, insert the following:

"SEC. 24. Section 69 of the California vehicle act is hereby amended to read as follows:

Sec. 69. Expiration of license. Every chauffeur's license shall expire at midnight on December thirty-first of each year and shall be renewed annually in the same manner and upon payment of the same fee as provided for in original license.

The division of motor vehicles is hereby authorized at any time to cancel all operators' licenses heretofore issued which have been outstanding two years or more and to require the renewal thereof, and every operator's license hereafter issued shall expire two years from date of issuance, and every such license hereafter issued shall bear thereon the date of expiration. Renewal shall be made upon application and subject to examination in the discretion of the division."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 15, line 17, of the printed bill, strike out the numeral "23", and insert the numeral "25".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 15, line 36, of the printed bill, strike out the numeral "24", and insert "26".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 16, line 1, of the printed bill, strike out the numeral "25", and insert "27".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 16, line 27, of the printed bill, after the word "primarily", strike out the words "for the".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 16, line 28, of the printed bill, strike out the following words: "transportation of passengers for hire or".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-NINE.

On page 18, line 7, of the printed bill, strike out the numeral "26", and insert "28"; in line 23, strike out the numeral "27", and insert "29"; in line 30, strike out the numeral "28", and insert "30".

Amendment adopted.

## AMENDMENT NUMBER FORTY.

On page 19, line 19, of the printed bill, insert the following:

"SEC. 31. Section 84 of the California vehicle act is hereby amended to read as follows:

Sec. 84. Loads beyond hub caps of passenger vehicles. No vehicle designed for the carrying of passengers shall be operated upon any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the line of the hub caps on the left side of such vehicle nor extending more than six inches beyond the line of the hub caps on the right side thereof.

No motor vehicle shall be operated upon any public highway carrying any tire or tires in front of its radiator.

SEC. 32. Section 85 of said act is hereby amended to read as follows:

Sec. 85. Gross weight of vehicles and loads. Except as may be permitted under sections 88 and 91 of this act, it shall be unlawful for any person to operate or move upon any public highway any vehicle which has a gross weight including any load thereon in excess of the weights set forth in this section.

When the vehicle is equipped with two transverse axles and four wheels running on the highway, twenty-two thousand pounds;

When the vehicle is equipped with three or more axles no two of which are in the same transverse plane and with six or more wheels running on the highway, thirty-four thousand pounds;

Nor shall the gross weight upon any one axle exceed eighteen thousand pounds, nor the weight upon any one wheel resting upon the roadway exceed nine thousand pounds subject to reduction as follows: that with reference to any vehicle first registered after January 1, 1930, the gross weight on any one axle shall not at any time exceed seventeen thousand pounds, nor shall the gross weight upon any one wheel resting upon the roadway exceed eight thousand five hundred pounds and provided that with reference to any vehicle first registered after said date and of a gross weight including load in excess of twenty-two thousand pounds and equipped with two or more rear axles, such axles shall be spaced not less than forty inches apart, measured longitudinally with the vehicle from the centers of said axles.

Hereafter it shall be unlawful for any person to operate upon a public highway any vehicle which is provided with means for the lifting or raising of any two wheels from the roadway other than a semitrailer which is detachable and rests upon four wheels only for purposes of loading."

Amendment adopted.

AMENDMENT NUMBER FORTY ONE.

On page 20, line 15, of the printed bill, strike out the numeral "29", and insert "33"; in line 35, strike out the numeral "30", and insert "34"; in line 46, strike out the word "eight", and insert in lieu thereof the word "nine"; and in line 48 strike out the word "ten", and insert in lieu thereof the word "nine".

Amendment adopted.

AMENDMENT NUMBER FORTY TWO.

On page 21, of the printed bill as amended in the Senate February 27, 1929, at the end of line 12 and the beginning of line 13, strike out the word "public", and insert in lieu thereof the word "state".

Amendment adopted.

AMENDMENT NUMBER FORTY THREE.

On page 21, line 33, of the printed bill, strike out the numeral "31", and insert "35".

Amendment adopted.

AMENDMENT NUMBER FORTY-FOUR.

On page 22, line 6, of the printed bill, strike out the numeral "32", and insert "36"; in line 11, strike out the word "service"; in line 44, strike out the numeral "33", and insert "37".

Amendment adopted.

AMENDMENT NUMBER FORTY-FIVE.

On page 23, line 6, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "division".

Amendment adopted.

AMENDMENT NUMBER FORTY-SIX.

On page 23, line 7, of the printed bill, strike out the numeral "34", and insert "38"; and in line 20, strike out the numeral "35", and insert "39".

Amendment adopted.

AMENDMENT NUMBER FORTY-SEVEN.

On page 23, line 31, of the printed bill, strike out the period, and insert the following: "provided, that the headlamps upon all new motor vehicles hereafter sold shall be so located at all times that the centers thereof shall be not more than forty-two inches above the level surface upon which the vehicle stands."

Amendment adopted.

## AMENDMENT NUMBER FORTY-EIGHT.

On page 24, of the printed bill, strike out all of lines 9 to 15, both inclusive, and insert in lieu thereof the following:

"(e) Whenever any officer of the division has reasonable grounds to believe that the headlamps on a motor vehicle, operated on the highways of this state, project a dazzling or glaring light into the eyes of approaching drivers, such officer is hereby authorized to stop the driver of said vehicle and in order to ascertain whether said lamps are in fact glaring or dazzling may require said driver to submit to a screen test of said lamps upon the highway and if said headlamps are found to be glaring and dazzling the officer shall give a notice of arrest to the driver which notice shall also require that previous to appearance in court the driver shall adjust or cause said headlamps to be adjusted to comply with the provisions of this act and shall produce in court satisfactory evidence that such adjustment has been made.

Whenever any driver upon demand of an officer of the division under the conditions stated in this section shall refuse to submit to a screen test of the headlamps upon his motor vehicle upon the highway, such refusal shall constitute a misdemeanor and the officer may immediately arrest such person and shall not be required to give the five days notice for appearance as provided in section 154.

(f) The provisions of this act prohibiting the use of glaring or dazzling headlamps upon any motor vehicle when operated upon a public highway shall be deemed complied with if none of the main bright portion of the headlamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches seventy-five feet ahead of the vehicle."

## Amendment adopted.

## AMENDMENT NUMBER FORTY-NINE.

On page 24, line 16, of the printed bill, strike out the numeral "36", and insert "40".

## Amendment adopted.

## AMENDMENT NUMBER FIFTY.

On page 25, line 16, of the printed bill, insert the following:

"Sec. 41. Section 102 of the California vehicle act is hereby amended to read as follows:

Sec. 102. Headlight devices to be tested. (a) Before any headlight or headlight control device intended to enable a headlight to comply with the provisions of this act shall be used upon any motor vehicle, such headlight or headlight control device shall first be submitted to and tested by a testing agency appointed by the division and a certificate of approval as hereinafter specified be procured from such testing agency.

(b) The division shall appoint skilled deputies or agents possessing the proper qualifications and laboratory equipment to carry out the tests specified in this act.

(c) Any person, firm, or corporation may submit to the chief of the division of motor vehicles a headlight or headlight control device and make application that the same be tested as to conformity with the requirements of this act.

Upon an application for a test, as first above mentioned the chief of the division of motor vehicles shall, upon notice to the applicant, submit such device to a testing agency appointed as herein provided with the request that such device be tested as to conformity with the provisions of this act when used separately or in connection with approved headlamps or headlight control devices. Each such applicant shall upon the filing of his application, pay to the division a fee of fifty dollars. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the "motor vehicle testing fee fund," and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund.

(d) The testing agency shall adjust each device in accordance with the printed instructions of the manufacturer thereof and conduct an exact scientific and laboratory test of every device submitted to it, as herein provided, to determine whether or not the device submitted will conform with the requirements of this act. Each device submitted shall be tested with twenty-one standard candlepower lamp or bulb, thirty-two standard candlepower lamp or bulb, and any standard candlepower lamp or bulb between these two limits; provided, that if all the provisions of section 101 hereof are complied with by any headlight, and in addition thereto such headlight is so constructed that the light source thereof is not visible at any point above a horizontal plane through the top of the aperture of such headlight when the same is mounted in accordance with this act, and no reflected light of any greater intensity than eight hundred apparent candlepower except as specified in subdivision three of section 101 hereof, is projected by such headlight in any direction above the horizontal plane above described, a standard bulb of any candlepower, to be certified and approved by the testing agency for use in such headlight, may be used in such headlight. The testing agency shall submit in duplicate a detailed report of each such



test to the division of motor vehicles; such report shall give in detail the apparent candlepower of light projected at each point of the said test, the candlepower of the lamp or bulb used to produce the amount of light nearest the maximum requirement of section 101 hereof, any particular adjustments required by the testing agency which are not included in the manufacturers' printed instructions, together with the reasons for such additional requirements, and a statement as to whether or not the device is approved and will conform with the requirements of this act when used in accordance with the instructions of the testing agency. Each such report shall be signed by the person who made the test and by an officer of the institution under which said test has been made. Reports of all such tests shall be accessible to the public and a copy thereof shall be furnished by the chief of the division of motor vehicles to the applicant for the test.

(c) Whenever the division shall receive from the testing agency a report that a particular device has been tested and approved, together with instructions as to the candlepower lamp or bulb and any particular adjustments to be used in connection with such device, the division shall issue to the applicant a certificate of approval, together with a copy of the instructions of the testing agency relative to the use of such device.

(f) The chief of the division of motor vehicles shall transmit a copy of every certificate of approval of a headlight device, together with a copy of the instructions of the testing agency in connection therewith, to the county clerk of every county within the State of California, who shall file the same, and to every city, town or county police department, whose duty it is to enforce the provisions of this act.

(g) Whenever the division shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which is hereafter or which has heretofore been approved by the division does not under ordinary conditions of use comply with the requirements of this act, the division in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested by a testing agency appointed by the division as herein provided and, upon any such retest the testing agency shall determine whether or not such headlight lens, reflector, or headlight control device meets the requirements of this act, and, if the same is approved, the division shall issue a certificate of approval to the manufacturer thereof. No fee shall be charged for any such retest.

(h) From and after the date upon which this section becomes effective it shall be unlawful to sell or offer for sale any headlight lamp or headlight equipment unless it is of a type which shall have been approved by the division under the provisions hereof, and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candlepower limits of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act, and with the conditions specified in the report of the testing agency appointed by the chief of the division to test such headlight control device, such instructions shall be printed with photographs of the (a) control device, (b) pattern of light from one headlight thrown on regulation testing screen, showing the relation of the patterns of light as projected to a horizontal cross line placed across the face of such screen at a height equal to the height of the center of such headlight, and with the headlight adjusted for left and right exactly as required to conform to the requirements of this act. It shall be unlawful from and after the date upon which this section becomes effective to sell or offer for sale any new motor vehicle equipped with headlights which do not comply with the provisions of this act."

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-ONE.

On page 27, line 21, of the printed bill, strike out the numeral "37" and insert "42"; in line 29, strike out the numeral "38", and insert "43".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-TWO.

On page 28, line 5, of the printed bill, strike out the numeral "39", and insert "44"; in line 35, strike out the numeral "40", and insert "45".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-THREE.

On page 29, line 10, of the printed bill, strike out the numeral "41", and insert "46"; in line 37, strike out the numeral "42", and insert "47"; in line 49, strike out the word "vehicle", and insert in lieu thereof the word "truck".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-FOUR.

On page 29, line 25, of the amended printed bill, strike out the period after the word "signals", and insert in lieu thereof a semicolon, to be followed by the following: "provided, that all signs hereafter erected to give notice to "stop" upon the

approach to a "through highway or boulevard", as defined in this act, shall comply with the following description: Such signs shall be of metal material, octagonal in shape, each octagonal side of which shall be of equal lengths and not less than ten inches; the face of said sign shall be of a bright red color field with the word "stop" in white horizontally across the center thereof. Each letter of said word shall be at least six inches in height and of one inch stroke; there shall be a white line running horizontally across said sign above and below the word "stop," said lines to parallel each other and to be of at least three-eighths inch stroke and eight and seven-eighths inches on center, the inside edge of said lines to be four and a quarter inches from center of sign; said white lines shall intersect at both ends with a border consisting of a white line paralleling the edges of said sign. In the event said sign is made of larger dimensions, the size and stroke of letters and lines shall be increased in the proper proportion."

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-FIVE.

On page 30, line 20, of the printed bill, strike out the numeral "43", and insert "48"; in line 38, strike out the numeral "44", and insert "49"; in line 40, strike out the numeral "45", and insert "50".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-SIX.

On page 31, line 28, of the printed bill, strike out the numeral "46", and insert "51"; in line 34, strike out the numeral "47", and insert "52"; in line 51, strike out the numeral "48", and insert "53".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-SEVEN.

On page 32, line 20, of the printed bill, strike out the numeral "49", and insert "54".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-EIGHT.

On page 33, line 4, of the printed bill, strike out the numeral "50", and insert "55"; in line 29, strike out the numeral "51", and insert "56"; in line 45, strike out the numeral "52", and insert "57".

### Amendment adopted.

#### AMENDMENT NUMBER FIFTY-NINE.

On page 34, line 8, of the printed bill, strike out the numeral "53", and insert "58"; in line 32, strike out the numeral "54", and insert "59"; in line 48, strike out the numeral "55", and insert "60".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY.

On page 35, line 20, of the printed bill, after the word "operation", strike out the semicolon and insert a period, and in line 20, strike out the word "provided", and strike out all of lines 21 to 27, both inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-ONE.

On page 35, line 37, of the printed bill, strike out the numeral "56", and insert "61", and in line 47, strike out the numeral "57", and insert "62".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-TWO.

On page 36, line 27, of the printed bill, strike out the numeral "58", and insert "63", and in line 43, strike out the numeral "59", and insert "64".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-THREE.

On page 37 of the printed bill, between lines 26 and 27, insert the following: "Sec. 65. Section 145 of the California vehicle act is hereby amended to read as follows:

Sec. 145. Nothing in this act contained shall be so construed as to prevent boards of supervisors in their respective counties and the legislative bodies of incorporated cities from providing by ordinance for the regulation of traffic by means of traffic or crossing officers or semaphores or other signaling devices on any portion

of the public highways where the traffic is heavy and continuous, nor from designating certain public highways as boulevards and requiring that all vehicles shall be stopped before entering or crossing such boulevards, provided all such boulevards are clearly marked or signposted to give notice of such fact, nor from licensing and regulating the operation of vehicles offered to the public for hire, nor from regulating the use of the highway for processions or assemblages. Notwithstanding the provisions of section 88 or any other provisions of this act, legislative bodies of incorporated cities or any city and county may also by ordinance provide for the use of a street or highway to be described in said ordinance by any commercial or other particular class of vehicles or by vehicles exceeding a maximum gross weight limit to be specified in the ordinance and may designate certain highways as one-way highways and require by ordinance that all vehicles thereon be moved in one specified direction, provided all such streets and one-way highways are clearly marked or signposted to give notice of such fact."

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-FOUR

On page 37, line 27, of the printed bill, strike out the numeral "60", and insert "66"; in line 39, strike out the numeral "61", and insert "67"; in line 46, strike out the numeral "62", and insert "68".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-FIVE

On page 38, line 10, of the printed bill, strike out the numeral "63", and insert "69"; in line 21, strike out the numeral "64", and insert "70"; in line 32, strike out the numeral "65", and insert "71".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-SIX

On page 39, line 18, of the printed bill, strike out the numeral "66", and insert "72".

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-SEVEN

On page 39, line 33, of the printed bill, strike out the period, and insert in lieu thereof the following: "; and the division of motor vehicles is hereby authorized out of said funds to purchase real estate and erect such buildings as it may require."

### Amendment adopted.

#### AMENDMENT NUMBER SIXTY-EIGHT

On page 40, line 12, of the printed bill, after the word "repair", insert the following: "The board of supervisors of any county, or city and county, may also in its discretion extend any portion of such sums so received by such county, or city and county, for payment of interest upon, or redemption of bonds, the proceeds of which have been used for the construction, maintenance and repair of streets, bridges and culverts within such county, or city and county."

### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 623 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney,



McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220—An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities or public corporations and agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—32.

NOES—None.

#### TITLE AMENDED.

Senator Murphy moved to amend the title of Senate Bill No. 220 as follows:

#### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended in Senate March 6, 1929, strike out line 4 of the title, and insert in lieu thereof the following: "counties, municipalities, school districts, irrigation districts, all other districts established by law, public corporations, quasi-public corporations and public agencies."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An act to amend section 689 of the Code of Civil Procedure, relating to the claims of third parties and indemnities to the sheriff, by providing for trial within ten days as to the ownership of property whenever a third party claim is filed under an attachment or execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 168 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section, to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR INMAN IN THE CHAIR.

At eleven o'clock and fifty-five minutes a.m., Senator Inman of the Seventh District was called to the chair.

Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3627a, 3628, 3629 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormick, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rochester moved to refer Senate Bill No. 740 to Senator Mueller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In the title of the printed bill, after the word "marines", insert the following: "and nurses and the widows of such soldiers, sailors and marines."

AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, after the word "marines", insert the following: "and nurses and the widows of such soldiers, sailors and marines."

## AMENDMENT NUMBER THREE.

On page 1, line 7, of the printed bill, beginning with "It", strike out all of the matter on page 1 and all of the matter on page 2, and insert in lieu thereof the following:

"It shall be the duty of the board of supervisors of each county in this state to designate a particular person in the county, who shall be an honorably discharged soldier, sailor or marine, who shall have served in or with the army or navy of the United States, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, marine or nurse, who shall have served in or with the army or navy of the United States, or the widow of any such honorably discharged soldier, sailor or marine, who may hereafter die without having sufficient means to defray funeral expenses, other than moneys paid or due and payable by the United States, pursuant to the "World war adjusted compensation act." Such burial shall not be made in any cemetery, or burial ground, or any portion of such cemetery or burial ground, used exclusively for the burial of the pauper dead. The expenses of each burial shall not exceed the sum of one hundred twenty-five dollars (\$125) and the claim for burial and the proof required under the terms of this act may be made at any time within sixty (60) days after the date of the death of such deceased soldier, sailor, marine or nurse, or the widow of such soldier, sailor or marine, and it is further provided that in event of the filing of a claim and the proof of right to interment under the terms of this act, that the soldier, sailor, marine or the widow of such soldier, sailor or marine, appointed by the board of supervisors, shall pay upon the burial expenses of said deceased soldier, sailor, marine or nurse or the widow of such soldier, sailor or marine, the sum of one hundred twenty-five dollars (\$125) the same as if such soldier, sailor, marine or nurse or the widow of such soldier, sailor or marine had been interred under the terms and provisions of this act."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 740, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUELLER, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Waggy, Weller, West, and Young—35.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 580—An act creating a Division of Schoolhouse Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 580 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman,



Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and West—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 100 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fallow, Garrison, Gray, Hazdy, Hurley, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and West—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire engaged in interstate commerce.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the reading of the resolution, Senator Allen moved to refer Senate Joint Resolution No. 5 to Senator Cobb, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed resolution, strike out the word "such".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Joint Resolution No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

COBB, Special Committee.

Report read, and on motion of Senator Allen adopted.

Senate Joint Resolution No. 5 ordered to print, and re-engrossment.

Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing

for the punishment thereof,' approved February 23, 1893." approved March 19, 1907, as amended, relating to statements of candidates.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 667 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 12, of the printed bill, after the period, add a new sentence as follows: "Candidates shall also file a copy of said statement with the recorder of the county or city and county in which he resides."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 667, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23 and 24 of said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Bill No. 668 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 19, of the printed bill, strike out the period after the word "filed", insert in lieu thereof a comma, and add the following: "and one copy of said statement with the recorder of the county or city and county in which he resides".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 668, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Horton, Inman, Lyon, Maloney, McKinley, Merriam, Meeker, Murphy, Neeson, Sharkey, Slater, Tubbs, Wagly, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RE REFERENCE OF SENATE BILL.

Senator Duval moved to re-refer Senate Bill No. 278 to Committee on Finance.

Motion carried, and such was the order.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 342—An act to transfer and set over certain State land known as Mount Zion in Amador County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 342 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swang, Tubbs, Wagly, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 343—An act to transfer and set over certain State land known as Iron Mountain in Mendocino County from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 343 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swang, Tubbs, Wagly, Weller, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 341—An act to amend section 2 of an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California, gifts or donations of lands for forest and watershed purposes," approved April 5, 1927, relating to gifts or donations of land to the State of California.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 341 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 573—An act to amend section 2655 of the Civil Code, defining "marine" insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 573 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101—An act to amend section 19x11 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer of counties of the eleventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 101 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, Mueller, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 102—An act amending section 4240 of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198—An act to amend section 19x12 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twelfth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 793—An act to amend section 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 793 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS—(RESUMED).

#### THIRD READING OF SENATE BILL NUMBER SIX HUNDRED NINETEEN.

Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Weller moved to refer Senate Bill No. 619 to Senator Young, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 3 of the printed bill, strike out all of lines 17 to 18, inclusive, and insert in lieu thereof the following: "which contains the word "bank" or "banker" or "banking" or "savings bank" or "savings" or "trust" or "trustee" or "trust company," and which indicates that such business is the business of a bank or trust company; *provided*, that this section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this state; *provided*,".

##### AMENDMENT NUMBER TWO.

On page 22, line 42, of the printed bill, strike out the word "but".

##### AMENDMENT NUMBER THREE.

On page 33 of the printed bill, strike out line 33 therein, and insert in lieu thereof the following: "of the county in which the principal place of business of such bank was located, upon each".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 619, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print, and re-engrossment.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Mueller:

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered Article III, embracing sections 375 and 375*d*, inclusive, relating to a Department of Investment.

Request referred to Committee on Rules.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Mueller to introduce a bill entitled—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 and 375*d*, inclusive, relating to a Department of Investment—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Weller, West, and Young—35.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator Mueller: Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 and 375*d* inclusive, relating to a Department of Investment.

Bill read first time, and referred to Committee on Governmental Efficiency.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the District Courts of Appeal—has had the



same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Senate Bill No. 607 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 282—An act to amend section 7304 of the Political Code, relating to the salaries of judges in the superior courts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance with favorable recommendation.

Committee membership—11; committee vote: Ayes—8; absent—3.

MUELLER, Chairman.

Senate Bill No. 282 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the Division of Exhibits within the Department of Finance—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 397 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 299—An act to transfer and set over certain State lands described as lot 2 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 7 and 44-100 acres more or less; lot 3 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 22 and 44-100 acres more or less; lot 2 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 22 and 4-100 acres more or less; lot 3 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 18 and 66-100 acres more or less; lot 1 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 7 and 13-100 acres more or less; lot 2 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 1 and 57-100 acres more or less; situated in Del Norte County, State of California, from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 299 ordered on file for second reading.

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be printed, and re-referred to committee.

Committee membership—9; committee vote: Ayes—5; noes—4.

FELLOM, Chairman.

Senate Bill No. 441 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restriction of, and preference rights to, leases thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Senate Bill No. 821 ordered on file for second reading.

#### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 631—An act authorizing the grant to Utility and Service, Incorporated, a corporation, of an easement for the installation and maintenance of a pipe line over and across land owned by the State of California in Napa County, California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

GRAY, Chairman.

Assembly Bill No. 631 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 645—An act to add a new section to the Political Code, to be numbered 4041*q*, relating to advertising by boards of supervisors of counties;

Also: Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add 25 new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors;

Also: Assembly Bill No. 333—An act to amend section 4253 of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class;

Also: Assembly Bill No. 549—An act relating to the election of clerks of school districts;

Also: Assembly Bill No. 260—An act to amend section 366 of the Political Code, relating to the Department of Institutions;

Also: Assembly Bill No. 201—An act to add new sections to the Political Code to be numbered 363*k*, 363*l* and 363*m*, creating a Division of Motor Vehicles in the Department of Public Works, and providing for the administration thereof;

Also: Assembly Bill No. 339—An act to amend section 2322*o* of the Political Code, relating to the compensation of the horticultural commissioner in counties of the twentieth class;

Also: Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes;

Also: Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish;

Also: Assembly Bill No. 753—An act to add a new section to the Political Code, to be numbered 539*d*, relating to the printing of legislative bills and constitutional amendments prior to the convening of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 645, 773, 333 and 339 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 549 and 821 read first time, and referred to Committee on Education.

Assembly Bills Nos. 260 and 201 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 6 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 753 read first time, and referred to Committee on Engrossment, Enrollment and Printing.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 1, 1929, passed Assembly Bill No. 552—An act relating to the issuance of vacation permits to work to certain minors.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 552 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 12, 1929, passed Senate Bill No. 22—An act to provide for the establishment, government, maintenance and operation of the public school systems of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Senate Bill No. 22 ordered to enrollment.

UNANIMOUS CONSENT GRANTED.

Senator Crowley asked for and was granted unanimous consent to have Senate Bills Nos. 105 and 107 read the second time.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 41, of the printed bill, strike out the comma after the word "office", and insert in lieu thereof a period, and, beginning in said line 41, strike out the words "except preparations or compounds of the United" and all of lines 42 to 52, inclusive, and all of page 3.

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 29, of the printed bill, strike out the words "practitioner of medicine", and in lieu thereof substitute the following: "one who holds a physician's and surgeon's certificate."

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 31, of the printed bill, after the word "examiners", insert the following: "or the state board of osteopathic examiners".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, after the word "sale", insert the following: "and use".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, after the word "sale", insert the following: "and use".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 17, of the printed bill, strike out the word "preparations".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of lines 23 to 26, inclusive, and on page 2 of the printed bill, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following: "and all economic poisons, as that term is defined in 'the California economic poison act of 1921' or any act amendatory thereof, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following, arsenate of lead, arsenate of calcium, Paris green, London purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels; any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus; ant poisons containing more than two-tenths (2/10) of one per cent by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, anything in this or any other act to the contrary notwithstanding."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 12, of the printed bill, strike out the bracket.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## RUSH ORDER TO PRINTER.

On motion of Senator Crowley the Secretary was directed to issue a rush order to printer on Senate Bill No. 105.

## ADJOURNMENT.

At one o'clock p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned until eleven o'clock a.m., Thursday, March 14, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Thursday, March 14, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellon, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

## Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 13, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senators West and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the members of California's world champion eight-oared crew, as follows: Peter Donlon, Oxnard; Hubert Caldwell, Oakland; William Thompson, Napa; William Dally, Elmira; James Workman, Orange; Francis Frederick, Berkeley; John Brinek, Winters; Donald Blessing, Visalia; Blake Whartan, Oakland; Ky. Ebright, coach, Berkeley; Lewis Reynolds, publicity, Berkeley; William Monahan, manager, Berkeley.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Doris Bailey, Mr. Neil M. Parsons, Mr. W. H. Hudson, teachers, and the following pupils of Alhambra Union High School, as follows: Annabelle Archibald, Clarence Allender, Richard Anderson, Dorothy Archibald, Elva Armstrong, George Alley, Roger Arnaud, Marian Arnold, Mary Arnold, Lester Arthur, Dorothy Brown, Francis Brown, Winifred Bickel, Winifred Beede, Annie Billecci, Mario Cerri, Clyde Cameron, Genevieve Calicura, Asunda Calicura, Rose Chamberlain, Mildred Chapman, Isabelle Costa, Angie Deaver, Mary Jane Davis, Francis Donnelly, Graham Davidson, Leonard DiBetta, Helen Dwyer, Flora Gemetti, Elsie Gemetti, Mary Giannini, Bess Griffin, Rose Griffanti, Vivian Hills, Margaret Hoey, Francis Hoey, Mary Hersey, Adele Jones, Elizabeth Kish, Stanley Kramer, Luther Lewis, Isabelle Lent, Alberta Lakey, Charlie Lytle, Oscar Magnuson, Ethel Moe, Glenn Miller, Elizabeth Newman, Mildred Preece, Inez Prater, Richard Rosenblatt, Etta Ray, Josephine Reynolds, LeClair Richards, Albert Sullenger, Harold Senger, Roberta Shelton, Meiko Toryama, Robert Turner, Rita Viale, Marba Van Sickle, Katherine Walker, Margaret Williams, Jessie Wilkinson, Frank Brown and Helen Trebino.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rodney E. Messinger, San Rafael; Mrs. F. W. Sweetser, Novato; Mrs. Julia Sanders, San Rafael; Mrs. Oscar Olsson, Danville; Mrs. R. J. Tremboth, Antioch; Mrs. W. J. Buchanan, and Mrs. C. D. Johnson of Sierraville.

On request of Senator Hurley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. H. Brill and C. R. Mulgrew of Oakland.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank C. Collier, judge of the superior court, Los Angeles.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Joseph Toner and J. Emmett Hayden, members of the board of supervisors, San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George R. Cadan, mayor of Santa Rosa.

On request of Senator Ray Jones, the privilege of the floor of the Senate chamber for this day was unanimously extended to Mrs. Zetta C. Walmsley and Mr. Lawrence Jarvinen, instructors of the economics and civics class of Esparto Union High School, Yolo county, and students as follows: Delmas Bloom, Louis Burns, Percy Bourland, Dumars Courtney, Vincent Chamberlain, Theo Dumar, Stella Farnham, Genevieve Gray, Josephine Gray, Delia Hartman, Helen Han, Harry Jones, Grace Logan, Booker Logan, Addie Logan, Cedrick Piezzi, Wagner Nicholaison, Robert Reiff, Ruth Rudolph, Pat Redmond, Gladys Schwarz, Joe Stotts, Hughie Stevens, Arthur Townsend, Mabel Watkins and Fredson Wallace.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. C. Needham of Los Angeles.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff Wm. Fitzgerald of San Francisco, and his attorney, Leo A. Cunningham.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1066—An act to amend sections 24 and 504 of the Public Utilities Act, relating to passenger stage corporations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 1066 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 12, 1929, passed Assembly Bill No. 165—An act relating to the sale or exchange of surplus products between institutions owned, managed or controlled by the State, or to the political subdivisions thereof, and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political subdivisions thereof," approved March 18, 1905.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 165 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 592—An act to amend sections 51, 66, 72 and



73 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles;

Also: Assembly Bill No. 593—An act to add two new sections to the "California Vehicle Act," approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles;

Also: Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles;

Also: Assembly Bill No. 595—An act to add a new section to the Civil Code to be numbered 17144, relating to negligence upon the part of State officers, agents and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law and political subdivisions of the State and authorizing the issuance of insurance covering such liability;

Also: Assembly Bill No. 596—An act to add a new section to the Civil Code to be numbered 1714½, relating to imputed negligence;

Also: Assembly Bill No. 597—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, as amended, relating to applications for operators and chauffeurs licenses;

Also: Assembly Bill No. 598—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle;

Also: Assembly Bill No. 599—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports.

Also: Assembly Bill No. 600—An act to amend section 74 of the California Vehicle Act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 592, 593, 594, 597 and 600 read first time, and referred to Committee on Motor Vehicles.

Assembly Bills Nos. 595, 596 and 598 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 599 read first time, and referred to Committee on Governmental Efficiency.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 244—An act to amend sections 1, 3, 8, 9, and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaged in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 46, relating to the enforcement thereof and the escheat of ores seized thereunder;

Also: Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended;

Also: Senate Bill No. 629—An act to amend section 453hh of the Civil Code, relating to the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act;

Also: Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime;

Also: Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital;

Also: Senate Bill No. 269—An act to add a new section to the Juvenile Court Law approved June 5, 1915, as amended, to be numbered 19a51, relating to the salary of probation officers in counties of the fifty first class;

Also: Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class;

Also: Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured;

Also: Senate Bill No. 193—An act to amend section 629a and 629b of the Political Code, relating to group insurance;

Also: Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State;

Also: Senate Bill No. 18—An act to amend section 190 of the Penal Code, relating to punishment for the crime of murder and to repeal section 246 of the Penal Code, relating to punishment of persons undergoing life sentence;

Also: Senate Bill No. 46—An act to amend section 190 of the Penal Code, relating to the punishment of persons found guilty of murder;

Also: Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts;

Also: Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure, relating to publication of notice to creditors in probate proceedings;

Also: Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property;

Also: Senate Bill No. 328—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—7; absent—2.

SWING, Chairman.

Senate Constitutional Amendment No. 27 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office;

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

SWING, Chairman.

Senate Constitutional Amendments Nos. 7 and 11 ordered on file.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts—reports that it has met a like committee of the Assembly, consisting of Assemblymen Cloudsley, Byrne and West, and that the Committee on Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE

On page 1, line 4, of the printed bill, strike out lines 4 to 8 inclusive, and insert in lieu thereof, the following: "This title otherwise provided shall be as follows: For each day's actual attendance at a court's request, when legally required to so attend, the sum of five dollars per diem, and for each day's actual attendance upon a court, when legally required to so attend, such fee as may be allowed by the court, not to exceed ten dollars per diem; *provided, however*, that the aggregate amount of fees that may be allowed to any one person under the provisions of this section shall not exceed the sum of ten dollars per diem, such fees shall be paid, in common."

McKINLEY,  
PEDROTTI,  
LYON.

Senate Committee on Conference.

The question being on the adoption of the report of the Committee on Conference and the amendment.

The roll was called, and the report of the Committee on Conference and the amendment adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Morrison, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—33.

NOES—None.

Senate Bill No. 183 and report of Committee on Conference ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivision; providing penalties for the violations of the provisions thereof—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.



## ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 5—Relating to the participation of California in the Great Lakes-St. Lawrence Tide Water Association to facilitate and expedite prosecution of the construction of a seaway connecting the Great Lakes with the Atlantic ocean—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

EDWARDS, Chairman.

Assembly Joint Resolution No. 5 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 7—Relative to the protection of agricultural products—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

EDWARDS, Chairman.

Senate Joint Resolution No. 7 ordered on file.

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; noes—3; absent—1.

YOUNG, Chairman.

Senate Bill No. 434 ordered on file for second reading.

## ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 1016, as amended March 4, 1929—An act relating to certain funds of inmates of State prisons and reformatories and the expenditure thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Assembly Bill No. 1016 ordered on file for second reading.

## ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 632—An act to add a new section to the Political Code, to be numbered 596c, prohibiting insurance companies organized in California from transacting business in states or territories wherein they are not licensed and providing for the revocation of license and payment of taxes on such business to the state or territory wherein such business was so written—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

TUBBS, Chairman.

Senate Bill No. 632 ordered on file for second reading.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred the Senate Resolution by Senators Inman, Boggs, Carter and Waggy, relating to proposed contempt proceedings as therein set forth—has had the same under consideration, and respectfully reports as follows:

We are of the opinion that the original resolution of the Senate authorizing the appointment of the special committee was not sufficiently broad in its scope to enable such committee to conduct the investigation intended by the Senate.

We accordingly recommend that such resolution be not adopted.

Committee membership—15; committee vote—Ayes—Senators Allen, Baker, Christian, McKinley, Nelson, Weller, and Waggy—7; nays—Senators Carter, Cleveland, Inman, Mueller, and Rochester—5; absent—Senators Jones, Lyon, and Swing—3.

INMAN, Chairman.

## SPECIAL ORDER RESOL.

On motion of Senator Inman the consideration of the resolution by Senators Waggy, Carter, Boggs and Inman, relative to a reputed cement trust, and heretofore set as a special order for eleven o'clock and thirty minute a.m., Thursday, March 14, 1929, was reset as a special order for consideration at two o'clock p.m., March 14, 1929.

## RE REFERENCE OF SENATE BILL.

Senator Cassidy moved to refer Senate Bill No. 282 to Committee on Finance.

Motion carried, and such was the order.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senator McKinley: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers.

Amendment referred to Committee on Constitutional Amendments.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Canepa:

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys.

Request referred to Committee on Rules.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILLS.

Senate Bill No. 718—An act to amend section 684 of the Penal Code, relative to the protection of fish and game.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, strike out the words "thirty-first", and insert in lieu thereof the words "twenty-eighth".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, beginning in said line 12, strike out "is guilty of a misde", and all of lines 13 to 17 inclusive, and insert in lieu thereof the following: "or who, at any time takes or".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 21, of the printed bill, immediately following the period after the word "misdemeanor", insert the following: "Every person who, in fish and game district number one, between the twenty-ninth day of May and the thirty-first day of July, both dates inclusive, takes, catches or kills any salmon except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the first day of August and the thirty-first day of October, both dates inclusive, takes, catches or kills any salmon except with hook and line, said hook and line to be used in the manner commonly known as angling, is guilty of a misdemeanor."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 24, of the printed bill, beginning in said line 24, strike out all of lines 24 to 28, inclusive, and on page 2 all of lines 1 to 2, inclusive, and insert in lieu thereof the following: "first day of January and the twenty-eighth day of May, both dates inclusive, or who at".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 3, of the printed bill, strike out the word "spears", and insert in lieu thereof the word "takes".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2, line 5, of the printed bill, immediately following the period after the word "misdemeanor", insert the following: "Every person who, in fish and game district one and one-half, between the first day of August and the thirty-first day of October, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the twenty-ninth day of May and the thirty-first day of July, both dates inclusive, or between the first day of November and the thirty-first day of December, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon is guilty of a misdemeanor."

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 2, line 7, of the printed bill, strike out all of line 7, and insert in lieu thereof the following: "half, takes, catches or kills any salmon in any manner between the first day of January and the thirtieth day of April, both dates inclusive, is guilty of a misdemeanor. Every person who, in fish and game districts number two and two and one-half, between the first day of November and the thirty-first day of December, both dates inclusive, takes, catches or kills any salmon except".

Amendment adopted.



## AMENDMENT NUMBER EIGHT.

On page 2, line 9, of the printed bill, immediately following the comma after the word "angling", insert the following: "or who, between the first day of May and the thirty-first day of October, both dates inclusive, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 10, of the printed bill, strike out the word "spoons", and insert in lieu thereof the word "takes".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 15, of the printed bill, strike out the words "thirty first day of July", and insert in lieu thereof the words "thirtieth day of April".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 18, of the printed bill, strike out the word "August", and insert in lieu thereof the word "May".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 20, of the printed bill, strike out the words "appear or".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 1, of the printed bill, beginning in said line 1, strike out all of lines 1 and 2, and insert in lieu thereof the following: "possession any salmon between the sixteenth day of September and the thirty-first day of May of the year".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 5, of the printed bill, beginning in said line 5, strike out all of lines 5 and 6, inclusive, and insert in lieu thereof the following: "between the first day of June and the fifteenth day of September takes, catches or kills any salmon except with".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 8, of the printed bill, immediately following the period after the word "misdemeanor", insert the following: "Every person who, in fish and game district number six, at any time takes, catches or kills or has in possession, any salmon between lines running due west from a point on the coast three miles to the north, and a point on the coast three miles to the south, of the mouth of any interstate river, is guilty of a misdemeanor."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 3, line 10, of the printed bill, beginning in said line 10, strike out all of lines 10 to 12, inclusive, and insert in lieu thereof the following: "and game district, between the first day of January and the twenty-eighth day of May, both dates inclusive, takes, catches or kills any salmon in any manner, or who, between the thirtieth day of May and the thirtieth day of June and between the sixth day of September and the thirty-first day of December, all dates inclusive, takes, catches or kills any salmon, except with hook and line, said hook".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 3, line 21, of the printed bill, beginning in said line 21, strike out the words "or who takes, catches or kills any salmon with", and all of lines 22 to 23, inclusive, and in line 24 also strike out the words "one-half inch in length", and insert in lieu thereof the following: "or with gill nets, all of the meshes of which are, when drawn closely together and measured inside the knots, seven and one-half inches or more in length".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 3, line 33, of the printed bill, strike out the word "November", and insert in lieu thereof the word "January".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 3, line 34, of the printed bill, strike out all of line 34, and insert in lieu thereof the following: "the twenty-eighth day of May, both dates".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 3, line 40, of the printed bill, immediately following the comma after the word "angling", insert the following: "or who, between the twenty-ninth day of May and the thirty-first day of July and between the first day of November and the thirty-first day of December, all dates inclusive, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 3, line 46, of the printed bill, strike out the words "first day of", and in line 47 also strike out the words "October and the thirtieth day of June", and insert in lieu thereof the words: "sixteenth day of September and the thirty-first day of May".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 3, line 50, of the printed bill, strike out the words "July and the thirtieth day of", and insert in lieu thereof the words "June and the fifteenth day of".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 4, line 8, of the printed bill, beginning in said line 8, strike out the words "first day of", and in line 9, strike out the words "October and the thirtieth day of June", and insert in lieu thereof the words: "sixteenth day of September and the thirty-first day of May".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 4, line 12, of the printed bill, strike out the words "July and the thirtieth", and insert in lieu thereof the words "June and the sixteenth".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 4, line 17, of the printed bill, beginning in said line 17, strike out all of lines 17 to 25, inclusive, and insert in lieu thereof the following: "twelve, twelve 'B', and thirteen, between the sixteenth day of May and the thirty-first day of October, both dates inclusive, except with hook and line, said hook and line to be used".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 4, line 32, of the printed bill, strike out the words "May sixteenth and June fifteenth", and insert in lieu thereof the words "the first day of March and the fifteenth day of May".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 4, line 35, of the printed bill, strike out the words "less than seven and one-half", and insert in lieu thereof the words "between six and one-quarter inches and nine".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 4, line 46, of the printed bill, beginning in said line 46, strike out all of lines 46 and 47, inclusive, and insert in lieu thereof the following: "possession any

salmon between the sixteenth day of September and the thirty-first day of May of the year follow-".

Amendment adopted.

AMENDMENT NUMBER TWENTY-NINE.

On page 4, line 50, of the printed bill, strike out the words "July and the thirtieth day of September", and insert in lieu thereof the words "June and the fifteenth day of September".

Amendment adopted.

AMENDMENT NUMBER THIRTY.

On page 5, line 6, of the printed bill, beginning in said line 6, strike out all of lines 6 and 7, and insert in lieu thereof the following: "between the sixteenth day of September and the thirty-first day of May of the year following, both dates".

Amendment adopted.

AMENDMENT NUMBER THIRTY-ONE.

On page 5, line 10, of the printed bill, strike out the words "July and the thirtieth", and insert in lieu thereof the words "June and the fifteenth".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 48, of the printed bill, strike out the period, and in lieu thereof insert a semicolon and the following: "*provided further*, that to be actually engaged in canning sardines a canner must prepare and can for human consumption at least fifty per cent of the total amount of sardines received by him during each calendar month".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 466—An act to amend an act to create a flood control district to be called "American River Flood Control District"; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the



enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing such indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption, and appropriating the sum of \$25,000 for said purpose, "approved May 28, 1927, by adding a new section thereto, to be numbered 18a," making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 42, of the printed bill, strike out the words "one-half", and insert in lieu thereof the word "All".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 43, of the printed bill, strike out the words "twelve thousand five hundred", and insert in lieu thereof the following words: "twenty-five thousand".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American river for flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 3, of the printed bill, following line 31, insert the following:

"SEC. 8. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four, of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the present saline conditions now existing in the Sacramento river, of which the American river is a tributary, and which are detrimental to agriculture and industry depending upon the Sacramento river.

It is imperative also that the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the cities of Sacramento and North Sacramento should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

"To secure these ends it is necessary that this act take effect immediately upon its passage."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 802—An act to amend an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use, and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof."

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, strike out the following: "In any building hereafter erected,".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed bill, strike out the word "it", and insert in lieu thereof the word "It".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2 of the printed bill, strike out lines 4 to 21, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the District Courts of Appeal.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, after the word "thousand", in said line, insert the following: "three hundred".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702 and 703, relating to the Division of Exhibits within the Department of Finance.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

## AMENDMENT NUMBER ONE.

On page 4, line 4, of the printed bill, after the word "agriculture", insert the following: "and an ex officio member of the regents of the University of California".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 299—An act to transfer and set over certain State lands described as lot 2 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 7.44 acres more or less; lot 3 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 22.44 acres more or less; lot 2 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 22.04 acres more or less; lot 3 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 18.66 acres more or less; lot 1 of section 26, section 15 north, range 1 west, Humboldt base and meridian, containing 7.13 acres more or less; lot 2 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 1.57 acres more or less; situated in Del Norte County, State of California, from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the title of the printed bill, after the comma after the word "piers," insert the word "seawall,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In the title of the printed bill, strike out all of lines 9 to 12, inclusive, and insert in lieu thereof the following: "tion thereto; and to make an appropriation of five thousand dollars for the expense of printing said bonds."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On pages 1 and 2 of the printed bill, strike out all of lines 1 to 18, inclusive, of page 1, strike out all of lines 1 to 40, inclusive, of page 2, and insert in lieu thereof the following:

"SECTION 1. For the purpose of creating a fund to provide for the construction of wharves, piers, seawalls, state railroad, spurs, betterments and appurtenances and for necessary dredging and filling, in connection therewith, by the board of state harbor commissioners, the San Francisco harbor bond finance board herein-after created by this act, is hereby authorized and empowered with approval of the



governor to create a debt or debts, liability or liabilities, of the State of California in the manner and to the extent hereinafter provided.

Sec. 2. The board of state harbor commissioners is hereby authorized and empowered to make the improvements specified in section 1 of this act, and to expend from the fourth San Francisco seawall fund created by this act, in the manner authorized by law, any and all funds therein, derived from the sale of bonds as provided in this act.

Sec. 3. After the approval by the people of the constitutional amendment of the forty-eighth session of the Legislature adopting, legalizing and validating this act, and immediately after adoption of any resolution by the San Francisco harbor bond finance board herein created, provided for in section 5 of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of ten million dollars, and the bonds issued under any such resolution shall mature not more than thirty years from the date of issuance thereof, and shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said San Francisco harbor bond finance board and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

All bonds issued under this act shall bear the facsimile signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer by original signature and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the San Francisco harbor bond finance board, by virtue of which said bond is issued.

Sec. 4. There is hereby created a San Francisco harbor bond finance board composed of the governor, director of finance, state controller, state treasurer, and president of the board of state harbor commissioners, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. The attorney general of the state shall be the legal advisor of the said finance board.

Upon request of the board of state harbor commissioners, supported by a statement of the plans and projects of the board with respect thereto, the San Francisco harbor bond finance board shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Sec. 5. Whenever the San Francisco harbor bond finance board determines that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to that effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued, and the number and numerical sequence of the bonds maturing at each date of maturity, which for each issue shall be not later than thirty years from the date of issuance thereof.

3. The annual rate of interest which the bonds to be issued shall bear, in no case to exceed six per cent per annum.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

The bonds first to mature in each issue, shall mature not later than six years from the date of issuance thereof, and specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and the bonds last to mature in each issue shall mature not later than thirty years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the San Francisco harbor bond finance board according to the then prevailing market conditions, but

shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the San Francisco harbor bond finance board shall so determine and specify, be payable one year after the date of issuance of said bonds.

SEC. 6. All actual and necessary expenses of the San Francisco harbor bond finance board and of the members thereof shall be paid out of the San Francisco harbor improvement fund, upon approval of the governor and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the board of state harbor commissioners."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 41, of the printed bill, strike out the numeral "2", and insert in lieu thereof the numeral "7".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, lines 45 and 46, of the printed bill, beginning in said line 45, strike out the phrase "on the second day of July, 19...", and insert in lieu thereof the phrase "at the time of the issuance thereof."

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2, line 51, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "8".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 3, line 4, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "9".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 3 of the printed bill, strike out all of lines 8 to 12, inclusive, and insert in lieu thereof the following: "by resolution of the San Francisco harbor bond finance board, approved by the governor, who shall only direct and approve the same when in their".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 3, line 44, of the printed bill, after the quotation marks following the word "the", insert the word "fourth".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 3 of the printed bill, strike out all of lines 49 to 52, inclusive, and insert in lieu thereof the following: "front of the city and county of San Francisco. Claims upon said fund shall be presented to the state controller for payment and paid by said controller in the same manner as claims are presented for payment and paid by said controller out of the San Francisco".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 4, line 5, of the printed bill, after the first quotation marks, insert the word "Fourth".

Amendment adopted.

AMENDMENT NUMBER TWELVE.

On page 4, line 6, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numerals "10".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 8, of the printed bill, after the first quotation marks, insert the word "Fourth".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 4 of the printed bill, strike out all of lines 10 to 19, inclusive, and insert in lieu thereof the following: "Treasurer, at the end of five years from the date of issuance of each issue of bonds provided for in this act, shall, on the first day of the month and on the first day of each month thereafter, until date of maturity of said issue of bonds, take from the San Francisco harbor improvement fund, such sum as multiplied by the total number of months, less sixty, between the date of issuance and date of maturity of such bonds, will equal the principal of all the bonds of such issue; and he shall place the sum in the "Fourth seavall sinking fund." Said".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 37, of the printed bill, strike out the words "the monthly interest then due on", and insert in lieu thereof the words "one month's interest upon".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On pages 4 and 5 of the printed bill, strike out all of lines 43 to 52, inclusive, of page 4, strike out all of lines 1 to 39, inclusive, of page 5, and insert in lieu thereof the following: "Political Code of the State of California. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same upon controller's warrants duly drawn for that purpose, and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 5, line 40, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numerals "11".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 5, line 50, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numerals "12".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On pages 6 and 7 of the printed bill, strike out all of lines 1 to 52, inclusive, of page 6, and strike out all of lines 1 to 3, inclusive, of page 7.

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 7, line 4, of the printed bill, strike out the numerals "12", and insert in lieu thereof the numerals "13".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 7, line 6, of the printed bill, strike out the numerals "13", and insert in lieu thereof the numerals "14".

Amendment adopted.



## AMENDMENT NUMBER TWENTY-TWO.

On page 7, line 7, of the printed bill, after the period, insert the following:

"SEC. 15. This act shall take effect upon the adoption by the people of the State of California of an amendment to the constitution of the State of California approving, adopting, legalizing, validating and making fully and completely effective this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, strike out the following: "fifty (50)", and insert in lieu thereof the following: "twenty-five (25)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale of lands for colonization or subdivision purposes; broker's bonds; providing penalties for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 176 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 784—An act relating to the finances of the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 784 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 786—An act relating to the administration of the State Department of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any

stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collection of taxes; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provisions a misdemeanor; and to provide a method of dissolving such districts.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Young moved to refer Senate Bill No. 47 to Senator Baker, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 15, line 14, of the printed bill, as amended in Senate March 11, 1929, strike out lines 14 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 37. This act shall not be construed as repealing the existing conservancy act of California, approved May 16, 1919, or any part thereof or any other existing law of this state, but shall be treated as, and shall be in effect, an alternative act thereto."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 47, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAKER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 212—An act to limit the liabilities of irrigation district directors for the negligence of appointees and employees thereof in certain instances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weiler, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211—An act to amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm, or corporation engaged in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates or amalgams bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b, relating to the enforcement thereof and the escheat of ores seized thereunder.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 211 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 629—An act to amend section 453hh of the Civil Code, relating to the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 629 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Luman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works.

#### COMMITTEE AMENDMENTS.

During the reading of the resolution, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 28, of the printed bill, strike out the word "This", and insert in lieu thereof the following: "For budgetary purposes, this".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, strike out the comma after the word "completed", and also the words "for budgetary purposes".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 22, of the printed bill, immediately following the semicolon after the word "account", insert the following: "that this investigation shall begin not later than May 1, 1929, and that this report shall be completed and made public not later than August 1, 1930,".

Amendment adopted.

Resolution read, ordered to print, engrossment, and on file.

#### RECESS.

At twelve o'clock and fifteen minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 548—An act relating to holding of school elections in union or joint union school districts;

Also: Assembly Bill No. 604—An act relating to the publication of textbooks and teachers' manuals of the studies prescribed for elementary schools;

Also: Assembly Bill No. 607—An act relating to the use of public schoolhouses as civic centers;

Also: Assembly Bill No. 611—An act relating to the apportionment of moneys to elementary school districts;

Also: Assembly Bill No. 634—An act to amend section 928 of the Penal Code, relating to grand juries;

Also: Assembly Bill No. 421—An act to amend section 626 of the Penal Code, relating to the shooting of water fowl;

Also: Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class;

Also: Assembly Bill No. 301—An act permitting State officers and State employees to attend military encampments without deduction of pay;

Also: Assembly Bill No. 784—An act to amend the California Irrigation District Act, approved March 31, 1897, by adding thereto a new section to be numbered 35a, defining the term "assessment book," and by amending section 42 thereof, relating to the publication of the delinquent list;

Also: Assembly Bill No. 484—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution, and attachment;

Also: Assembly Bill No. 931—An act to validate the Golden Gate Bridge and Highway District, confirm its boundaries and all proceedings relative to the formation and incorporation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 548, 604, 607 and 611 read first time, and referred to Committee on Education.

Assembly Bill No. 634 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 421 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 340 read first time, and referred to Committee on County Government.

Assembly Bill No. 301 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 784 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 484 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 931 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 458—An act to amend section 737a of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange;

Also: Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 458 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 213 read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 833—An act to add a new section to the Political Code of the State of California to be known as section 3627e, relating to taxation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—8; absent—5.

NELSON, Chairman.

Senate Bill No. 833 ordered on file for second reading.

##### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, March 12, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers;

Also: Senate Bill No. 822—An act to create a restitution department and the office of restitution officer in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means termed under the law varying degrees of theft, upon the conviction of persons guilty of said thefts; providing for the enforcement of said act, and penalties for the violation thereof, and providing for the payment of the expenses of and administration of said department.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

BAKER, Chairman.

Senate Bills Nos. 588 and 822 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives;

Also: Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 141—An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties;

Also: Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

BAKER, Chairman.

Senate Bills Nos. 4, 132, 141 and 257 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau;

Also: Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653½, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had;

Also: Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats;

Also: Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

BAKER, Chairman.

Senate Bills Nos. 128, 203, 205 and 206 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 23—An act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto to be numbered 1a, relating to the powers and duties of the State Board of Prison Directors—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

BAKER, Chairman.

Assembly Bill No. 23 ordered on file for second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

The following resolution was offered:

By Senator Nelson: Senate Concurrent Resolution No. 20—Relative to the appointment of a Committee on Tax Investigation.

Resolution referred to Committee on Revenue and Taxation.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the resolution by Senators Wagy, Carter, Boggs and Inman relative to a reputed cement trust, heretofore set as a special order for two o'clock p.m., the same was taken up for consideration.

#### RESOLUTION.

By Senators Wagy, Carter, Boggs and Inman:

WHEREAS, This honorable Senate has undertaken to investigate as to the existence or nonexistence of a reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California, for the control of the market price of cement and the suppression of free competition; and

WHEREAS, On January 18, 1929, the President of this honorable Senate, pursuant to the resolution of said Senate, adopted on January 17, 1929, appointed Senators Boggs, Carter, Inman, Herbert C. Jones and Waggy as a committee to investigate as to the existence or nonexistence of such reputed illegal combination or conspiracy, with full power to issue subpoenas and bring witnesses before it and examine them as to the facts or the purported facts as to such reputed combination or conspiracy, and to compel the production for examination by said committee of all necessary books, papers, documents, and records material thereto; and

WHEREAS, Said committee so appointed by this Senate undertook to discharge its said duty of investigating as to the existence or nonexistence of such reputed illegal combination or conspiracy; and

WHEREAS, Subpoenas duces tecum were duly and regularly issued and duly and regularly served upon Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Wishon, requiring each of the said persons to appear before said committee to testify, and requiring each of them to bring with him certain books, papers, documents, and records, such being in his possession or under his control, and designated and described in the subpoena; and

WHEREAS, In pursuance of said subpoenas duly and regularly issued and served, said persons appeared before said Committee of Investigation of this Senate, and refused and declined to answer certain questions material to the issues and refused to produce proper books, papers, documents, and records required of them, such being in their possession or under their control and material to said issues, all as more particularly appears from the report of said committee presented to and filed with this Senate, on March 8, 1929, and from the supplemental report of said committee presented to and filed with this Senate on March 11, 1929, said questions being also set forth in the "Excerpts from the transcript of testimony" submitted to the Senate, March 8, 1929, to which reference is hereby made; and

WHEREAS, The truth as to the existence or nonexistence of such reputed illegal combination or conspiracy is supposed to rest and be within the knowledge of those said witnesses, or in the proper books, papers, documents, and records required of them, such being in their possession or under their control; and

WHEREAS, The said committee has reported to this Senate the contumacious refusal of said witnesses to answer questions material to the issues propounded to them by said committee and to produce proper books, papers, documents, and records material to said issues, for such action as may be deemed necessary by the Senate; now, therefore, be it

*Resolved*, That the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Wishon be and they are hereby declared to be guilty of contempt of this Senate; and be it further

*Resolved*, That the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emery Wishon be taken into custody by the Sergeant-at-Arms of the Senate, and that they be committed to the county jail in the county of Sacramento, State of California, until they shall have purged themselves of this contempt by answering the questions which were propounded to them by said committee and by producing the proper books, papers, documents, and records material to said issues required of them; that a copy of this resolution, duly attested by the Secretary of the Senate, be the authority of the Sergeant-at-Arms of the Senate and the Sheriff of the county of Sacramento.

Senator Inman moved, duly seconded by Senator Boggs, that the resolution be adopted.

#### DEMAND FOR PREVIOUS QUESTION.

Senator Evans demanded the previous question.

The question being put: Shall the main question be now put?

Demand denied.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Allen and Boggs.

The question being on the adoption of the resolution by Senators Waggy, Carter, Boggs and Inman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Carter, Cassidy, Cobb, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Rochester, Slater, Swing, Waggy, and Young—22.

NOES—Senators Baker, Breed, Canapa, Christian, Cleveland, Crowley, Edwards, Fellom, Gray, McKinley, Nelson, Pedrotti, Sharkey, Tubbs, Weller, and West—16.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Canepa to introduce a bill entitled—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—32.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Canepa: Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys.

Bill read first time, and referred to Committee on Governmental Efficiency.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committee were received and read:

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 13, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Senate Bill No. 587 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15, and 19 of act 5216, General Laws of California entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments"—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Senate Bill No. 504 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Senate Bill No. 567 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Senate Bill No. 644 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Senate Bill No. 826 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 39—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, by amending sections 4, 5 and 6 of said act, relative to the mode of nomination and election of elective officers of such water districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Assembly Bill No. 39 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 96—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of

water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts." approved May 1, 1911, as amended, by amending section 12 thereof, relating to the general powers of the district—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

LYON, Chairman.

Assembly Bill No. 96 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks and the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment of sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Beginning with line 2 of the title of the printed bill, strike out all of lines 2 to 5, inclusive, and insert in lieu thereof the following: "grain, providing that the sacks shall be sold and purchased as part of the same transaction, making it".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, beginning with line 6, strike out all of lines 6 to 11, inclusive, and insert in lieu thereof the following: "otherwise, the sacks shall also be considered as sold, purchased and paid for as part of the same transaction, and shall be paid for at a rate and price agreed upon between the seller and purchaser, or in the absence of such agreement, at the prevailing market price of such sacks."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1 of the printed bill, beginning with line 13, strike out all of lines 13 to 21, inclusive, and insert in lieu thereof the following: "tion or corporation, either buyer or seller, to sell or buy grain, when sold in sacks, without paying or being paid for such sacks as provided in section 2 of this act, unless there shall as aforesaid, at the time of sale or purchase be an agreement in writing between the seller and purchaser providing otherwise; or to make any deduction from the weight or sale price of the grain for or on account of the weight of the sacks, except that the actual weight of the sacks may be deducted for the purpose of ascertaining the purchase price as provided in section 2 of this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 652—An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel Sanitary District.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 24, of the printed bill, as amended in Assembly February 27, 1929, strike out said line 24, and insert in lieu thereof the following: "south bank of the Carmel river to the mouth of the Carmel river; thence westerly".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 47, of the printed bill, as amended in Assembly February 27, 1929, following the period in said line 47 insert the following: "If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 31—An act granting certain tidelands and submerged lands of the State of California to the city of Laguna Beach upon certain trusts and conditions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 631—An act authorizing the grant to Utility and Service, Inc., a corporation, of an easement for the installation and maintenance of a pipe line over and across land owned by the State of California in Napa County, California.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly February 28, 1929, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"An act authorizing and empowering the state director of finance to grant and convey to any person, firm, private, municipal or public utility corporation an easement over and across certain real properties of the State of California known as the Napa State Hospital property and the Silverado trail, in the county of Napa, State of California, and to impose conditions, limitations, restrictions and reservations on the use thereof and to prescribe the consideration therefor."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Assembly February 28, 1929, strike out all of lines 1 to 19, inclusive, and also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. The state director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to grant and convey to any person, firm, corporation, municipal corporation or public utility corporation an easement over and across those certain real properties of the State of California, known as the Napa State Hospital property and the Silverado trail in the county of Napa, State of California, and along such route and subject to such conditions, limitations, restrictions and reservations, and for such actual valuable consideration as the director of finance shall impose and prescribe.

SEC. 2. The director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to execute and deliver to said person, firm, corporation, municipal corporation or public utility corporation and give a sufficient grant of easement and to execute and deliver any and all other instruments and to do any and all other acts and things necessary to effectuate the purposes of this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1016—An act relating to certain funds of inmates of State prisons and reformatories and the expenditure thereof.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4 of the printed bill, after the word "funds", insert the words "or property".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the word "one", and insert in lieu thereof the word "five".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, after the word "funds", insert the following: "or the proceeds from the sale of the personal property of such person".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 9 of the printed bill, strike out the words "a special fund to be designated", the quotation marks, and the words "the amusement", and insert in lieu thereof "the state treasury for credit to the general fund of the state."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 10, of the printed bill, strike out the word "fund" and the period and quotation marks following said word.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 3, of the printed bill, strike out the words "such amuse-", and insert in lieu thereof "a special fund to be designated "the benefit fund".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1, line 14, of the printed bill, strike out the words "ment fund".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 1, line 17, of the printed bill, strike out the words "such amusement", and insert in lieu thereof the words "said benefit".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 1, line 20, of the printed bill, strike out the word "such", and insert in lieu thereof the word "said".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 1, line 21, of the printed bill, strike out the word "amusement", and insert in lieu thereof the word "benefit".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Prisons and Reformatories.

## ADJOURNMENT.

At five o'clock and twenty-five minutes p.m., on motion of Senator Edwards, the President declared the Senate adjourned until eleven o'clock a.m., Friday, March 15, 1929.

HAROLD J. POWERS. Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, March 15, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 14, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Canepa was, on motion of Senator Crowley, granted leave of absence for this day.

Senator Christian was, on motion of Senator Breed, granted leave of absence for this day.

Senator Carter was, on motion of Senator Pedrotti, granted leave of absence for this day.

Senator Duval was, on motion of Senator Baker, granted leave of absence for this day.

Senator McKinley was, on motion of Senator Evans, granted leave of absence for this day.

Senator Cleveland was, on motion of Senator Tubbs, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray O. Long of Berkeley, E. Van Ribbink and Eddie Van Ribbink of Oakland.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to ex-Senator Edward Bryant of San Francisco.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. A. Anderson of Los Angeles, California; D. C. Williams and Mrs. Lindley.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to ex-Senator Frank J. Powers of Eagleville, California.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. L. V. Rousseau, county recorder, Stanislaus County.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the pupils and teachers of the Fair Oaks School, Stockton, as follows: Miss Hoerl, Miss McAndrews, Mr. Grover, teachers, and pupils: Amelia Walters, Ida Samaghi, Anna Walters, Thelma Uldall, Jovita Veliz, Esther Boccoli, Dorothy Thompson, Laura Senior, Albert Estrada, Robert Ekin, Clifford Hansen, Earl Lumley and Irving Dark.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elroy Hill, Miriam White, Willa Youngberg and William Ellis, teachers of Pittsburg Grammar School, and the following students of the seventh and eighth grades: Carmelina Circo, Josie Aiello, Angelina Flores, Jose Pizzimente, John Enea, Frank Pistoia, Edward Blocksom, Amelia Russo, Louise Ferrera, Angelina Viscuso, Bessie Russo, Jennie Enea, Vincent Rubino, Joe Aiello, Marie Pappas, Mary Costanza, Bernard Arentz, Esther Ricca, Mary Jane Smith, Virginia Culcasi, Billy Bankson, Wayne Rebstock, Kenneth Buffo, Evelyn Cavagnola, Albert Siino, Alphonse Sangimino, Charlotte Wright, Shirley Hornsby, Robert Abernathy, Marie Manire, Betty Saling, Harry Pemberton, Helen Nelson, Patricia McDermott, Richard Russo, Mariano Verga, Annie Billeci, Mary Costanza, Carrol Verga, Jack Vierra, Angelo Lucido, Elsie Alves, Joe Davi, Sal Billeci, Jennie Rollo, Isabel Irving, Mike Franco, Cora Ferre, Rose Troia, Roy Pierce, Allen Dadami, Sal Viscuso, Leonard Di Mercurio, Mabel Jones, James Hunziker, Charlotte Alexander, Elwood Dughi, Norine Evola, Mamie Aiello, Anna Orlando, Rocco Russo, Mary Trentanelli, Robert Morgan, Rose Carmelina, Raymond Herrera, Angelina Davi, Frank Riccabona, Leslie Lincoln, Francis Straub, Annie DeVito, Tony Bruno, Dorman Canaday, John Bassett, Sylvia Colosina, Dorothy Stovall, Jack Aiello, June Mora, Edith Parsons, James Davi, Mike Partinico, Ratz Lucido, Stanley Maylone, Zorum Hurt, Joe DiMartini, Angelina Aiello, Nellie Davi, Rose Davi, Ethel Russo, Rose Bellone, Angelina Bruno, Guido Davi, Neno Russo, Joe Jimno, James Maloney, Frank Enea, Joe Ferrante, Sal Russo, Sal Siino, Frank Aiello, Marie Guerrassio, Katie Aiello, Frank Siino, Mary Crisenza, Frank Aless, Blas Rodriguez, Helen Billeci, Jack Inzerillo, Peter Inzerillo, Mabel Perry, Paul McClain, Roy Nield, Razi Billeci, Wilbert Smith, Mary Hutchison, Emma Listek, Allen Morris, Rosalie Abona, Virginia Seudero, Peter Cataldo, Horace Enea, Andrew Buffo, Angelina Macalusa, Erasmo Siino, Sarino DiMaggio, Frank Russo, Joe Russo, Margaret Baer, Bernard Vernier, Harry Mercurio, Neno Costanza, Harold Lutich, Hilda Peters, Rocco Lucido, Mary Colombo, Louis Colombo, Susie Gamboli, Walter Blocksom, Fred Ricca, Mary Troia, Frank Verga, Julio Sbranti, Rose Russo, Jennie Russo, Rose Gildi, Rose Davi, Katherine Mercurio, Louis Arata, Anna Grillo, Frank Pareno, Neno Corinne, Joe Enea, Rose Guiliano, Rose Partinico, Josephine Davi, Sal Troia, Rose Battaglia, Horace Siino, Joe Lucido, Peter Riso, Frances Enea, Tommy Aiello, Frank Billeci, Ruth Jorgensen, Sarah Trentanelli, Eva Marie Riegger, Stella Promesso, Wilfred Ericson, Rose Costanza, Lorraine Del Carlo, Marion Aiello, Mary Colma, Charles Zeno, Susan Ricca, Annie Ferranti, Joe Lucido, Floyd Rouner, Robert Miller, Marie Russo, Edward Wideman, Joe Billeci, Sal Aiello, Rosalie Abona, Edward O'Niel, Goldie Grabstein, Jack McFarland, Leonard Larson, Thornton Gapen, Miriam McDermott, Wilma Papest,



Adele Stow, Joe Russo, Tony Melrose, Walter Carusa, Vincent Cardinalli, Willard Scudero, Raymond Perano, Vincent Billeci, Jack Canavera, Thelma Jones, Margaret Madraza, Ralph Merritt, Edmund Weld, Frank Billeci, Ernest DeStefano, Grace Lucido, Mary Vaulato, Basil Rebstock, Bill Polk, Virginia Straub, John Aiello, Joe Aiello, Inez de Haven, Marion Barnes and Tony Gallegos.

#### WITHHOLDING OF SERVICE OF COMMITMENT.

Senator Inman asked unanimous consent that the service of the commitment on the persons declared guilty of contempt of the Senate by the resolution of Senators Wagy, Carter, Boggs and Inman be withheld until Tuesday, March 19, 1929.

Unanimous consent granted.

#### WITHDRAWAL OF ASSEMBLY BILL.

Senator McCormack asked for and was granted unanimous consent to withdraw Assembly Bill No. 1052 from committee for purpose of considering at this time.

#### CONSIDERATION OF ASSEMBLY BILL NUMBER ONE THOUSAND FIFTY-TWO.

##### CASE OF URGENCY.

##### RECOMMENDATION OF THE GOVERNOR.

The following message from the Governor recommending the passage of Assembly Bill No. 1052, as required by section 34 of article IV of the constitution, was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, March 4, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 1052 makes an appropriation for equipment of buildings at the Veterans' Home of California.

In my opinion the appropriation necessary for such expenditure during the remainder of the eightieth fiscal year constitutes an emergency within the meaning of article IV, section 34, of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted.

C. C. YOUNG, Governor.

#### RESOLUTION.

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Assembly Bill No. 1052 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1052.

## SECOND READING OF ASSEMBLY BILL NUMBER ONE THOUSAND FIFTY-TWO.

Assembly Bill No. 1052—An act making an appropriation for equipment of buildings at Veterans' Home of California, and declaring the same an urgency measure necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

SEC. 2. Inasmuch as this act is required for the immediate preservation of the public peace, health and safety, in that buildings have been constructed at said Veterans' Home of California and no provision has been made for equipment of same and as it is necessary to equip said buildings immediately in order to make quarters available for the housing of persons at said home, this act is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1052 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## RESOLUTION OF RESPECT.

The following resolution of respect was offered:

By Senator Tubbs:

WHEREAS, The death of the Honorable Lester G. Burnett took place on the thirteenth day of March, 1929, in the city of Berkeley, California; and

WHEREAS, Senator Burnett served with honor and distinction in this body for twelve years; and

WHEREAS, Senator Burnett's passing is not only a cause of deep sorrow to his family but also to those members of this body who knew and admired him; therefore, be it

*Resolved*, That when the Senate of the State of California adjourns today that it adjourn out of respect to the memory of former Senator Burnett, and that this resolution be printed in the Journal of the Senate, and that copies be sent to the members of his family.

Resolution read, and on motion of Senator Tubbs, duly seconded by Senator Gray, unanimously adopted.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act

regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked and prima facie proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants;

Also: Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction work on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work; and providing a penalty for the violation thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bills Nos. 14 and 435 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 112—An act to prohibit the employment of aliens by contractors and subcontractors on public work and providing penalties for violation of the provisions thereof;

Also: Senate Bill No. 186—An act to amend section 2 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913, relating to wages earned in seasonal labor;

Also: Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bills Nos. 112, 186 and 133 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 210—An act to add a new section to be numbered 19c to the "California Irrigation District Act," relating to appointment and election of district officers and declaring the urgency thereof;

Also: Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended;

Also: Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class; And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452b, 452c, 452d, 452e, and 452f, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of 55 years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452a and 453 of the Civil Code; and providing for and limiting assessments and annual dues;



Also: Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers;

Also: Senate Bill No. 30—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended by adding a new section thereto, to be numbered section 14, relating to registration of drug stores;

Also: Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages;

Also: Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills;

Also: Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower;

Also: Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of 15 or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts;

Also: Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—13.

SLATER, Chairman.

Senate Bills Nos. 654 and 655 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts;

Also: Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—13.

SLATER, Chairman.

Senate Bills Nos. 142 and 483 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges;

Also: Senate Bill No. 599—An act relating to the support of junior colleges;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—13.

SLATER, Chairman.

Senate Bills Nos. 488 and 599 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 358—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes 8; absent—1.

LYON, Chairman.

Senate Bill No. 358 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution and attachment—and appointed Assemblymen Williamson, Craig and Young as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Inman, Rochester and Mueller as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate Bill No. 465.

The Secretary was directed to notify the Assembly of the Senate appointment of Committee on Free Conference.

#### MOTION.

Senator Weller moved, seconded by Senator Crowley, that the Secretary of the Senate have 100 copies printed of the Articles of Impeachment of Carlos S. Hardy.

Motion carried, and such was the order.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At eleven o'clock and forty-five minutes a.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.  
SECOND READING OF SENATE BILLS.

Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 42, of the printed bill, after the word "scrap", strike out the following: "fish flour,".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, line 4, of the printed bill, after the word "process", strike out the period, and insert in lieu thereof a semicolon and the following: "provided, that the terms reduction plant or reduction process shall not apply to the manufacture of fish flour fit for human consumption, intended so to be used and is in fact used for human consumption."

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, line 14, of the printed bill, strike out said line 14, and insert the following: "waste or spoilage; provided, however, that it is hereby declared lawful for any such packer of sardines actually engaged in packing sardines, to take and use in a reduction plant in each calendar month sardines to the amount of twenty-five per cent of the amount of sardines actually received at the plant of such packer during such calendar month."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 3, line 22, of the printed bill, strike out said line 22, and insert the following: "or therein is open to view and inspection and provided that each packer of fish caught or taken in the waters of this state, or brought into this state shall on or before the fifth day of each calendar month furnish to and file with the fish and game commission or any duly authorized agent or deputy thereof a report in writing under oath on such form as may be prescribed by the fish and game commission, showing and containing a true statement of the actual amount of fish received by said packer at each of its plants during the next preceding calendar month and also the amount of fish packed, the number and size of cans, boxes, cases, sacks, gallons, packages or other containers of fish, fishery products and by-products packed, produced or deduced at such plant during said preceding calendar month."

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 3, line 35, of the printed bill, after said line 35 insert the following: "Sec. 8. A new section is hereby added to said act to be numbered section 7a and to read as follows:

Sec. 7a. Complaint may be made by any officer charged with the enforcement of the fish and game laws or any person having knowledge of a violation against any person, firm or corporation violating any of the provisions of this act or violating any of the rules or regulations made by the fish and game commission under the



provisions of this act. Said complaints shall be in writing, setting forth the particular offense charged to have been committed, a copy of which shall be filed with the board of fish and game commissioners and a copy served on said offender, together with a notice setting forth the time and place of hearing, which hearing must be held in the county in which said violation is alleged to have been committed. The person, firm or corporation charged must appear and answer either in person or by attorney, and either orally or in writing, within five days after notice having been served. If the person charged fails to appear or appears and denies the charge, the board of fish and game commissioners or any deputy or employee appointed by said board of fish and game commissioners to take testimony, shall proceed to hear the testimony offered and if the person, firm or corporation so charged is found guilty of the offense charged, the board of fish and game commissioners may suspend for a period not to exceed ninety days, any license issued by any state board or officer to such person, firm or corporation, to take, catch, kill, buy, sell, can or preserve fish or fishery products, and no license shall be issued during such period of suspension.

Each member of the board of fish and game commissioners or any of the deputies or employees designated to take testimony at the hearing provided herein shall have power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearing.

The superior court in and for the county, or city and county in which any proceeding may be held under the authority of this section, shall have power to compel the attendance of witnesses, the giving of testimony, and the production of papers, as required by any subpoena issued under authority of this section. The fish and game commission, or representative of the commission before whom the testimony is to be given or produced may in the case of refusal of any witness to attend or testify or produce any papers required by such subpoena, report to the superior court in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of the attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this act and that the witness has failed and refused to attend or produce the papers required by the subpoena before the commission or its representatives, in the case or proceeding named in the notice of time and place of hearing and subpoena, or has refused to answer questions propounded to him in the course of said proceeding, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission or its representatives.

The court, upon the petition of the commission or its representatives, shall enter an order directing the witness to appear before the court at any time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representatives. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representatives, the court shall thereupon enter an order that said witness shall appear before the commission or its representatives at the time and place entered in said order, and testify or produce the required papers, and upon failure to obey said witness shall be dealt with as for contempt of court.

The commission or its representatives, or any party designated by the fish and game commission, may in any investigation or hearing before the commission, or its representatives, cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of documents and papers."

**Amendment adopted.**

#### AMENDMENT NUMBER SIX.

On page 3, line 36, of the printed bill, strike out the words "Sec. 8.", and insert in lieu thereof the words "Sec. 9."

**Amendment adopted.**

#### AMENDMENT NUMBER SEVEN.

On page 4, line 1, of the printed bill, strike out the words "Sec. 9.", and insert in lieu thereof the words "Sec. 10."

**Amendment adopted.**

#### AMENDMENT NUMBER EIGHT.

On page 4, line 5, of the printed bill, strike out the words "Sec. 10.", and insert in lieu thereof the words "Sec. 11."

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 632—An act to add a new section to the Political Code to be numbered 596c, prohibiting insurance companies organized in California from transacting business in states or territories wherein they are not licensed and providing for the revocation of license and payment of taxes on such business to the state or territory wherein such business was so written.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 4 of the printed bill, after the word "organized", strike out the words "or licensed".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 4 of the printed bill, after the word "solicit", strike out the word "or", and insert in lieu thereof the word "and".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 6 of the printed bill, after the word "States", insert ", having a state law substantially similar to this section,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 9 of the printed bill, after the word "commissioner", strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Insurance.

Senate Bill No. 833—An act to add a new section to the Political Code of the State of California, to be known as section 3627c, relating to taxation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 588—An act to add a new section to the Penal Code, to be known as section 537i, relating to the defrauding of garage keepers.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, after the word "garage," strike out the word "or", and all of line 5, and the word "service," on line 6.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, after the word "garage," strike out the following: "automobile renting station,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 14, of the printed bill, after the word "pretense;" strike out all of the balance of the line, and all of line 15 to and including the word "hire,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 17, of the printed bill, strike out the words "automobile renting station,".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 18, of the printed bill, after the word "shop," strike out all of the balance of the line and all of line 19, and the word "same," in line 20.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 822—An act to create a restitution department and the office of restitution officer in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means termed under the law varying degrees of theft, upon the conviction of persons guilty of said thefts; providing for the enforcement of said act, and penalties for the violation thereof, and providing for the payments of the expenses of and administration of said department.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, after the word "attorney", strike out the comma, and insert in lieu thereof the following: "and approved by the court or presiding judge thereof".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, after the word "attorney", strike out the period, and insert in lieu thereof the following: "and shall furnish a surety bond in an amount fixed by the judge of the superior court, or the presiding judge thereof".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all thereof from lines 8 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 3. The duties of the restitution officer shall be to seize and hold, under a writ of attachment, issued without the filing of an affidavit or undertaking, after an order of court has been obtained therefor, the property, both real and personal, of each person arrested for fraud, thefts, embezzlement or other crimes termed, under the law, varying degrees of theft, and hold said property for an amount thereof not in excess of that set forth in the complaint, which property shall be returned to the victims of convicted criminals, and pro-rated according to the amounts lost and seized, when more than one person has been victimized in one swindle or illegal transaction; such attachment of property to be ordered by the court, immediately upon the arrest of an accused person, and released if he is acquitted of the crime charged, or upon proof of ownership to the court, such property, less the expense provided for in this act, shall be distributed to the original owners, if he is convicted of the crime charged."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 7, of the printed bill, strike out the following words: "which he shall be paid".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 10, of the printed bill, after the word "victims", insert a period, and strike out the balance of that line, and all of lines 11 and 12, and after the



period add the following: "Said term provided for herein shall not exceed the maximum penalty fixed by law".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2, line 14, of the printed bill, strike out the following: "selected by the district attorney, as he shall deem necessary", and insert in lieu thereof the following: "as shall be authorized by the board of supervisors of his county".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 15, of the printed bill, insert a period after the word "act".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 15, of the printed bill, strike out, commencing with the words "set appointments", in line 15, to and including the word "commission" in line 17, page 2.

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 4 of the printed bill, strike out commencing with the word "from", in line 6, and ending with the word "commission", in line 7.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 13 of the printed bill, after the word "forgery", insert the word "or".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 13 of the printed bill, strike out the words "or arson".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

In line 3 of the printed bill, strike out the word "unsuccessfully".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 4 of the printed bill, strike out the word "verbal".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 4 of the printed bill, after the figures "549", insert the words "of this code."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 7 of the printed bill, after the word "years", insert the following: "or by fine not exceeding five thousand dollars, or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

In line 3 of the printed bill, strike out the words "not be necessary," and insert in lieu thereof the words "except in."

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 8 of the printed bill, strike out, commencing with the word "felony", and ending with the word "such" in line 9, and insert in lieu thereof "misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 141—An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both, or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation, and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer, and fixing their compensation and duties, and providing for adult probation boards in said counties, and cities and counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "bonds", insert the following: "in the amount of the estimated cost and expenses of the improvement as stated in the specifications, less any contributions from public funds under section 7 of this act,".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed bill, after the words "improvement bonds", insert a comma.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 8, of the printed bill, following the word "specifications", insert the following: "less any contributions from public funds under section 7 of this act,".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 15, of the printed bill, following the word "bonds", strike out the period and insert in lieu thereof the following: "; provided, however, that in case an acquisition and improvement be included in one proceeding the resolution ordering may provide that the immediate possession bonds or acquisition bonds and improvement bonds be sold at the same time, and in such case said legislative body may at any subsequent meeting thereto fix the day, hour and place for receiving sealed bids for the purchase of said bonds, and the notice inviting bids shall include both issues of bonds and shall be published as in this section provided and no other provision of this act shall apply thereto."

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 36, of the printed bill, strike out the word "such", and insert in lieu thereof the words "the improvement".

Amendment adopted.



## AMENDMENT NUMBER SIX.

On page 3, line 19, of the printed bill, strike out the words "as nearly as possible", and insert in lieu thereof the words "where not inconsistent with this section".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, line 22, of the printed bill, after the word "contract", insert the following: "and to pay all incidental expenses chargeable to the improvement".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 24, of the printed bill, strike out the words "which will be due the", and insert in lieu thereof the following: "necessary to pay all incidental expenses chargeable to the improvement and to pay the contractor the amount due him under his contract and the notice shall state the sum necessary therefor, and for which bonds are proposed to be issued."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3 of the printed bill, strike out all of lines 25 and 26.

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 31, of the printed bill, after the word "contract," insert the following: "or any unpaid incidental expenses chargeable to the improvement or both."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 35, of the printed bill, strike out the word "said", and after the word "bonds", insert the word "therefore".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 43, of the printed bill, strike out the words "and said expenses shall", and insert in lieu thereof the following: "and not before the expiration of twenty days from the date of the resolution directing their issuance before final payment in cash is made to the contractor all incidental expenses chargeable to the improvement must be paid."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3 of the printed bill, strike out line 44, and insert in lieu thereof the following: "All claims provided for in section 21 of this act may be filed at any time up to the expiration of twenty days from the date the legislative body finds the work completed and performed according to the contract. Such claims shall be in form as provided in said section 21 except that the claimant may demand that bonds or money, or both, in an amount sufficient to satisfy said claim, be withheld, and said treasurer shall withhold from payments to be made to the contractor, after the claim is filed, sufficient money or bonds, or both, to satisfy said claim and all costs that can reasonably be anticipated. Action on such claim must be brought within ninety days after filing same and unless such action be brought and the treasurer notified thereof within said ninety days, such money or bonds, or both, shall no longer be withheld. Suit on the labor and material bond may be filed as provided in section 21 hereof and the contractor or his assigns may release any claim filed by filing the undertaking as provided in said section 21."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15 and 19 of act 5216, General Laws of California, entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places, and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment

of the cost and expense thereof upon the property benefited, and the manner of collecting such assessments.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, after the word "such", add the word "municipal".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 5, following line 7, of the printed bill, as amended, insert the following:

"Sec. 5. Section 27 of said act is hereby amended to read as follows:

Sec. 27. A redemption of any parcel of property sold for a delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto five per cent of the amount of said delinquent assessment with interest thereon at the rate of one per cent per month until paid, said interest to be computed from the date the assessment becomes delinquent and if such amount be not paid within six months thereafter, there shall be added thereto an additional penalty of five per cent of the principal amount due. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts,

places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 3, line 22, of the printed bill, strike out the word "he", and insert in lieu thereof the word "the."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATOR MUELLER IN THE CHAIR.

At eleven o'clock and fifty-five minutes a.m., Senator Mueller of the Fortieth District was called to the chair.

Senate Bill No. 450 - An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wag, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 127 to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 4, of the printed bill, strike out the word "creditor", and insert in lieu thereof the word "debtor".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 127, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagdy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 173 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagdy, Weller, and Young—25.

NOES—Senator West—1.

NOTICE OF MOTION TO RECONSIDER.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 173 was passed.

Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Bill No. 745 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, lines 4 and 5, of the printed bill, strike out the following: "(for such period of time as the court may adjudge.)", and insert in lieu thereof the following: ", which imprisonment must not exceed one day for every two dollars of the fine."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 745, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452*b*, 452*c*, 452*d*, 452*e* and 452*f*, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of fifty-five years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452*a* and 453 of the Civil Code; and providing for and limiting assessments and annual dues.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and twenty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 573—An act to amend section 453*j* of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division I, part IV, title II of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 573 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the Insurance Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Bill No. 627 to Senator Boggs, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 3, line 16, of the printed bill, after the word "effect", strike out the word "and", and insert in lieu thereof a comma.

##### AMENDMENT NUMBER TWO.

On page 3, line 17, of the printed bill, after the word "thereof", strike out the period, and insert a comma in lieu thereof, adding the following language: "the names of all authorized insurance companies refusing the risk and the rate at which such risk was offered to such authorized insurance companies."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 627, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print, and re-engrossment.



## SENATOR HANDY IN THE CHAIR.

At twelve o'clock and thirty minutes p.m., Senator Handy of the Fourth District was called to the chair.

Senate Bill No. 193—An act to amend section 629*a* of the Political Code, relating to group insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 201 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Sharkey, Slater, Swing, Wagy, Weller, and West—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, and West—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 269—An act to add a new section to the Juvenile Court Law, approved June 5, 1915, as amended, to be numbered 19*x*51, relating to the salary of probation officer in counties of the fifty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Edwards, Evans, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 440 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Edwards, Evans, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish by persons engaged in the business of propagating

and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Edwards, Evans, Garrison, Handy, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—22.

NOES—None.

#### TITLE AMENDED.

Senator Swing moved to amend the title of Senate Bill No. 585, as follows:

#### AMENDMENT NUMBER ONE

On page 1, line 1, of the title of the printed bill, strike out the words "section 6", and insert in lieu thereof the following: "sections 4, 6 and 9".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 439 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Crowley, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office.

#### COMMITTEE AMENDMENT.

During the reading of the constitutional amendment, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, after the word "law", strike out the words "in any court of the state."

Amendment adopted.

Senate Constitutional Amendment No. 7 ordered to print, engrossment, and on file.

Senate Joint Resolution No. 7—Relative to the protection of agricultural products.



## COMMITTEE AMENDMENT.

During the reading of the resolution, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, before the word "and", insert the words "figs, dates".

**Amendment adopted.**

Senate Joint Resolution No. 7 ordered to print, engrossment, and on file.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

## COMMITTEE AMENDMENT.

During the reading of the amendment, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the period, insert a comma, and add the following: "except to the extent and in the manner the Legislature is now or may hereafter be authorized so to do".

**Amendment adopted.**

Senate Constitutional Amendment No. 11 ordered to print, engrossment, and on file.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 13, 1929, passed Assembly Bill No. 889—An act to regulate the construction and maintenance of auto camps, to provide for the inspection and supervision of same, and to provide penalties for the violations of the provisions hereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 889 read first time, and referred to Committee on Public Health and Quarantine.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 5—Relative to speculation in desert lands.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Concurrent Resolution No. 5 read and referred to Committee on Judiciary.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 95—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922;

Also: Assembly Bill No. 235—An act to amend sections 1, 3 and 4 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaging in the business of milling, sampling, concentrating, reducing, purchasing, or receiving for sale ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide

rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925.

Also: Assembly Bill No. 330—An act to amend section 19x17 of the Juvenile Court Law, approved June 5, 1915, relating to counties of the seventeenth class;

Also: Assembly Bill No. 637—An act relating to revocation of life diplomas or other teacher's credential or document issued by the State Board of Education;

Also: Assembly Bill No. 688—An act to amend the State Medical Practice Act, approved June 2, 1913, as amended, by adding thereto a new section known as section 11a, relating to the recognition of a certificate of examination issued by the National Board of Medical Examiners of the United States;

Also: Assembly Bill No. 824—An act providing for the employment of home teachers by governing boards of school districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 95 read first time, and referred to Committee on Finance.

Assembly Bill No. 235 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 330 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 637 and 824 read first time, and referred to Committee on Education.

Assembly Bill No. 688 read first time, and referred to Committee on Public Health and Quarantine.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. (Approved May 3, 1923.)—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MERRIAM, Chairman.

Senate Bill No. 368 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 367—An act to amend section 1211 of the Political Code, relating to ballots, and when void—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MERRIAM, Chairman.

Senate Bill No. 367 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 484—An act to amend section 1359 of the Political Code, relating to absent voters—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MERRIAM, Chairman.

Senate Bill No. 484 ordered on file for second reading.

## ADJOURNMENT.

At one o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned out of respect to the memory of the late Honorable Lester G. Burnett, formerly a member of this Senate, until eleven o'clock a.m., Monday, March 18, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, March 18, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 15, 1929, the further reading was dispensed with, on motion of Senator Slater.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons:

Also: Senate Bill No. 233—An act to amend sections 5, 11, 26, 31, 36, 45, 48, 49, 56, 58 and 60, of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas water heaters, gas stoves, ventilation, porches in dwellings and yards;

Also: Senate Bill No. 239—An act to transfer and set over certain State lands described as lot 2 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 7.44 acres more or less; lot 3 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 22.44 acres more or less; lot 2 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 22.04 acres more or less; lot 3 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 18.66 acres more or less; lot 1 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 7.13 acres more or less; lot 2 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 1.57 acres more or less; situated in Del Norte County, State of California, from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof;

Also: Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof;



Also: Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the Division of Exhibits within the Department of Finance;

Also: Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American river for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith, including the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject;

Also: Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to deductions therein and to the rear yard of apartment houses;

Also: Senate Bill No. 802—An act to amend an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and unincorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and unincorporated cities and counties, and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof";

Also: Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof;

Also: Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation;

Also: Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works; And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines and nurses and the widows of such soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended;

Also: Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking;

Also: Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts;

And reports that the same have been correctly re-engrossed.

EDWARDS, Acting Chairman.

## RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the payroll of the Senate:

Barnett Richards, Mailing Clerk----- \$4 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Crowley, Evans, Fellom, Gray, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—28.

NOES—None.

Also:

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

George Richards, Mailing Clerk----- \$4 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—31.

NOES—None.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of hours worked and prima facie proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, lines 7 and 8, of the title of the printed bill, strike out the following: "and prima proof of violation of the act".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, lines 9 and 10, of the title of the printed bill, strike out the words "chief of the division of labor statistics and law enforcement", and insert in lieu thereof the words "department of industrial relations".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 11, of the title of the printed bill, strike out the word "and", after the word "lime", and insert in lieu thereof a comma.

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 12, of the title of the printed bill, insert after the word "cement", the following: "and other reduction".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, lines 15 and 16, of the printed bill, strike out the following: "or who are employed in lime or cement manufacturing or reduction plants," and insert in lieu thereof the following: "or employees working in sheds or buildings in lime, cement or other reduction plants where dust is created,".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 5, of the printed bill, strike out the period after the word "emergency", and insert in lieu thereof the following: "": *provided, further*, that this section shall not apply to workers employed in such lime, cement or other reduction plants in the installation or repair of machinery, buildings or equipment, nor in case of extraordinary emergency."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, lines 12 and 13, of the printed bill, strike out the words "chief of the division of labor statistics and law enforcement of the".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 14, of the printed bill, strike out the word "his", and insert in lieu thereof the word "its".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, lines 14, 15 and 16, of the printed bill, strike out the following: ", and shall be prima facie evidence, sufficient to sustain a conviction in court, if it shows a violation of this act.", and insert in lieu thereof a period.

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, lines 27 and 28, of the printed bill, strike out the words "chief of the division of labor statistics and law enforcement of the".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, lines 32 to 38, both inclusive, of the printed bill, strike out the entire last paragraph.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Labor and Capital.

Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or making inspection of electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the words "the doing of", and insert in lieu thereof the words "employees to do".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, strike out the words "either of".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, after the word "construction", insert the word "work".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 13, of the printed bill, after the word "involves", insert the word "the".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 14, of the printed bill, after the word "of", insert the word "wires", and strike out the balance of the line and all of lines 15 and 16, and insert in lieu thereof the following: "conductors when charged with electricity at a potential in excess of six hundred (600) volts."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 20, of the printed bill, strike out the words "high tension wires", and the words "or equipment," on page 2, line 1, and insert in lieu thereof the following: "conductors charged with electricity at a potential in excess of six hundred (600) volts,".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2 of the printed bill add the following:

"SEC. 3. It shall be the duty of the industrial accident commission to enforce the provisions of this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Labor and Capital.

Senate Bill No. 112—An act to prohibit the employment of aliens by contractors and subcontractors on public work and providing penalties for violations of the provisions thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 186—An act to amend section 2 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto, approved May 28, 1913, relating to wages earned in seasonal labor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new

section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, strike out "five hundred", and insert in lieu thereof "twenty per cent".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 41, of the printed bill, strike out the word "no", and insert in lieu thereof "If it shall appear that a majority of the votes cast at said election were cast against such annexation, no".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 3, line 8, of the printed bill, after the words "college district", insert "theretofore incurred, unless a pro rata portion of such indebtedness is assumed under the provision of this article".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Education.

Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, following the word "deducted", strike out the balance of the line, also all of lines 19 and 20, down to and including the word "district", in line 21, and insert in lieu thereof "all moneys received during the year from the state apportionment, and all expenditures of moneys received from the sale of junior college district bonds".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Education.

Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, strike out the words "three million five hundred thousand", and in lieu thereof insert "five million".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 25, of the printed bill, strike out the words "three million five".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, strike out the words "hundred thousand", and insert in lieu thereof the words "five million".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, following the word "school", insert the ",".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, following the word "age", insert the ",".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 599—An act relating to the support of junior colleges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 358—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds." approved April 27, 1911, as amended, relating to street improvement bonds.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, following the figure "4", strike out the word "of", and insert the following: ", and to add a new section to be numbered 4a to".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 21, of the printed bill, as amended, strike out the period and the word "Also", immediately following and insert in lieu thereof the following: "; said resolution shall also contain".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed bill, as amended, following the word "interest", insert the following: ", not to exceed seven per cent per annum,".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 2, line 44, of the printed bill, as amended, following the word "thereto", insert the following: "and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in the city of -----, county of -----, State of California, described as follows: -----"

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, between lines 4 and 5, of the printed bill, as amended, insert the following:

"SEC. 4. A new section to be numbered 4a is hereby added to said act to read as follows:

SEC. 4a. Notwithstanding the provisions of section 3 of said act, as amended by this act, and notwithstanding the provisions of any ordinance or resolution relating to the issuance of improvement bonds, as permitted by said act, passed prior to the date this act becomes effective, the city council of any city shall, at any time prior to the date of the recordation of the assessment roll for any work or improvement for which bonds may be issued under the provisions of said act, have the power to provide by resolution that bonds may be issued under and in accordance with said act as amended by this act for any work or improvement the proceedings for which shall have been commenced prior to the date this act becomes effective. Said resolution shall contain the identical provisions relative to bonds required to be set forth in the resolution of intention as required by section 3 of said act as amended by this act. Bonds issued under this section shall be issued in the manner and form prescribed in section 4 of said act as amended by this act, and such bonds shall be subject to all of the provisions of said act as amended by this act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, add "for propositions to be voted on throughout the state" after "label".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, strike "1196", and insert therefor "1197 subdivision 3".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 367—An act to amend section 1211 of the Political Code, relating to ballots, and when void.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

The title of said bill is amended by striking out the period after the word "void", and inserting in lieu thereof "and to add a new section, number 1142b, to the

Political Code to provide for the preparation by the secretary of state and the attorney general of election forms, and for the furnishing of copies thereof to the county clerks and registrars of voters."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 29, of the printed bill, in a new paragraph to follow the period on said line add the following:

"SEC. 2. A new section is hereby added to the Political Code of the State of California, reading as follows:

1142b. On or before the thirty-first day of December of each odd-numbered year the secretary of state and the attorney general shall prepare a pamphlet of forms for county clerks and registrars of voters and for election boards for use in connection with elections during the succeeding two calendar years and containing the following election forms, to wit: Tally list, together with election officers' certificate thereof; challenge list showing the grounds of challenge and the board's determination thereof; absent voters' forms and instructions; assisted voters' list; roster of voters; cards of instructions to electors for the May and August and general elections; election boards' report and certificate of result of vote cast; return by board of supervisors to secretary of state of results in general state elections; nominating petition for candidates at May and August primary elections; form of nominating petition for independent nomination under section 1188 Political Code. A copy of said pamphlet shall be by the secretary of state and the attorney general furnished to each of the county clerks and registrars of voters in the state on or before said thirty-first day of December of each odd-numbered year."

### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Senate Bill No. 484—An act to amend section 1359 of the Political Code, relating to absent voters.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections".

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

In line 1 of the title of the printed bill, after the numeral "1359", insert the following: "and 1361".

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 96—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending section 12 thereof, relating to the general powers of the district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 39—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all

property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, by amending sections 4, 5 and 6 of said act, relative to the mode of nomination and election of elective officers of such water districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 23—An act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto to be numbered 1a, relating to the powers and duties of the State Board of Prison Directors.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, strike out the word "or", and substitute the word "and".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 and 375d, relating to a Department of Investment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—11.

MUELLER, Chairman.

Senate Bill No. 841 ordered on file for second reading.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 and 375d, inclusive, relating to a Department of Investment.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 21, of the printed bill, following the period, strike out all of the remainder of the line, all of lines 22, 23, 24 and 25, and the words "served as chairman", in line 26, and insert in lieu thereof the following:

"The chief of each division shall serve as chairman of such commission for a period of six months in rotation with the chief of each other division, the permanent order of rotation to be determined by lot at the first meeting of said commission."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.



## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Boggs:

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin river, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin river, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

Request referred to Committee on Rules.

## RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That the Senate do now resolve itself into a Court of Impeachment, that it organize as such court, and proceed upon the matter of the impeachment of Carlos S. Hardy.

Resolution read, and on motion of Senator Breed adopted.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, March 18, 1929.

Lieutenant Governor H. L. Carnahan presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

At eleven o'clock a.m., Judge Carlos S. Hardy appeared at the bar of the Senate in accordance with the assignment heretofore made by the Senate and the notice given to him of this proceeding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## OATH ADMINISTERED TO PRESIDENT OF THE SENATE.

Pursuant to the rules adopted by the Senate, the Secretary administered the following oath to the President of Senate, who took and subscribed to the same:

You do solemnly swear that you will truly and impartially hear, try, and determine the impeachment presented by the Assembly of the State of California, against Carlos S. Hardy, judge of the superior court of the State of California, in and for

the county of Los Angeles, and that you will true judgment render therein according to the evidence given upon such trial, and according to law. So help you God.

#### OATH ADMINISTERED TO SENATORS.

The following Senators: Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young appeared at the bar of the Senate in groups of eight, as their names were called, and took and subscribed to the following oath, administered by the President of the Senate:

You do solemnly swear that you will truly and impartially hear, try, and determine the impeachment presented by the Assembly of the State of California, against Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, and that you will true judgment render therein according to the evidence given upon such trial, and according to law. So help you God.

#### OATH ADMINISTERED TO OFFICERS.

Secretary Joseph A. Beck, Minute Clerk Harold J. Powers, Chief Assistant Secretary Paul Mason, Assistant Minute Clerk Edgar J. Hurley, and Assistant Secretaries Francis E. Dalin and C. A. McLean, Jr., took and subscribed to the following oath administered by the President of the Senate:

You do solemnly swear that you will support the constitution of the United States and the constitution of the State of California, and that you will perform the duties of your respective offices according to the best of your ability.

#### OATH ADMINISTERED TO SERGEANT-AT-ARMS.

Sergeant-at-Arms Joseph F. Nolan appeared at the bar of the Senate and took and subscribed to the following oath administered by the President of the Senate:

You do solemnly swear that you will support the constitution of the United States and the constitution of the State of California and that you will perform the duties of the office of Bailiff of the Court of Impeachment according to the best of your ability.

The President directed the Sergeant-at-Arms to inform the Assembly that the Senate had resolved itself into a High Court of Impeachment and that it is ready to proceed upon the matter of the impeachment of Carlos S. Hardy.

#### APPEARANCES FOR ASSEMBLY.

The Sergeant-at-Arms appeared at the bar of the Senate and presented the Managers elected by the Assembly in the matter of impeachment of Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, as follows: Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower, and Melvyn I. Cronin.

#### ANNOUNCEMENT OF THE APPEARANCES FOR THE DEFENDANT.

At request of the President, Judge Carlos S. Hardy arose and addressed the Senate as follows:

I desire to appear in propria persona and also by counsel. My counsel will be Mr. W. Joseph Ford, Mr. Frank M. Carr, Mr. Ray E. Nimmo and Mr. Rex Hardy.

#### RECESS.

On motion of Senator Breed, seconded by Senator Carter, the President declared the court at recess until two o'clock p.m.

## RECONVENED.

At the hour of two o'clock p.m., the court reconvened.  
Lieutenant Governor H. L. Carnahan presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

## MOTION.

Senator Breed moved that Senator Herbert C. Jones be excused during the proceedings on the matter of the impeachment of Carlos S. Hardy.

The President directed the Secretary to call the roll on Senator Breed's motion.

The roll was called, and the motion carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

## MOTION.

Senator Swing moved that the Sergeant-at-Arms be forthwith directed to produce the two absent Senators.

## SUBSTITUTE MOTION.

Senator Inman moved as a substitute motion that Senators Duval and Cleveland be excused from participation in this particular phase of this investigation of the trial.

## POINT OF ORDER.

Senator Swing raised the point of order that the motion as made can not be made as a substitute of the original motion because it has nothing to do with the subject matter of the original motion.

## DECISION ON POINT OF ORDER.

The President announced his decision and declared the point of order well taken.

Senator Swing's motion was unanimously carried.

## MOTION.

Senator West moved that the reading of the Articles of Impeachment be dispensed with.

Motion lost.



## ARTICLES OF IMPEACHMENT.

The following Articles of Impeachment were read by the Secretary of the Senate:

BEFORE THE SENATE OF THE STATE OF CALIFORNIA SITTING AS A COURT OF IMPEACHMENT.

In the Matter of the Impeachment of

CARLOS S. HARDY,

a Judge of the Superior Court of the State of California, in and for the County of Los Angeles.

Articles of Impeachment.

The Assembly of the forty eighth session of the Legislature of the State of California, in their name, and in the name and by the authority of the State of California and the people thereof, by and through the Honorable Walter J. Little, the Honorable Clare Woolwine, the Honorable Harry F. Sewell, the Honorable William B. Hornblower and the Honorable Melvyn I. Cronin, duly elected Managers of said Assembly of the State of California, do hereby present and exhibit Articles of Impeachment in the above entitled matter, and give the Honorable Senate to know and be informed:

That at all times mentioned in these Articles of Impeachment, the above named Carlos S. Hardy was, now is, and ever since has been, a judge of the superior court of the State of California, in and for the county of Los Angeles.

That the said Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, unmolested of the high duties of his office, is guilty of misconduct and misdemeanors in office, committed by him while in said office, and that the said Assembly of the State of California hereby exhibits and presents to the Honorable Senate Articles of Impeachment against the said Carlos S. Hardy, as a judge of the superior court of the State of California in and for the county of Los Angeles, for the causes, upon the grounds and in the particulars as follows, to wit:

## ARTICLE I.

That at all times mentioned in this Article of Impeachment the Echo Park Evangelistic Association, Incorporated, was a corporation organized and existing under and by virtue of the laws of the State of California, and that at all times mentioned in this Article of Impeachment, Aimee Semple McPherson and one Minnie Kennedy were engaged in conducting a religious organization known as Angelus Temple, Church of the Four Square Gospel, and divers and other sundry names, and other divers and sundry names and organizations not known to the members of this Assembly.

That between the first day of February, 1923, and the first day of April, 1927, the said Carlos S. Hardy, while then and there acting as a judge of the superior court of the State of California, in and for the county of Los Angeles, was guilty of misdemeanors and misconduct in office in this, to wit:

That the said Carlos S. Hardy, while he was a judge of said superior court and between the dates in this Article of Impeachment above mentioned, did furnish legal counsel and advice and legal services, as an attorney and counselor at law, to one Minnie Kennedy and one Aimee Semple McPherson, and to an organization known as the Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, which said legal services, counsel and advice, so furnished by said Carlos S. Hardy, consisted among other things as follows:

(a) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the relation of church members to the church corporation, based upon an examination made by the said Carlos S. Hardy of the charter, by-laws, plan of organization, trust agreement and membership application and certificates and other documents.

(b) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, with respect to the membership certificates in use by them, and in assisting said persons and said corporation in revising the same.

(c) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the plans for the establishment and operation of branch churches and the relation of members of the main church, and upon questions concerning property of branch churches.

(d) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon questions and disputes between the branch churches and the

Angelus Temple management, and in advising said persons concerning litigation between the branch church of Santa Ana and the temple management.

(e) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, concerning the disciplining of members, and advising them with respect to the disciplinary powers of their said organization.

(f) In examining a list of real estate belonging to said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and examining into the uses thereof, and advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, regarding certain transfers of said real estate, and the general plan of holding title to said real estate.

(g) In counseling and advising with said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, concerning disputes with, and claims of, former employees, contractors and others asserting claims against the church, and in settling, or attempting to settle, unadjusted claims and disputes amounting to many thousands of dollars arising out of the construction of the Angelus Temple building and the school building, and counseling with officers of the Angelus Temple, including the said Minnie Kennedy and Aimee Semple McPherson, and with architects and others claiming unadjusted accounts and claims against said temple, and performing such offices and duties in relation thereto, as an attorney at law would, or could perform.

(h) In giving advice to the said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, in regard to income tax returns, and in regard to claims and exemptions from taxation of certain pieces of real estate belonging to the said Minnie Kennedy, Aimee Semple McPherson and the said Echo Park Evangelistic Association, Incorporated, and in advising said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, with regard to the taxation of the Angelus Temple radio.

(i) In dictating to temple stenographers many letters and documents for use of and by the officers of the Angelus Temple.

(j) That between the month of May, 1926, and the first day of January, 1927, during which said time the said Aimee Semple McPherson had disappeared and again reappeared, claiming that she had been kidnaped and held for ransom, and during which time the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles were investigating the circumstances surrounding the alleged kidnaping and the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not said Aimee Semple McPherson and Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and the said Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California, the said Carlos S. Hardy counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy, in connection with said investigation, and in furtherance of his said services as an attorney at law to said Aimee Semple McPherson and Minnie Kennedy, said Carlos S. Hardy advised, counseled and instructed and directed other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with jurors, members of the said panel above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create public opinion through the press favorable to said Aimee Semple McPherson; and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion.

All of which services above specified, were performed by the said Carlos S. Hardy for a remuneration received by him, and in all of such acts, and during the time that each and all of them were performed, the said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, and during the year 1926, was actually presiding in one of the four departments of said superior court devoted to the trial of felony criminal cases; and by reason of which said facts, such acts so performed by him brought disrepute, obloquy and dishonor to the superior court of the State of California; and by reason of said acts the said Carlos S. Hardy has been guilty of misconduct and misdemeanors committed in office.

#### ARTICLE II.

That during the month of May, 1926, the said Aimee Semple McPherson mysteriously disappeared from the city of Los Angeles, State of California, and

thereafter, on or about the twenty-second day of June, 1926, the said Aimee Semple McPherson reappeared in the city of Los Angeles and publicly announced that she had been kidnaped, and during the time of her absence had been held for ransom; that thereupon the grand jury of the county of Los Angeles, the district attorney of the county of Los Angeles and the said Carlos S. Hardy instituted several investigations into the facts and circumstances surrounding the alleged kidnaping and the absence from the said city of the said Aimee Semple McPherson, and the said grand jury of the county of Los Angeles and the district attorney of Los Angeles County further instituted investigations to determine the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not the said Aimee Semple McPherson and the said Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California; that within a few days subsequent to the receipt of the said Aimee Semple McPherson, the said Carlos S. Hardy received reliable information that the said Aimee Semple McPherson had not been kidnaped or held for ransom, and that notwithstanding his knowledge of the facts, disclosed by such information and the said investigations of the grand jury of Los Angeles County and the district attorney of Los Angeles County above mentioned, and during said investigations, the said Carlos S. Hardy committed and performed the following described acts:

He counseled, instructed and directed attorneys employed in behalf of the said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts pertinent to said investigations, or material to the question of whether or not the said Aimee Semple McPherson had been kidnaped and held for ransom.

Said Carlos S. Hardy further counseled, instructed and attempted to direct the action of grand jurors, members of the said panel above mentioned, and counseled, instructed and directed journalists and publicly then employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy, to create public opinion through the press, favorable to the said Aimee Semple McPherson, and substantiating in the public mind and in the minds of the said jurors her claim that she had been kidnaped and held for ransom; and that the said Carlos S. Hardy, with knowledge of the facts, as aforesaid, and using his position as a judge of the said superior court, and relying thereon, delivered public addresses over the radio and on the public platform, in character directly designed to create such favorable public opinion and to create sentiment favorable to the said Aimee Semple McPherson in the minds of the said jurors aforesaid, and in the minds of citizens of the said Los Angeles County who might be called as trial jurors in event the said Aimee Semple McPherson was made defendant in a criminal action prosecuted by the people of the State of California.

That each and all of the above acts and declarations of the said Carlos S. Hardy, done and made between the first day of May, 1926, and the first day of April, 1927, were committed with the intention of preventing and obstructing a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney, and with the intention of preventing and obstructing a proper vigorous and diligent prosecution of the said Aimee Semple McPherson, in the event it was determined by the said grand jury or the said district attorney that the said Aimee Semple McPherson had committed a felony under the laws of the State of California.

That each and all of the acts above mentioned, had the effect of and did prevent and obstruct a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney; and each and all of said acts did obstruct the prosecution of the said Aimee Semple McPherson when she was later charged with a felony, and the said complaint charging the said Aimee Semple McPherson with the commission of a felony was dismissed upon motion of the district attorney of Los Angeles County, after preliminary examination and a holding by the committing magistrate that the said Aimee Semple McPherson and others be held to answer in the superior court of the State of California, in and for the county of Los Angeles for a felony committed by said Aimee Semple McPherson and the other defendants in said action.

That during all of the times mentioned in this Article of Impeachment, the said Carlos S. Hardy was a judge of the superior court of the State of California, in and for the county of Los Angeles, and that each and all of the acts hereinabove mentioned and set forth, so done and performed by him, were and are misconduct and misdemeanors committed in office by the said Carlos S. Hardy and brought disrepute, obloquy and dishonor to the superior court of the State of California.



## ARTICLE III.

That on or about the twelfth day of August, 1926, while said Carlos S. Hardy was acting as a judge of the superior court of the State of California in and for the county of Los Angeles, he received from one Minnie Kennedy and one Aimee Semple McPherson, the sum of twenty-five hundred dollars (\$2,500.00), by a check bearing date said twelfth day of August, 1926, in the sum of twenty-five hundred dollars (\$2,500.00) signed by the Echo Park Evangelistic Association, Incorporated, by Minnie Kennedy, which said check, the said Carlos S. Hardy did cash and receive therefor the sum of twenty-five hundred dollars (\$2,500.00), for his own use and benefit; and that prior to the time the said Carlos S. Hardy received said sum of twenty-five hundred dollars, and during the time while has was a judge of the superior court of the State of California in and for the county of Los Angeles, said Aimee Semple McPherson had, during the month of May, 1926, disappeared at a place known as Ocean Park, California, and that subsequently on or about the twenty-second day of June, 1926, reappeared and returned to the city of Los Angeles, claiming that she had been kidnaped and held for ransom, and that subsequent to the time of the reappearance of the said Aimee Semple McPherson, the district attorney of the county of Los Angeles, State of California, claimed to have discovered evidence that said Aimee Semple McPherson had not in truth or in fact been kidnaped, and that, subsequent to the return of the said Aimee Semple McPherson and prior to the time of the receipt of the said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, said Aimee Semple McPherson and said Minnie Kennedy were under investigation by the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles, to ascertain whether or not a felony had been committed by said Aimee Semple McPherson, or said Minnie Kennedy, or either or both of them, and that from the time of the disappearance of the said Aimee Semple McPherson, up to and including the date of the receipt of said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, the said Carlos S. Hardy had counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy in connection with said investigation, and in furtherance of his said services to said Aimee Semple McPherson and Minnie Kennedy, said Carlos S. Hardy advised, counseled, instructed and directed with other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge, of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with grand jurors, members of the grand jury of Los Angeles County, above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create favorable public opinion through the press favorable to said Aimee Semple McPherson; and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion; and that the receipt and acceptance by said Carlos S. Hardy of the sum of twenty-five hundred dollars (\$2,500.00) from said Minnie Kennedy and Aimee Semple McPherson, while he was a judge of the superior court of the State of California, in and for the county of Los Angeles, was a wrongful act and brought disrepute, obloquy and dishonor to the superior court of the State of California, and that the receipt of said sum of money by the said Carlos S. Hardy, under the circumstances hereinabove set forth, was misconduct and a misdemeanor in office by said Carlos S. Hardy.

## ARTICLE IV.

That on or about the fifteenth day of August, 1926, while said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, said Carlos S. Hardy interviewed one Wallace Moore, who was subsequently called as a witness in the case of People of the State of California vs. Aimee Semple McPherson et al., and which said Wallace Moore had partially identified a woman in an automobile with one Kenneth G. Ormiston at or near the city of Santa Barbara during the time of the alleged disappearance of said Aimee Semple McPherson, as Aimee Semple McPherson, and that in said interview the said Carlos S. Hardy informed the said Wallace Moore concerning the crime of perjury and the danger of attempting to identify the woman he had seen as Aimee Semple McPherson and the difficulty of being certain of absolute identification, and citing a case that had been tried before him, the said Carlos S. Hardy, wherein the defendant, charged with burglary, had been convicted upon a mistaken identification, and further informed the said Wallace Moore that a person making a mistake in identification would be liable for damages to the person injured thereby, and that ten years thereafter, when he might have accumulated a fair fortune, if he had been instrumental in convicting the wrong party he might be sued by such party at any time during his lifetime; all of which conversations on the part of the said Carlos S. Hardy was intended by him, the said Carlos S. Hardy, to intimidate the said Wallace

Moore as a witness who might be called in the case of People of the State of California vs. Aimee Semple McPherson et al.; and that said conversation on the part of the said Carlos S. Hardy, was intended by him, the said Carlos S. Hardy, to suppress, modify, or render useless, the testimony of the said Wallace Moore as a witness in said case of People of the State of California vs. Aimee Semple McPherson et al., all of which was misconduct and misdemeanor committed in office by the said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles.

## ARTICLE V.

That during the month of January, 1928, the case of the People of the State of California vs. Edward Hickman had been set for trial in the department of the superior court of the State of California, in and for the county of Los Angeles, presided over by the said Carlos S. Hardy, and while he was a judge of the said court, he, the said Carlos S. Hardy, caused the seats provided for spectators in his court room in the hall of justice in the city of Los Angeles, county of Los Angeles, State of California, to be numbered and caused tickets to be printed and numbers endorsed thereon, said numbers corresponding to the numbers on the said seats, and which said tickets were dated for the various days during which it was contemplated that the case of People of the State of California vs. Edward Hickman would be on trial, and caused and permitted said tickets to be distributed to the friends of the said Carlos S. Hardy and of his wife to the end that no persons except those provided with said tickets would be admitted to the court room during the trial of the case of the People of the State of California vs. Edward Hickman, contrary to a provision in the constitution of the United States of America, and of the State of California, guaranteeing to all defendants the right of a public trial; all of which said acts on the part of the said Carlos S. Hardy were, and are, misconduct and misdemeanors committed in office by the said Carlos S. Hardy, and brought disrepute, obloquy and dishonor to the superior court of the State of California.

WHEREFORE, The said Assembly of the State of California, saving to themselves by protestation the liberty of exhibiting any other Articles of Impeachment against the said Carlos S. Hardy, as aforesaid and also of the reply to the answers which he may make to the impeachment aforesaid, and of obviating proof of the said matters of impeachment, do demand that said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles, be put to answer all and every of the said matters, and that such proceedings, trial and judgment may be thereunder had and given as are conformable to the constitution and laws of the State of California; and the said Assembly is ready to obvie proof of the said matters at such times as the honorable court for the trial of impeachment may order and appoint.

Dated in the city of Sacramento, State of California, this twenty-eighth day of February, A. D. 1929.

(Signed)

WALTER J. LITTLE,  
HARRY F. SEWELL,  
CLARE WOOLWINE,  
WILLIAM B. HORNBLOWER,  
MELVYN I. CRONIN,  
Managers of the Assembly.

# FILING OF WRITTEN OBJECTIONS TO THE SUFFICIENCY OF THE ARTICLES OF IMPEACHMENT.

The following written objections to the sufficiency of the Articles of Impeachment were filed by Carlos S. Hardy:

In the Matter of the Impeachment of

CARLOS S. HARDY.

a Judge of the Superior Court in and for the  
County of Los Angeles.

} Objections to the Sufficiency of the  
Bill of Impeachment and Each Article  
Thereof.

Comes now Carlos S. Hardy, a judge of the superior court of the State of California, in and for the county of Los Angeles, the defendant herein, and objects in writing to the sufficiency of the Bill of Impeachment heretofore filed herein, and for grounds of his objections, states:

## I.

That article I of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a public and or impeachable offense; and that said article of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a misdemeanor in office by a judge of the superior court of the State of California.

## II.

That article II of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a public and or impeachable offense; and that said article of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a misdemeanor in office by a judge of the superior court of the State of California.

## III.

That article III of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a public and or impeachable offense; and that said article of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a misdemeanor in office by a judge of the superior court of the State of California.

## IV.

1. That article IV of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a public and or impeachable offense; and that said article of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a misdemeanor in office by a judge of the superior court of the State of California.

2. That said article IV of the Bill of Impeachment is uncertain in the following particulars:

(a) That it does not appear from said article that the defendant knew that Wallace Moore was or would be a witness in the case of the People of the State of California vs. Aimee Semple McPherson et al.

(b) That it does not appear therefrom that the said Wallace Moore had been called or had any reason to assume or believe that he would be called as a witness in said case.

(c) That it does not appear therefrom that the case of the People of the State of California vs. Aimee Semple McPherson et al. was then pending in any court or tribunal of the State of California.

(d) That it does not appear therefrom that either this defendant and the said Wallace Moore, or either of them, knew or had any reason to believe that the case of the People of the State of California vs. Aimee Semple McPherson et al. was then pending or would thereafter pend in any court or tribunal of the State of California.

(e) That it does not appear therefrom that said Wallace Moore ever thereafter testified as a witness in the case of the People of the State of California vs. Aimee Semple McPherson et al.

(f) That it does not appear therefrom that said Wallace Moore as a witness in said case as alleged in said article was intimidated by any of the conversation this defendant had with him, nor by any of the conversations and, or actions of this defendant at the time alleged in said article, or at all.

(g) That it does not appear therefrom that any testimony which the said Wallace Moore was supposed to have given, or may have given, was suppressed or modified or rendered useless, by reason of any of the words, acts or conduct of this defendant.

(h) That it does not appear therefrom where the alleged interview of this defendant with said Wallace Moore occurred.

(i) That it does not appear therefrom that any of the conversations alleged to have been had by this defendant with the said Wallace Moore were false in substance or fact or tenor.

(j) That it does not appear therefrom that this defendant in interviewing said Wallace Moore as alleged therein, was actuated or motivated by or had any wilful or corrupt intent or purpose.

(k) That it does not appear therefrom that any of the acts charged against this defendant, in said article, were done as a judge of the superior court of the State of California, or in connection with or as a part of his official and judicial office.

(l) That it does not appear therefrom that any of the acts charged against this defendant, in said article, were done with corrupt or partial or malicious or other improper motives and or with knowledge that they were wrong, or how they constituted a misdemeanor in office.

## V.

1. That article V of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a public and or impeachable offense; and that said article of the Bill of Impeachment does not, nor does any part, or portion, or paragraph, or section, or sentence, or phrase, or word thereof, state any fact or facts constituting a misdemeanor in office by a judge of the superior court of the State of California.



2. That said article V of the Bill of Impeachment is uncertain in the following particulars:

(a) That it does not appear therein nor can it be ascertained therefrom that the said trial of Edward Hickman was held on the date contemplated in the department of this defendant or by or before this defendant at all.

(b) That it does not appear therein nor can it be ascertained therefrom that this defendant presided at the or any trial of Edward Hickman on the days or day contemplated or at all.

(c) That it does not appear therein, nor can it be ascertained therefrom that any tickets alleged to have been printed, or numbered or issued by this defendant for the said trial of Edward Hickman, or any trial, on said days contemplated, or otherwise, were printed for use or were ever used at said trial.

(d) That it does not appear herein nor can it be ascertained therefrom that the defendant Edward Hickman objected to the printing or issuance, or distribution, or use of any of said tickets.

(e) That it does not appear therein, nor can it be ascertained therefrom that any of the general public were excluded from the trial of said Edward Hickman.

(f) That it does not appear therein nor can it be ascertained therefrom that said Edward Hickman did not have a speedy and public trial as guaranteed to him by the constitution of the State of California.

(g) That it does not appear therein, nor can it be ascertained therefrom that any of the acts attributed to defendant were done with corrupt or partial or malicious or other improper motives and or with knowledge that they were wrong.

(h) That it does not appear therefrom why, at the most, the actions charged against this defendant do not constitute mere judicial error.

(i) That it does not appear therefrom why this honorable Senate, sitting as a Court of Impeachment, can not take judicial notice of the facts that said Edward Hickman was lawfully charged, tried, and convicted of a capital offense against the peace and dignity of the State of California, and that he, the said Hickman, appealed his conviction to the Supreme Court of the State of California where the conviction was sustained, and that he, the said Hickman, attempted to appeal to the Supreme Court of the United States which refused to entertain the appeal, and that he, the said Hickman, has been lawfully executed pursuant to law.

Wherefore, this defendant prays that he be dismissed hence.

CARLOS S. HARDY,  
In Propria Persona.  
FRANK M. CARR,  
Of Counsel.  
RAY E. NIMMO,  
Of Counsel.  
REX HARDY,  
Of Counsel.  
W. JOSEPH FORD,  
Of Counsel.

#### ARGUMENT FOR DEFENDANT.

Mr. Ray E. Nimmo, of counsel, addressed the Court in support of the objection to the sufficiency of the Articles of Impeachment.

#### OATH ADMINISTERED TO SENATOR CLEVELAND.

Senator Cleveland appeared at the bar of the Senate and took and subscribed to the following oath administered by the President of the Senate:

You do solemnly swear that you will truly and impartially hear, try and determine the impeachment presented by the Assembly of the State of California against Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, and that you will true judgment render therein according to the evidence given upon such trial, and according to law. So help you God.

Walter J. Little, as Chairman of the Managers of the Assembly, announced the appointment of Pembroke Gochnauer as of counsel for the Assembly.

#### ARGUMENT FOR DEFENDANT.

Mr. Rex Hardy, of counsel, addressed the Court in support of the objections to the sufficiency of the Articles of Impeachment.

## ADJOURNMENT.

At five o'clock and five minutes p.m., the President declared the court adjourned until 9 o'clock and thirty minutes a.m., Tuesday, March 19, 1929.

## IN SENATE.

At five o'clock and fifteen minutes p.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 14, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Assembly Bill No. 753—An act to add a new section to the Political Code to be numbered 533d, relating to the printing of legislative bills and constitutional amendments prior to the convening of the Legislature—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

JONES, RAY, Chairman.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 16—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Concurrent Resolution No. 16 read, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 15, 1929, passed Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 1079 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 1100—An act making an appropriation to meet the deficiency in the appropriation for support of Division of Architecture, Department of Public Works, for the seventy-ninth and eightieth fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 1100 read first time, and ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19—Relative to approving

ten certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-sixth day of February, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 19 read, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1033—An act to add a new section to the Penal Code to be numbered 1618, relating to county and city jails and medical care of persons therein;

Also: Assembly Bill No. 867—An act relating to the opening and closing of polls at school elections;

Also: Assembly Bill No. 894—An act providing for the payment of traveling expenses of rural supervisors of schools;

Also: Assembly Bill No. 344—An act to amend section 832 of the Civil Code, relating to excavations, lateral and adjacent support, and establishing standard depth for foundations;

Also: Assembly Bill No. 335—An act to amend section 128 of the Civil Code, as to the residence of the plaintiff, defendant and cross-complainant in an action for divorce;

Also: Assembly Bill No. 896—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes, along, in, through or across property of the State known as the Norwalk State Hospital grounds;

Also: Assembly Bill No. 732—An act to amend section 2319i of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes;

Also: Assembly Bill No. 689—An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1917 (Stats. 1927, p. 149), relating to payment of expenses of persons committed to State Narcotic Hospital.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 335 and 1033 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 867 and 894 read first time, and referred to Committee on Education.

Assembly Bill No. 896 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 344 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 732 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 689 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide



a contingent fund for the use of such institution and to make an appropriation therefor, as approved June 1, 1917," approved June 1, 1917 (Stats. 1917, p. 1623), as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 692 read first time, and referred to Committee on Hospitals and Asylums.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 834—An act to amend section 19a24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class;

Also: Senate Bill No. 361—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds;

Also: Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa county;

Also: Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda county;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Senate Bills Nos. 834, 361, 223 and 224 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 450—An act to amend sections 4236b, 4236c, 4236d, 4236f, 4236g, 4236h, 4236j, 4236l, inclusive, of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies, and other employees;

Also: Assembly Bill No. 859—An act to amend section 19f of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the probation officer and assistants in counties of the seventh class and the salaries thereof;

Also: Assembly Bill No. 334—An act to amend section 4268 of the Political Code relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class;

Also: Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 450, 859, 334 and 302 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 645—An act to authorize and empower boards of supervisors to levy a tax for advertising purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Assembly Bill No. 645 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class;

Also: Senate Bill No. 304—An act to amend section 4272 of the Political Code, relating to counties of the forty-third class;

Also: Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependance, and empowering county boards of supervisors to levy a special tax;

Also: Senate Bill No. 108—An act to amend section 4300a of the Political Code, relating to fees of clerks, sheriffs and recorders;

Also: Senate Bill No. 462—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty fourth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Senate Bills Nos. 303, 304, 209, 108 and 462 ordered on file for second reading.

#### ADJOURNMENT.

At five o'clock and twenty-five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until nine o'clock a.m., Tuesday, March 19, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

#### SENATE CHAMBER.

SACRAMENTO, Tuesday, March 19, 1929.

Pursuant to adjournment, the Senate met at nine o'clock a.m.

President pro tempore of the Senate, Arthur H. Breed, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 18, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alamo District School, Contra Costa County, Margaret Middleton, teacher, and pupils as follows: Freda Crunk, Ilene Rico, Frederick Brear, Fillipo Zunino, Lyman Stoddard, and Manuel Tiecheira.

## PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Mueller:

HOLLYWOOD, CALIFORNIA, March 18, 1929.

*Senator Mueller, Judiciary Committee,  
State Capitol, Sacramento, California.*

We understand a public hearing on Daylight Saving Bill being held tonight at State Capitol by Judiciary Committee. We ask that you consider the ill effect of such a law if passed. It will seriously affect the employment of thousands in the industry. Theatre loss of revenue will mean curtailment of production at studios with a resultant decrease of employees in every branch at all studios. Those affected most seriously will be people of small earning capacity. California today is prosperous and happy and unemployment at a minimum. Why disturb this splendid situation?

Sincerely,

MARY PICKFORD.  
DOUGLAS FAIBANKS.  
CHARLES CHAPLIN.  
NORMA TALMADGE.  
LUPE VELEZ.  
GLORIA SWANSON.  
EDWIN CARPENE.  
CAMILLA HORN.  
DOLORES DEL RIO.  
VILMA BANKY.  
RONALD COLMAN.

LILLIAN GISH.  
LOUIS WOLHEIM.  
HENRY KING.  
ROLAND WEST.  
ERNEST LUBITSCH.  
GEORGE FITZMAURICE.  
SAM TAYLOR.  
ALFRED SANTELL.  
D. W. GRIFFITH.  
HERBERT BRENON.  
LEWIS MILESTONE.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

*To the Members of the Senate and Assembly.*

In accordance with the provisions of section 34, article IV of the State constitution, I propose at this time three additional amendments to the budget and the Budget Bill as originally presented to you on January 7, 1929. One of the items is for an increase of \$20,000 in the amount set forth in the budget for emergency flood protection and rectification of river channels in cooperation with other agencies. The provisions of the federal appropriation for cooperation under the "Curry Bill" will not be sufficient for this for the coming two years. We were without this information at the time the budget item for this purpose was considered.

At the time the budget for the University of California was being considered, a request was made that \$150,000 be included for the erection of an insectary and laboratory at the citrus experiment station at Riverside. At that time it did not seem possible to include this item in the budget. A very definite showing of facts has since convinced us that a part of this improvement should be provided for in the coming biennium, and I therefore recommend that an amount of \$25,000 be added to the item for permanent improvements in the budget for the University of California.

The third item is for an increase in the support appropriation for the office of the Attorney General. The Attorney General requested an additional allowance of \$25,000 to provide for needed deputy attorneys to properly handle the volume of work assigned to his office. After a conference the increase requested was reduced to \$20,000.

The detail list of the changes is as follows:

## INCREASES.

Page 9, Attorney General, support.....	\$20,000
Page 164, Department of Public Works, special items, for emergency flood protection and rectification of river channels.....	20,000
Page 207, University of California, insectary at Citrus Experimental Station at Riverside.....	25,000
Total.....	\$65,000

Respectfully submitted.

C. C. YOUNG, Governor.

The above message referred to Committee on Finance.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 110—An act to amend section 848 of the Code of Civil Procedure, relating to service of summons outside of county:

Also: Assembly Bill No. 207—An act to amend section 4300c of the Political Code, relating to fees of justices of the peace;

Also: Assembly Bill No. 208—An act to amend section 1581 of the Code of Civil Procedure, relating to powers and duties of executors and administrators;

Also: Assembly Bill No. 210—An act to amend section 1386 of the Code of Civil Procedure, relating to the administration of decedent's estates;

Also: Assembly Bill No. 211—An act to amend section 1454 of the Code of Civil Procedure, relating to obtaining money and other personal property by heirs without administration;

Also: Assembly Bill No. 212—An act to amend section 1492 of the Code of Civil Procedure, relating to notice to creditors;

Also: Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors;

Also: Assembly Bill No. 214—An act to amend section 1304 of the Code of Civil Procedure, relating to notice of application for probate of will;

Also: Assembly Bill No. 215—An act to amend section 1307 of the Code of Civil Procedure, relating to the contest of a will;

Also: Assembly Bill No. 742—An act to amend section 137 of the Civil Code, relating to alimony, support and maintenance and costs of suit in actions for divorce and permanent support and maintenance;

Also: Assembly Bill No. 743—An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—14; absent—1.

INMAN, Vice Chairman.

Assembly Bills Nos. 110, 207, 208, 210, 211, 212, 213, 214, 215, 742 and 743 ordered on file for second reading.

## ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

(Signed out)

NELSON, Chairman.

TUBBS.

BREED.

SWING.

HANDY.

LYON.

BOGGS.

MERRIAM.

McCORMACK.

MUELLER.

CANEPA.

DUVAL.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER TWENTY.

Senator Nelson asked for and was granted unanimous consent for the consideration of Senate Concurrent Resolution No. 20 at this time, for purpose of amending.

Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee in Tax Investigation.

COMMITTEE AMENDMENTS.

During reading of the resolution, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed resolution, strike out the words "tax commission", and insert in lieu thereof the following: "Tax Commission".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed resolution, after the word "necessary", insert the words "and advisable".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 4, of the printed resolution, strike out the word "conclusive", and insert in lieu thereof the following: "of the entire system of local and general taxation of the state and the relative burden borne by all property in proportion to its value and that".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 6, of the printed resolution, strike out the semicolon, and add the following: "with reference to the recommendations contained in said report and for any other changes, modifications and amendments to the existing provisions of law and the state constitution, if any are deemed necessary or advisable;".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 9, of the printed resolution, strike out the words "wishes and", and insert in lieu thereof the following: "views,".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 1, line 9, of the printed resolution, after the word "opinions" insert a comma, and add the following: "suggestions and recommendations".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 1, line 10, of the printed resolution, strike out the semicolon, and add the following: "and also as to the existing systems or methods of taxation as compared to the new methods proposed in said report, or otherwise, or any changes or modifications deemed necessary or advisable with reference thereto;".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 1 of the printed resolution, strike out all of lines 11 to 13, inclusive.

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 1, line 14, of the printed resolution, strike out the words "Both the", and insert in lieu thereof the following: "Said".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 1, line 15, of the printed resolution, after the word "transmitted", insert the following words: "to this Legislature".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 1, line 16, of the printed resolution, strike out the words "this whole subject", and insert in lieu thereof the following: "the question of taxation".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 1, line 19, of the printed resolution, after the word "necessary", insert the following words: "and advisable".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 1, line 20, of the printed resolution, strike out the word "insure", and insert in lieu thereof the word "secure".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 1, line 25, of the printed resolution, after the word "Assembly" insert a comma and strike out the words "to be appointed", and insert in lieu thereof a comma and the following words: "one of whom shall be".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 1, line 26, of the printed resolution, strike out the word "by".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 1, line 26, of the printed resolution, following the comma after the word "Assembly", insert the following: "the other three to be appointed by the speaker."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 1, line 28, of the printed resolution, strike out the word "supplementary", and after the word "study", insert the following words: "of said report and the recommendations therein contained and".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 1, line 29, of the printed resolution, after the first word "state", insert the following: "and of the counties, municipalities and political subdivisions of this state".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 1, line 29, of the printed resolution, strike out the word "recommend", and insert in lieu thereof the following: "make such recommendations".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 2, line 1, of the printed resolution, strike out the words "a statewide", and in lieu thereof insert a comma and the following words: "with reference to any and all of the matters herein referred to, as it may deem proper and advisable".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 2, line 2, of the printed resolution, strike out the words "policy for local and general taxation".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 2, line 4, of the printed resolution, after the word "chairman", insert the following: "and one of its members as vice chairman".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 2, line 9, of the printed resolution, after the comma following the word "California", insert the following: "after reasonable announcements thereof have been given to the public".

Amendment adopted.



## AMENDMENT NUMBER TWENTY-FOUR.

On page 2 of the printed resolution, between lines 12 and 13, insert the following: "*Resolved*, That said committee shall in addition to other things herein provided investigate the provisions of the constitution of the State of California and the statutes of the state and the ordinances of counties and municipalities, which may bear upon taxes and revenues, and shall determine as nearly as possible the burden of taxes now borne or paid pursuant to each and all of such provisions by the various classes of property in proportion to the value of such respective classes; and, be it further".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 2, line 19, of the printed resolution, after the word "testimony", insert the following: "and so far as practicable, have material testimony reported so that it may be used by the Legislature".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 2, line 25, of the printed resolution, after the word "resolution", insert the following: "and it shall be the duty of all state, county, municipal and political subdivision officers to furnish such reports and testimony, upon request of said committee and as may be pertinent to the purposes herein set forth".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 2 of the printed resolution, between lines 25 and 26, insert the following: "*Resolved*, That it shall be the duty of said committee to submit its report covering all of the provisions herein made, and particularly its findings on questions of necessary revenue and on the relative burden of taxes borne by the several classes of property in the state, including taxes of the state, counties, municipalities and political subdivisions, to make its recommendations of changes in present laws or provisions of the constitution of this state which will correct any inequalities, if such may be found, and further to report on such other matters as in its judgment may bear upon any of the problems covered by the provisions of this resolution, and make public its findings and conclusions by filing a copy thereof with the governor of the State of California as a public document not earlier than November 15, 1930, and not later than December 1, 1930, and also to submit its report to the Legislature of the State of California during the first week of the forty-ninth session thereof; and be it further".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 2, line 36, of the printed resolution, strike out the word "hereinafter", and insert in lieu thereof the word "herein".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 2, line 37, of the printed resolution, strike out the word "hereinafter", and insert in lieu thereof the word "herein".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 2, line 40, of the printed resolution, strike out the word "hereinafter", and insert in lieu thereof the word "herein".

Amendment adopted.

Resolution read, ordered to print, engrossment, and on file.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens;

Also: Senate Bill No. 711—An act to add a new section to the Civil Code to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code;

Also: Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 15, and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years, and to define offenses involving the theft, care, custody and maintenance, provision for the protection, treatment of such persons, and for the commitment of such persons to the Wheeler State School and the Preston School of Industry, the Carpenter School for Girls, and other institutions, appointing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment of commitment of such persons have been committed by such persons, providing for the punishment of those guilty of offenses with reference to such persons, and defining such offenses, and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913 and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—14; nays—1.

INMAN, Vice Chairman.

Senate Bills Nos. 150, 711 and 827 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 551—An act to amend sections 2568 and 2569 of the Civil Code, relating to execution and attachment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; nays—1.

INMAN, Vice Chairman.

Senate Bill No. 554 ordered on file for second reading.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State Laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended:

Also: Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees:

Also: Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925:

Also: Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bills Nos. 102, 109, 110, and 111 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide

rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughter-houses and meats by municipalities and the sale of municipally inspected meats;

Also: Senate Bill No. 616—An act to be known as the "Pure Milk Law of California," to define "market milk"; to protect the wholesomeness, purity and identity of market milk; to classify and grade market milk; to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, as amended, and all acts or parts of acts inconsistent with the provisions of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bills Nos. 379 and 616 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates;

Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates;

Also: Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State;

Also: Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce;

Also: Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds;

Also: Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives;

Also: Senate Bill No. 128—An act to amend an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905,"



approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau;

Also: Senate Bill No. 295—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats;

Also: Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm;

Also: Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court;

Also: Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done;

Also: Senate Bill No. 833—An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation;

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government;

Also: Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of Pharmacy;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON RULES

SENATE CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Boggs to introduce a bill entitled "An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator Boggs: Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the

San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 95—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—12; absent—5.

INMAN, Chairman.

Assembly Bill No. 95 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 11, 1929, passed Assembly Bill No. 388—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 388 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER ONE HUNDRED SEVENTY-FOUR.

##### AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, as amended in Senate, February 25, 1929, after the words "a drug addict;" strike out the semicolon and insert a comma and the following: "who, within the meaning of this section, is any person who habitually

takes or otherwise uses narcotics, and such taking or using is such as to endanger the public morals or health or safety or welfare, or who is so far addicted to the use of such narcotics as to have lost the power of self-control with reference to his addiction, except that when such user of narcotics is suffering from an incurable disease or an accident or injury or from the infirmities of age and to whom such narcotics are furnished, prescribed or administered in good faith and in the course of his professional practice by a physician duly licensed in this state and who is in attendance upon such user of narcotics, such person shall not be held to be a drug addict within the meaning of this section."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 174?

The roll was called, and the Senate refused to concur in the Assembly amendment to Senate Bill No. 174 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Blood, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Feltgen, Gerguson, Grier, Hardy, Harby, Inman, Jones, Ray, Lyon, Mahoney, McCormack, McKisick, Morrison, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tobias, Wagy, Weller, West, and Young—37.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 537—An act to amend sections 6, 7, 10, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1924, as amended, also to amend section 12 of said act as amended, said last named section referring to the powers of said districts, by amending subdivision 4 thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and authorizing sales and mortgages, by amending subdivision 5 thereof relating to works, property and facilities of said districts, by amending subdivision 6 thereof relating to the power of eminent domain and by amending subdivision 8 thereof relating to the indebtedness of such districts including any such indebtedness heretofore or hereafter incurred, and declaring the urgency of the amendments to said section 12.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 537 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 823—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same;

Also: Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bills Nos. 823 and 731 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 18—Relative to the Colorado River compact.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Concurrent Resolution No. 18 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended, Senate Constitutional Amendment



No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative to taxation of ocean marine insurers—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 18, relative to taxation of marine insurers.

#### ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT NUMBER SEVENTEEN.

##### AMENDMENT NUMBER ONE.

Amend title in the second line thereof, by striking out the word "to" following the word "amendment".

##### AMENDMENT NUMBER TWO.

Amend title in the fifth line thereof, by inserting the word "ocean" before the word "marine".

##### AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed measure as engrossed, after the word "of" in said line insert the word "ocean".

##### AMENDMENT NUMBER FOUR.

On page 1, line 21, of the printed measure as engrossed, after the first quotation mark and immediately preceding the word "marine" in said line insert the word "ocean".

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 17?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 17 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—33.

NOES—None.

Senate Constitutional Amendment No. 17 ordered to enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 793—An act to amend section 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 426—An act to repeal section 3889 and to amend section 4294 of the Political Code, relating to county revenue;

Also: Assembly Bill No. 427—An act to amend sections 3866 and 3868 of the Political Code, relating to semiannual reports and settlements of counties with the State;

Also: Assembly Bill No. 605—An act relating to the composition of boards of education of consolidated school districts;

Also: Assembly Bill No. 820—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands

of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by adding a new section thereto numbered section 10, relating to contracts of irrigation districts for construction of public works;

Also: Assembly Bill No. 832—An act to amend section 323 of the Political Code, relating to the time when statutes take effect;

Also: Assembly Bill No. 860—An act to amend section 4307 of the Political Code, relating to county charges.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 426 and 427 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 605 read first time, and referred to Committee on Education.

Assembly Bill No. 820 read first time, and referred to Committee on Irrigation.

Assembly Bills Nos. 832 and 860 read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 282—An act to amend section 736b of the Political Code, relating to the salaries of judges in the superior courts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—12, absent—5.

INMAN, Chairman.

Senate Bill No. 282 ordered on file for second reading.

##### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Senate Bill No. 182 ordered on file for second reading.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER NINETEEN.

Senator Handy asked for and was granted unanimous consent to consider, at this time, Senate Concurrent Resolution No. 19 for purpose of adoption.

##### SENATE CONCURRENT RESOLUTION No. 19.

Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works.

WHEREAS, It appears that some highways not now in the State highway system are carrying a volume of State traffic that far exceeds the local traffic carried on said roads thus placing upon the counties in which these roads are located an undue and heavy maintenance burden; and

WHEREAS, A preliminary investigation by the California Highway Commission and Department of Public Works indicates that there is at the present time a decidedly greater mileage of such roads in the south, as compared with those in the north, carrying this excessive State traffic; and

WHEREAS, An executive message was transmitted to the Legislature under date of March 12 in which was suggested certain underlying principles to be observed in the inclusion of new secondary roads within the State highway system; now therefore be it

*Resolved by the Senate, the Assembly concurring.* That the principles enunciated in said executive message be observed in the inclusion of new roads within the State highway system, and that the California Highway Commission and the Department of Public Works be, and they are hereby directed to observe the following principles in the inclusion of new roads within the State highway system.

1. Additions shall during the next two years be made to the present secondary highway system, totaling between 10 and 12 per cent of existing State highway mileage, said mileage to be added in the ratio of not less than three or four miles in the south to one mile in the north.

2. For budgetary purposes, this mileage shall be included as a part of the State highway system by the California Highway Commission when the necessary surveys are completed; *provided, however*, no money be expended on same until they have been finally included in the system by legislative act.

3. There shall be no change in the present statutory division of secondary highway funds; and, be it further

*Resolved*, That the California Highway Commission and the Department of Public Works be and they are hereby directed to make a careful study of the State highway system to ascertain and determine routes not now in the system which, either by reason of the large volume of State traffic that they are now carrying, or by reason of the relief that they would afford to heavy traffic upon present State highways, or as highways serving as important interstate links, might properly be included and added to the State highway system; and be it further

*Resolved*, That this study shall, in accordance with the above mentioned executive message, include an investigation into the engineering, economic and traffic facts involved in the matter; that a comprehensive report shall be made to the forty-ninth Legislature embodying such recommendations as the investigation may disclose as proper and a recital of such facts as may have been taken into account; that this investigation shall begin not later than May 1, 1929, and that this report shall be completed and made public not later than August 1, 1930, and that pending the adoption of such report authority be hereby given to the California Highway Commission to take into consideration for its next budget such roads as it is thus designating and bringing to the attention of the Legislature at its next session.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKindey, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

### Title read and approved.

Senate Concurrent Resolution No. 19 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1100—An act making an appropriation to meet the deficiency in the appropriation for support of Division of Architecture, Department of Public Works, for the seventy-ninth and eightieth fiscal years.

Bill read second time, and ordered on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Crowley moved to refer Senate Bill No. 105, as amended March 13, 1929, to Senator Murphy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, as amended March 13, 1929, strike out the numerals "11", and insert in lieu thereof the numeral "3".

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended March 13, 1929, strike out the numerals "11", and insert in lieu thereof the numeral "3".

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, as amended March 13, 1929, strike out all of lines 7 to 18, inclusive, and on page 2, lines 1 to 3, inclusive, and insert in lieu thereof the following:

"Sec. 3. Licentiates in pharmacy are persons who are registered as such on or before the first day of January, 1928, and who shall, on or before the first day of July, 1928, have paid to the California state board of pharmacy all moneys due for renewals of registration as provided for in section 9 hereof, or are such other persons as shall be registered in accordance with the classes provided by this section.

Proof of the qualifications for registration in these several classes must be made to the satisfaction of the California state board of pharmacy, substantiated by such affidavits or other evidence as may be required by said board.

Pharmaceutical experience as used in this act shall mean scientific experience obtained after the applicant's fourteenth birthday, in a pharmacy under the instruction and supervision of a registered pharmacist or licentiate in pharmacy, and which shall be service and experience predominantly related to the filling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations and keeping records and making reports required under state and federal statutes; *provided, however*, that time spent attending a school or college of pharmacy or a department of pharmacy of a university shall be counted the equivalent of pharmaceutical experience as defined in this act, *and provided further*, that no applicant shall count as experience both college attendance and drug store experience for the same calendar month as more than the actual calendar month; *and provided further*, that not more than thirty months of pharmacy college attendance shall be counted toward required experience.

Graduation from a school or college of pharmacy or a department of pharmacy of a university after January 1, 1928, shall not be recognized by the California state board of pharmacy unless said school or college of pharmacy or department of pharmacy of a university requires in its course a minimum of two thousand two hundred fifty hours in pharmaceutical work which includes not less than two hundred hours of laboratory work predominantly related to pharmaceutical chemistry for analysis.

Registration as a licentiate in pharmacy shall be granted by the California state board of pharmacy to the following classes of persons: Class one, class two, class three, class four, class five, and class six.

Class one. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had four years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as an assistant pharmacist in this state for a period of not less than one year and who shall have graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the California state board of pharmacy.

Class two. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, appearing in person before the California state board of pharmacy who shall have been registered by examination as a licentiate in pharmacy or a registered pharmacist in any other state or territory or the District of Columbia; *provided, however*, such state or territory of the United States or the District of Columbia must be one which reciprocally grants registration without examination to persons who have been registered in the State of California as licentiates in pharmacy under the terms and conditions similar to those required in this class, who shall have graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the California state board of pharmacy who shall have had four years of pharmaceutical experience as defined by section 3 of this act.

Class three. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had five years pharmaceutical experience as defined by section 3 of this act, who shall have been registered as a licentiate in pharmacy or a registered pharmacist and actually engaged in the practice of pharmacy and in lieu of not having been a graduate of a school or college of pharmacy or department of pharmacy of a university and in good standing in another state or territory of the United States, or the District of Columbia, before January 1, 1928, for a period of

not less than five years previous to his or her application for registration; *provided, further*, that after January 1, 1933, he or she must be a graduate of a school or college of pharmacy, or a department of pharmacy of a university recognized by the California state board of pharmacy.

Class four. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in class three, who shall have been registered as a licentiate in good standing in another state or territory of the United States or District of Columbia, graduated from a recognized school or college of pharmacy or department of pharmacy of a university, and who shall have had not less than five years actual experience in the practice of pharmacy as defined in section 3, and upon passing a satisfactory written examination before the board of pharmacy of this state.

Class five. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an assistant pharmacist in the State of California, prior to January 1, 1928, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

Class six. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an apprentice in pharmacy before the passage of this act, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist in the State of California for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

#### AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, as amended March 13, 1929, line 20, after the comma following the word "pharmacist", insert the following: "unless the same is expressly permitted by law,".

#### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended March 13, 1929, strike out all of line 31, and insert in lieu thereof the following: "registration as a pharmacist canceled by the magistrate passing sentence upon the third conviction; *provided, however*, that any person having his or her license so canceled may, after the expiration of one year thereafter, make a new application for registration to the California state board of pharmacy. The board may refuse to register such applicant, or may register such applicant upon examination, or upon such terms and conditions as the board may prescribe. Nothing in this act".

#### AMENDMENT NUMBER SIX.

On page 2 of the printed bill, as amended March 13, 1929, strike out all of line 43, and insert in lieu thereof the following: "office, except preparations or compounds of the United States pharmacopoeia, United States dispensatory or national formulary. Nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California, for which trade-marks may have been filed with the secretary of state of California, by merchants possessing a license issued by the board of pharmacy as described in section 16 of this act.

Sec. 3. Section 16 is hereby amended to read as follows:

Sec. 16. The board of pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist; which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such regulations and restrictions as said board may from time to time adopt, the following simple household remedies and drugs, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch hazel, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, Epsom salts, Rochelle salts, senna leaves, carbonate of magnesia, sedlitz powders, quinine, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, asafoetida, saffron, anise seed and saltpeter, and such other remedies or drugs as the board may from time to time designate.

The board shall charge an annual fee of five dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies, without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such dealer, no further license shall be granted, and the license already issued shall be void; *provided*, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz:

Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch hazel, sheep dip, borax, sulphur, bluestone,

copperas, flax seed, insect powder, fly paper, poultry vermifuge and all economic poisons, as that term is defined in "The California economic poison act of 1921" or any act amendatory thereof, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: arsenate of lead, arsenate of calcium, Paris green, London purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels; any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus; and poisons containing more than two-tenths (2/10) of one per cent by weight of arsenic expressed in terms of metallic arsenic; corrosive sublimate and cyanide of potassium: *provided*, that this act shall not prevent the sale of Epsom salts in original packages of not less than ten pounds when plainly and properly labeled "For live stock only and not for medicinal purposes" in letters not less than one-half inch in height.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 105, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee.

Report read, and on motion of Senator Crowley adopted.  
Bill ordered to print, and re-engrossment.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Concurrent Resolution No. 11—Relating to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 7; committee vote: Ayes—7.

CROWLEY, Chairman.

Assembly Concurrent Resolution No. 11 ordered on file.  
Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Assembly Bill No. 690 ordered on file for second reading.

#### RECESS.

At ten o'clock a.m., on motion of Senator Breed, the President declared the Senate at recess, to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }  
vs. }  
CARLOS S. HARDY }

March 19, 1929, ten o'clock a.m.

Lieutenant Governor H. L. Carnahan presiding.



## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The president directed the secretary to call the roll.

The roll was called and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagyl, Weller, West, and Young—39.

## OATH TO SENATOR DUVAL.

Senator Duval appeared at the bar of the Senate and took and subscribed to the following oath administered by the President of the Senate:

You do solemnly swear that you will truly and impartially hear, try, and determine the impeachment presented by the Assembly of the State of California, against Carlos S. Hardy, judge of the superior court of the State of California, in and for the county of Los Angeles, and that you will true judgment render therein according to the evidence given upon such trial, and according to law. So help you God.

Frank M. Carr, a member of the defense counsel, addressed the court in support of the objections to the sufficiency of the Articles of Impeachment.

Harry F. Sewell, a Manager of the Assembly, addressed the court in support of the sufficiency of the Articles of Impeachment.

## RECESS.

At eleven o'clock and twenty-three minutes a.m., the President declared the court at recess for five minutes.

## RECONVENED.

At eleven o'clock and twenty-eight minutes a.m., the court reconvened.

Harry F. Sewell, a Manager of the Assembly, continued his argument in support of the sufficiency of the Articles of Impeachment.

## RECESS.

At twelve o'clock m., the President declared the court at recess until two o'clock p.m.

## RECONVENED.

At two o'clock and seven minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman,

Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

Senator West moved, duly seconded by Senator Hurley, that the Sergeant-at-Arms be instructed to bring Senator Garrison to the bar of the Senate.

Motion carried.

Senator Garrison appeared and answered roll call.

The President announced all Senators except Senator Herbert C. Jones present.

Harry F. Sewell, a Manager of the Assembly, continued his argument in support of the sufficiency of the Articles of Impeachment.

Pembroke Gochnauer, of counsel for the Assembly, addressed the court in support of the sufficiency of the Articles of Impeachment.

William B. Hornblower, a Manager of the Assembly, addressed the court in support of the sufficiency of the Articles of Impeachment.

#### RECESS.

At three o'clock and fifteen minutes p. m., the President declared the court at recess for five minutes.

#### RECONVENED.

At three o'clock and twenty minutes p. m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

Mr. Ray E. Nimmo, of counsel for the defense, addressed the court in support of the objections to the sufficiency of the Articles of Impeachment.

Frank M. Carr, of counsel for the defense, addressed the court in support of the objections to the sufficiency of the Articles of Impeachment.

#### MOTION BY SENATOR BREED.

Senator Breed moved that this court recess for the purpose of holding a conference immediately in this Senate Chamber, and that the President instruct the Sergeant-at-Arms to clear the Senate Chamber, including the gallery, of all persons except the Senators and members of this court and officers of the court, and that following the conference the Senate reconvene as the court.

Motion carried, and such was the order.

#### RECESS.

At four o'clock and ten minutes p. m., the President declared the court at recess.

#### RECONVENED.

At five o'clock and fifty minutes p. m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellem, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

## ANNOUNCEMENT BY THE PRESIDENT.

The President announced that the Secretary, in calling the roll, would omit the names of Senators Herbert C. Jones, Cleveland and Duval, as they did not hear the arguments.

The President put the question: Shall the objections of the defendant to the sufficiency of article I be sustained?

The roll was called, and the objections of the defendant to the sufficiency of article I were overruled by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Whereupon the President announced that the objections of the defendant to the sufficiency of article I of the Articles of Impeachment were overruled.

The President put the question: Shall the objections of the defendant to the sufficiency of article II be sustained?

The roll was called, and the objections of the defendant to the sufficiency of article II were overruled by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Whereupon the President announced that the objections of the defendant to the sufficiency of article II of the Articles of Impeachment were overruled.

The President put the question: Shall the objections of the defendant to the sufficiency of article III be sustained?

The roll was called, and the objections of the defendant to the sufficiency of article III overruled by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Whereupon the President announced that the objections of the defendant to the sufficiency of article III of the Articles of Impeachment were overruled.

The President put the question: Shall the objections of the defendant to the sufficiency of article IV be sustained?

The roll was called, and the objections of the defendant to the sufficiency of article IV were overruled by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Whereupon the President announced that the objections of the defendant to the sufficiency of article IV of the Articles of Impeachment were overruled.



The President put the question: Shall the objections of the defendant to the sufficiency of article V be sustained?

The roll was called, and the objections of the defendant to the sufficiency of article V were sustained by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Carter, Cassidy, Edwards, Evans, Fellom, Garrison, Gray, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Tubbs, and Weller—23.

**NOES**—Senators Baker, Canapa, Christian, Cobb, Crowley, Handy, Hurley, Jones, Ray, Murphy, Nelson, Rochester, Waggy, West, and Young—14.

Whereupon the President announced that the objections of the defendant to the sufficiency of article V of the Articles of Impeachment were sustained.

**JUDGE HARDY DIRECTED TO PLEAD TO THE ARTICLES OF IMPEACHMENT.**

Senator Breed moved that the defendant be ordered forthwith to answer articles I, II, III and IV of the Articles of Impeachment.

Motion carried.

**PLEA TO THE ARTICLES OF IMPEACHMENT.**

The President put the following question:

Judge Hardy, what answer do you make to articles I, II, III and IV of the Articles of Impeachment?

Judge Hardy answered as follows:

To article I, I plead not guilty.

To article II, I plead not guilty.

To article III, I plead not guilty.

To article IV, I likewise plead not guilty and deny that I am guilty of the allegations contained therein.

**MOTION TO PRESENT.**

Chairman of the Managers of the Assembly Walter J. Little stated that they had a motion to present to the Senate as a court which might determine somewhat when they would be ready to go to trial.

**MOTION BY SENATOR WEST.**

Senator West moved that the motion referred to by Walter J. Little be presented at the present time.

Motion carried.

**MOTION TO APPOINT COMMISSION.**

Manager Walter J. Little in behalf of the Board of Managers moved that a commission be appointed by the Senate for the taking of a deposition of Mrs. Minnie Kennedy, who is at present in the State of Washington.

**OBJECTION.**

Frank M. Carr, of counsel for the defense, objected to the motion as submitted by Manager Walter J. Little.

**ADJOURNMENT.**

At six o'clock and fifteen minutes p.m., the President declared the court adjourned until 10 o'clock and thirty minutes a.m., Wednesday, March 20, 1929.

**IN SENATE.**

At six o'clock and twenty minutes p.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ADJOURNMENT.

At six o'clock and twenty-five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Wednesday, March 20, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, March 20, 1929.

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate, Arthur H. Breed, in the chair.  
Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagye, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 19, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. C. Rogers, Harry E. Klein and Col. Robt. E. Frith.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 616—An act relating to the attendance of pupils attending school in a district other than the district in which they reside;

Also: Assembly Bill No. 541—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class;

Also: Assembly Bill No. 45—An act to amend section 4254 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class;

Also: Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927;

Also: Assembly Bill No. 316—An act dedicating the northerly 30 feet of Channel street in the city and county of San Francisco, between the southwesterly line of Seventh street and the westerly line of Carolina street, exclusively as a right of way for vehicular and pedestrian traffic; and repealing all acts in conflict herewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 616 read first time, and referred to Committee on Education.

Assembly Bills Nos. 541 and 45 read first time, and referred to Committee on County Government.

Assembly Bill No. 262 read first time, and referred to Committee on Federal Relations.

Assembly Bill No. 316 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 561—An act proceeding for annual conventions of secondary school principals.

Also: Assembly Bill No. 1085—An act to amend section 2322-24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class;

Also: Assembly Bill No. 528—An act to amend section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919;

Also: Assembly Bill No. 937—An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, as amended, by amending section 1 thereof, relating to vacations of members of fire departments and extending the provisions of the act to include fire districts, county fire districts and fire protection districts;

Also: Assembly Bill No. 185—An act to add a new section to the Code of Civil Procedure, to be numbered 542b, relating to the release of personal property under attachment or garnishment;

Also: Assembly Bill No. 51—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Also: Assembly Bill No. 52—An act to amend section 4307 of the Political Code, relating to county charges.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 551 read first time, and referred to Committee on Education.

Assembly Bill No. 1085 read first time, and referred to Committee on County Government.

Assembly Bill No. 528 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 937 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 185, 51 and 52 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on March 18, 1929, passed as amended, Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 781 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Relative to Henry Meade Bland being given the honorary title of The Laurel Crowned Poet of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections;

Also: Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics; providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bills Nos. 17 and 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 54—An act to amend section 4300b of the Political Code, relating to sheriff's fees;

Also: Assembly Bill No. 56—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment in justices' courts;

Also: Assembly Bill No. 57—An act to amend section 540 of the Code of Civil Procedure, relating to the form of the writ of attachment;

Also: Assembly Bill No. 254—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State;

Also: Assembly Bill No. 376—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment;

Also: Assembly Bill No. 377—An act to amend section 849 of the Code of Civil Procedure, relating to summons, by whom and how served and returned;

Also: Assembly Bill No. 378—An act to amend section 902 of the Code of Civil Procedure, relating to contents of execution;

Also: Assembly Bill No. 379—An act to amend section 905 of the Code of Civil Procedure, relating to proceedings supplementary to execution;

Also: Assembly Bill No. 501—An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to the levy of taxes for public cemetery districts and fixing the maximum tax which may be levied therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 54, 56, 57, 254, 376, 377, 378, 379 and 501 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1091—An act to amend section 737u of the Political Code, relating to the salary of the superior judge in and for the county of Marin;

Also: Assembly Bill No. 752—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 1091 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 752 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants—and appointed Assemblymen Leavelle, Mocker and Anderson, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President pro tempore announced the appointment of Senators Young, Canepa and Edwards, as a Committee on Free Conference, to meet with a like committee from the Assembly to consider Assembly amendments to Senate Bill No. 174.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENROLLMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, MARCH 20, 1929.

MR. PRESIDENT: Your Committee on Enrollment and Printing has examined Senate Bill No. 112—An act to prohibit the employment of others in tractors and subcontractors on public work and providing penalties for violation of the provisions thereof.

Also: Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

Also: Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof.

Also: Senate Bill No. 141—An act to amend section 123 of the Penal Code relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine on both or either of such persons to fit the same in connection with probation, and the disposition of such persons after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties.

Also: Senate Bill No. 186—An act to amend section 2 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913, relating to wages earned in seasonal labor.

Also: Senate Bill No. 423—An act to amend sections 4, 7, 9, 10, 11, 12, and 13 of an act entitled "An act to promote the development of the California fruit and vegetable industry in State, interstate and foreign markets, to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to amend the California Fruit and Vegetable Standardization Act," approved May 23, 1925," approved June 2, 1927.

Also: Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges.

Also: Senate Bill No. 599—An act relating to the support of junior colleges.

Also: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office.

Also: Senate Joint Resolution No. 7—Relative to the protection of agricultural products.

Also: Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15, and 19 of act 5216, General Laws of California entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments";

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, MARCH 20, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 931—An act to validate the Golden Gate Bridge and Highway District, confirm its boundaries and all proceedings relative to the formation and

incorporation thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Assembly Bill No. 931 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 508—An act to amend section 1469 of the Code of Civil Procedure, relating to setting aside estates not exceeding \$2,500 in value—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—14; absent—1.

INMAN, Vice Chairman.

Assembly Bill No. 508 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions;

Also: Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith;

Also: Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—14; absent—1.

INMAN, Vice Chairman.

Senate Bills Nos. 9, 614 and 746 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Concurrent Resolution No. 19—Relative to approving ten certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-sixth day of February, 1929—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

LYONS, Chairman.  
YOUNG,  
CHRISTIAN.  
CROWLEY.  
GRAY.  
FELLOM.

Assembly Concurrent Resolution No. 19—Approving ten certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-sixth day of February, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Garrison, Handy, Hurley, Inman, Maloney, McCormack,



McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and West—27.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 19 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 425—an act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 425 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 683 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 641—An act to revise an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 641 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 12 ordered on file for second reading.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 42—An act to add a new section to be numbered section 7½ to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Senate Bill No. 42 ordered on file for second reading.

## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Garrison:

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend sections 2959, 2965 and 2966 of the Civil Code, relating to mortgages on personal property.

Request referred to Committee on Rules.

By Senator West:

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California.

Request referred to Committee on Rules.

## WITHHOLDING OF SERVICE OF COMMITMENT.

Senator Inman asked unanimous consent that the service of the commitment on Robert B. Henderson, declared guilty of contempt of the Senate by the resolution of Senators Wagy, Carter, Boggs and Inman be withheld.

Unanimous consent granted.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 834—An act to amend section 19c24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 361—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the words "to counties of the twenty-sixth class", and insert in lieu thereof the following: "to the salaries, fees and expenses of officers in counties of the twenty-sixth class."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out all of said line 3 and insert in lieu thereof the following:

"4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at one thousand eight hundred dollars per annum, one at one thousand five hundred dollars per annum, and one at nine hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand five hundred dollars per annum, and three deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum; said sheriff may also employ as many deputies as may be required and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one year nor shall any one of such deputies be employed for a longer period than three months in any one year. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected.

3. The recorder two thousand four hundred dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensation as follows: One deputy salary of one thousand eight hundred dollars per annum, one index deputy at a salary of one thousand five hundred dollars per annum, one comparing deputy at a salary of one thousand two hundred dollars per annum. Said recorder may also employ as many copyists as may be required for the recording of all papers, notes or documents in his office and whose compensation in the aggregate shall not exceed the sum of three thousand dollars.

4. The auditor three thousand dollars per annum; *provided, further*, in counties of this class the auditor shall be allowed one deputy at one thousand eight hundred per annum and he shall be allowed the further sum of one thousand dollars for extra help, and the auditor shall certify to the county clerk the names of those so employed, and the amount to be paid out of said sum. The deputy to be appointed by the auditor and be paid out of the same fund as the auditor's salary is paid.

5. In counties of this class the treasurer shall be tax collector and he shall receive a salary of three thousand dollars per annum. He shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars, and such extra help as may be necessary, not to exceed three hundred dollars in one calendar year.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand two hundred dollars per annum; one deputy and draftsman at a salary



of two thousand one hundred dollars per annum; and one expert rural appraiser who shall be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy and said deputy and draftsman shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; and *provided, further*, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of seven thousand five hundred dollars in any one year. Said field deputies, assistants, clerks and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each.

7. The district attorney two thousand four hundred dollars per annum; *provided*, in counties of this class there shall hereby be allowed to the district attorney, two deputies, each to receive a salary of six hundred dollars per year; *provided*, that one of these deputies shall be employed in a place other than the county seat. In addition to the two deputies the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. All the salaries herein *provided* shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested. The deputies shall be admitted to practice law.

8. The coroner, such fees as are now or may be hereafter allowed by law.

9. The public administrator, such fees as are now or may be hereafter allowed by law.

10. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein *provided* for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

11. The county surveyor shall receive ten dollars per diem while actually employed. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars.

12. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses.

The supervisors while acting as road commissioners shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise *provided* by law shall meet on the seventh of each month or on the next legal day following the seventh.

13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and the board of supervisors shall provide him with the necessary office room.

14. In each of the townships herein *provided* for, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the services of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services of process; also the transportation of prisoners to the county jail, the constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases, and also all fees now allowed him by law for the arrest of violators of the fish and game laws.

15. The official reporter of the superior court shall receive the fees allowed by law.

16. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, treasurer, district attorney, county surveyor and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit, sheriff, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, seven and ten of this act.

17. All officers who are allowed extra compensation for carrying out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount and he shall draw his warrant in their favor but in no event shall any person be allowed a greater per diem than four dollars for office work.

18. In counties of this class grand jurors, and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during each session such jurors are required to attend."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 304. An act to amend section 4272 of the Political Code, relating to counties of the forty-third class.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, after the numerals "4272", insert the following: "In counties of the forty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, one thousand eight hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand eight hundred dollars per annum, and two deputy clerks who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand five hundred dollars per annum, the salary of said deputies to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid.

In the event that the office of county clerk is separated from the consolidated office of county clerk, auditor, and recorder, the county clerk shall receive two thousand four hundred dollars per annum. He shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, and one copyist at a salary of nine hundred dollars per annum, the salary of said deputy and copyist to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff a deputy sheriff, who shall be appointed by the sheriff and shall be paid a salary as follows: the sum of one thousand eight hundred dollars per annum which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid, and an additional deputy sheriff who shall be appointed by the sheriff and shall be paid a salary as follows: the sum of one thousand five hundred dollars per annum, which sum shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid.

3. The recorder, one thousand dollars per annum, and such fees as he may be now or hereafter allowed by law to retain. The recorder may employ one copyist who shall be paid by the county at the rate of six cents per folio.

4. The auditor, two hundred dollars per annum; *provided*, that if the office of auditor and recorder is consolidated, the holder of such consolidated office shall receive a salary of two thousand four hundred dollars per annum. He shall appoint one deputy at a salary of one thousand two hundred dollars per annum and shall be allowed not to exceed six cents per folio for recording all papers, documents and records in his office.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the tax collector one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month.

In the event that the office of tax collector is consolidated with that of treasurer, the holder of such consolidated office shall receive the sum of two thousand four hundred dollars per annum and may employ one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month.

7. The assessor, two thousand seven hundred dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county for the term of four months beginning on the first Monday in March in each year, at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county at the rate of one hundred fifty dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall each be paid one hundred fifty dollars per month. All salaries of deputies as above provided, shall be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, ninety dollars per month; in townships having a population of less than four thousand and more than two thousand, seventy-five dollars per month; in townships having a population of two thousand or less, twenty dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, thirty dollars per month; in townships having a population of two thousand or less, fifteen dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

16. Each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such



mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section 1770.

17. In counties of this class grand and trial jurors in the superior court shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

18. In counties of this class librarians shall receive one thousand eight hundred dollars per annum.

19. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1920.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 209.—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependence, and empowering county boards of supervisors to levy a special tax.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 5 of the printed bill, immediately following the comma after the word "officer", insert the following: "and has reached the age of fifty-five years."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 5, line 28, of the printed bill, strike out the comma after the word "month", and the following: "provided," and insert in lieu thereof a period.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 29, of the printed bill, strike out the words "further, that any", and insert in lieu thereof the word "Any".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 31, of the printed bill, strike out the words "and provided, further," and insert in lieu thereof the word "provided,".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 5, line 35, of the printed bill, strike out the period after the word "provided", and insert in lieu thereof a semicolon, and the following: "and provided, further, that any motorcycle police officer, may, after twenty years of service, be retired by the board under the provisions of this act, if, in the judgment of three physicians appointed by the board, such motorcycle police officer is unable to properly discharge the duties of his office."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 5, line 35, of the printed bill, immediately following said line 35, insert the following:

"Sec. 13. No officer or employee who accepts any of the benefits under the provisions of this act shall engage in any public employment, and any violation of the provisions of this section shall result in the immediate termination of any and all such benefits."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 5, line 36, of the printed bill, strike out the words "Sec. 13.", and insert in lieu thereof "Sec. 14."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 20 to 32, inclusive, and insert in lieu thereof the following:

"For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; *provided, however*, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the army or navy of the United States or for issuing certified copies thereof.

For preparing and transmitting to the secretary of state certificate of mortgage, assignment, or full or partial discharge of mortgage of live stock, vehicles (other than motor vehicles) or other migratory chattels as provided in section 4130: seventy-five cents, fifty cents of which shall be forthwith transmitted to the secretary of state with such certificate as provided in section 4130."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 462—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, of the title, and insert in lieu thereof the following:

"An act to amend section 9a34 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, and to add thereto a new section to be numbered 9a22, relating to the salaries of county librarians in counties of the twenty-second and thirty-fourth classes."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 1 and 2 and insert in lieu thereof the following:

"SECTION 1. Section 9a34 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, is hereby amended to read as follows:

Sec. 9a34. In counties of the thirty-fourth class the salary of the county librarian shall be two thousand four hundred dollars per annum.

Sec. 2. A new section numbered 9a22 is hereby added to said act, to read as follows:

Sec. 9a22. In counties of the twenty-second class the salary of the county librarian shall be two thousand two hundred dollars per annum."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 554—An act to amend sections 2968 and 2969 of the Civil Code, relating to execution and attachment.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 26, of the printed bill, after the word "the", add: "officer shall take the property, and in the case of an execution, sell it in the manner provided by law; but in such event the sheriff shall not be liable to the mortgagee for damages for the taking, keeping or sale of such property."

The bond shall be made to the mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 711—An act to add a new section to the Civil Code, to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for providing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, after the word "ordinance", in said line, insert the following: "which was in effect prior to August 2, 1921, and has been in effect continuously since then,".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 2, of the printed bill, after the comma following the word "purposes", in said line, insert the following: "excepting those hereinabove expressly exempt from his supervision,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 10, of the printed bill, after the word "regulations", insert the following: "for the conduct of such establishments over which he has jurisdiction as heretofore provided."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 24, of the printed bill, after the word "ordinance", in said line, insert the following: "which was in operation prior to August 2, 1921, and has been maintained continuously since then".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 616—An act to be known as the "Pure Milk Law of California," to define "market milk"; to protect the wholesomeness, purity and identity of market milk; to classify and grade market milk, to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, as amended, and all acts or parts of acts inconsistent with the provisions of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 3, line 5, of the printed bill, after the word "act", strike out the period and insert the following: "; provided, that this provision shall not prohibit the sale of cream in cans, or of grade A milk in cans for cooking and baking purposes, or for the preparation of mixed milk drinks."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 7 of the printed bill, following line 5, add a new paragraph to be lettered "(c)", and to read as follows:

"(c) Any milk delivered by the producer thereof, to be sold as any grade of market milk, defined in section 3 of this act, shall not be degraded or excluded from the market when a score of the dairy on which said milk is produced is below the specified minimum legal requirement unless a copy of said score shall be promptly given to the proprietor or operator of the dairy and the purchaser of milk produced by said dairy, and until after a period of ten days following said score a rescoring shows the score of said dairy to be again below the specified minimum legal requirement, and a copy of such rescoring promptly given to the proprietor or operator of said dairy and the purchaser of the milk produced by said dairy."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 6, line 3, of the printed bill, strike out the word "department", and insert in lieu thereof the word "board".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 3, line 5, of the printed bill, strike out the words "California state narcotic division", and insert in lieu thereof the following: "division of narcotic control".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, line 32, of the printed bill, after the word "from", in said line, insert the following: "administering,".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, line 52, of the printed bill, strike out the words: "twenty-four hours", and insert in lieu thereof the following: "five days".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 5, line 14, of the printed bill, strike out lines 14 to 16, inclusive, and insert in lieu thereof the following: "drugs to an habitual user must personally furnish, by registered mail, to the division of narcotic control within five days after first prescribing or furnishing said".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 5, line 30, of the printed bill, after the comma in said line, insert the following: "and who is an habitual user of any of said drugs,".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 6, lines 2 and 3, of the printed bill, strike out the words "division of narcotic control", and insert in lieu thereof the following: "chief of the division of narcotic enforcement".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 6, line 9, of the printed bill, strike out the following: "peddling,".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 6, line 10, of the printed bill, after the words "drugs or", insert the following: "substances or".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 6 of the printed bill, strike out lines 18 and 19, and insert in lieu thereof the following: "possession any of the drugs or substances mentioned in section 1 of this act, or their salts, derivatives, or any preparation thereof, or of".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 6, lines 44 and 45, of the printed bill, strike out the words: "a second or subsequent offense", and insert in lieu thereof the following: "each subsequent offense shall be imprisoned".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 7, line 8, of the printed bill, after the word "drugs", insert the following: "and substances".

Amendment adopted.



## AMENDMENT NUMBER TWELVE.

On page 7, line 11, of the printed bill, strike out the word "narcotic".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 7, lines 49 and 50, of the printed bill, strike out and lines 49 and 50, and insert in lieu thereof the following: "to be deposited in the state treasury."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 8, line 5, of the printed bill, strike out lines 5 to 11, inclusive.

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 8, line 12, of the printed bill, strike out the figures "14", and insert in lieu thereof the figures "13".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 9, line 4, of the printed bill, strike out the figures "15", and insert in lieu thereof the figures "14".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 9, line 19, of the printed bill, strike out the figures "16", and insert in lieu thereof the figures "15".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 9, line 36, of the printed bill, strike out the figures "17", and insert in lieu thereof the figures "16".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 9 of the printed bill, after line 44, insert the following paragraph: "SEC. 17. This act shall not affect any act done, ratified, or confirmed, or any offense committed, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 282—An act to amend section 736*b* of the Political Code, relating to the salaries of judges in the superior courts.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 110—An act to amend section 848 of the Code of Civil Procedure, relating to service of summons outside of county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 207—An act to amend section 4300*e* of the Political Code, relating to the fees of justices of the peace.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 208—An act to amend section 1581 of the Code of Civil Procedure, relating to powers and duties of executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 210—An act to amend section 1386 of the Code of Civil Procedure, relating to the administration of decedent's estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 211—An act to amend section 1454 of the Code of Civil Procedure, relating to obtaining money and other personal property by heirs without administration.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 212—An act to amend section 1492 of the Code of Civil Procedure, relating to notice to creditors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 214—An act to amend section 1304 of the Code of Civil Procedure, relating to notice of application for probate of will.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 215—An act to amend section 1307 of the Code of Civil Procedure, relating to the contest of a will.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 742—An act to amend section 137 of the Civil Code, relating to alimony, support and maintenance and cost of suit in actions for divorce and permanent support and maintenance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 743—An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 753—An act to add a new section to the Political Code to be numbered 539d, relating to the printing of legislative bills and constitutional amendments prior to the convening of the Legislature.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 450—An act to amend sections 4236*b*, 4236*c*, 4236*d*, 4236*f*, 4236*g*, 4236*h*, 4236*j*, 4236*l*, inclusive, of the Political Code, relating to county and township officers of the seventh class, the assistants, deputies, and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies, and other employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 859—An act to amend section 19*f* of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the probation officer and assistants in counties of the seventh class and the salaries thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 334—An act to amend section 4268 of the Political Code, relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 645—An act to add a new section to the Political Code to be numbered 4041*g*, relating to advertising by boards of supervisors of counties.

#### COMMITTEE AMENDMENT.

During second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out line 2 of said title, and insert in lieu thereof the following: "a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILL.

Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurley moved to refer Senate Bill No. 644 to Senator Christian, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 3, line 18, of the printed bill, after the word "any", at the beginning of the line, insert the word "paving".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 644, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Hurley adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 95—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER FIVE.

On page 8 of the printed bill, as amended, strike out all of lines 37 and 38, inclusive.

The President pro tempore put the question: Shall amendment number 5, as offered by the Committee on Finance to Assembly Bill No. 95 be adopted?

The roll was called, and amendment number 5 refused adoption by the following vote:

AYES:—Senators Allen, Baker, Boggs, Breed, Garrison, Handy, Murphy, Nelson, Sharkey, and Slater—10.

NOES:—Senators Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Rochester, Swing, Tubbs, Wag, Weller, West, and Young—28.

## NOTICE OF MOTION TO RECONSIDER.

Senator Inman gave notice that on the next legislative day he would move to reconsider the vote by which amendment number 5, as offered by the Committee on Finance on Assembly Bill No. 95, was refused adoption.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill, as amended, strike out the period and insert in lieu thereof a comma, and add the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, lines 14 and 15, of the printed bill, as amended, strike out the words and figures "two hundred eighty-six thousand dollars (\$286,000)", and insert in lieu thereof the following "three hundred six thousand dollars (\$306,000)".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, after line 31, of the printed bill, as amended, insert the following:

## EDUCATION.

For support of department of education, six hundred eighty-nine thousand five hundred dollars (\$689,500).

For printing school laws, department of education, four thousand five hundred dollars (\$4,500).

For education of handicapped individuals, department of education, fifteen thousand dollars (\$15,000).

For class for children with defective speech, department of education, thirty thousand dollars (\$30,000).

For vocational rehabilitation, department of education, in addition to such sums as are appropriated by chapter 296, statutes of 1925, twenty thousand dollars (\$20,000).

For expenses, statutory hall commission, twenty-three thousand dollars (\$23,000).

For support of textbook division, department of education, eight hundred eighty-eight thousand six hundred thirty-six dollars (\$888,636).

For support of University of California, six million eight hundred fifty-three thousand three hundred sixty-seven and 35/100 dollars (\$6,853,367.35) in addition to such sum or sums as are provided for by other provisions of law.

For major construction and equipment, University of California, including campus buildings and improvements at Los Angeles, buildings Lick observatory, continuance of cooperative building program with La Jolla, power plant at San Francisco, university at Riverside and paving roads University farm at Davis, eight hundred twenty-five thousand dollars (\$825,000).

For minor construction, improvements and equipment, College of Agriculture, twenty-six thousand dollars (\$26,000).

For support of Hastings College of Law, eighteen thousand eight hundred dollars (\$18,800).

For support of Chico State Teachers College, three hundred forty-one thousand eight hundred twenty dollars (\$341,820).

For major construction and equipment at Chico State Teachers College, including assembly building, one hundred eighty thousand dollars (\$180,000).

For minor construction, improvements and equipment at Mount Shasta Summer School, Chico State Teachers College, seven thousand dollars (\$7,000).

For street paving, Chico State Teachers College, three thousand seven hundred sixty-eight and 42/100 dollars (\$3,768.42).

For support of Fresno State Teachers College, five hundred seventy-six thousand six hundred dollars (\$576,600).

For purchase of land, Fresno State Teachers College, thirty thousand dollars (\$30,000).

For minor construction, improvements and equipment at Huntington Lake, Fresno State Teachers College, ten thousand dollars (\$10,000).

For minor construction, improvements and equipment, Fresno State Teachers College, thirty-one thousand four hundred fifty dollars (\$31,450).

For support of Humboldt State Teachers College, two hundred twenty-one thousand seven hundred sixty dollars (\$221,760).

For major construction and equipment at Humboldt State Teachers College, including training school, ninety thousand dollars (\$90,000).

For purchase of land, Humboldt State Teachers College, six thousand dollars (\$6,000).

For support of San Diego State Teachers College, four hundred seventy-five thousand five hundred sixty-two dollars (\$475,562).

For major construction and equipment of new college, San Diego State Teachers College, three hundred fifty thousand dollars (\$350,000).

For minor construction, improvements and equipment, San Diego State Teachers College, twenty-five thousand dollars (\$25,000).

For support of San Francisco State Teachers College, four hundred seventy-nine thousand seven hundred ninety-four dollars (\$479,794).

For wrecking old building and improvements, San Francisco State Teachers College, thirty-eight thousand dollars (\$38,000).

For support of San Jose State Teachers College, seven hundred thirty-eight thousand five hundred seventy-eight dollars (\$738,578).

For major construction and equipment at San Jose State Teachers College, including men's gymnasium, one hundred thirty thousand dollars (\$130,000).

For purchase of land, San Jose State Teachers College, twelve thousand dollars (\$12,000).

For minor construction, improvements and equipment, San Jose State Teachers College, fifty-seven thousand two hundred thirty-two dollars (\$57,232).

For support of Santa Barbara State Teachers College, three hundred eleven thousand one hundred eighty dollars (\$311,180).

For major construction and equipment at Santa Barbara State Teachers College, including science and art building, one hundred twenty thousand dollars (\$120,000).

For purchase of land and improvement of athletic field, Santa Barbara State Teachers College, twenty-five thousand dollars (\$25,000).

For minor construction, improvements and equipment, Santa Barbara State Teachers College, thirty-nine thousand dollars (\$39,000).

For support of California Polytechnic School, three hundred twelve thousand three hundred sixty-five dollars (\$312,365).

For purchase of land, California Polytechnic School, sixty-five thousand dollars (\$65,000).

For major construction and equipment at California Polytechnic School, including dormitory, forty thousand dollars (\$40,000).

For minor construction, improvements and equipment, California Polytechnic School, thirty-five thousand dollars (\$35,000).

For support of California School for Blind at Berkeley, one hundred sixty-five thousand eighty-two dollars (\$165,082).

For major construction and equipment including new building, and annexes to residences for girls and boys, California School for Blind at Berkeley, sixty-seven thousand dollars (\$67,000).

For minor construction, improvements and equipment, California School for Blind at Berkeley, twelve thousand dollars (\$12,000).

For readers for blind college students, California School for Blind at Berkeley, ten thousand dollars (\$10,000).

For support of California School for Deaf at Berkeley, three hundred twenty-seven thousand one hundred eighty-two dollars (\$327,182).

For major construction and equipment at California School for Deaf at Berkeley, including boys' dormitory, girls' dormitory, dining room, kitchen, commissary building, and boiler installation, three hundred thousand dollars (\$300,000).

For minor construction, improvements and equipment, California School for Deaf at Berkeley, twenty-three thousand dollars (\$23,000).

For expenses of deaf graduates attending Gallaudet College, California School for Deaf at Berkeley, two thousand four hundred dollars (\$2,400).

#### Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 8, line 16, of the printed bill, as amended, after the word "fifty", insert the word "five".

#### Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 10, after line 51, of the printed bill, as amended, insert the following: "one hundred seventy-four thousand dollars (\$174,000)."

#### Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 11 of the printed bill, as amended, strike out all of lines 26 to 38, inclusive, and insert in lieu thereof the following:

"For new construction, land, rights of way, easements, and general administrative operations and overhead, reclamation board, pursuant to the provisions of chapter one hundred seventy-six of California statutes of 1925, approving the modified report of the California debris commission dated January 5, 1925, which said report was adopted by the United States in section 13 of that certain act of congress entitled, "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928, four hundred thousand dollars (\$400,000).

To further carry out the legislation contained in statutes 1925, chapter one hundred seventy-six, approving the report of the California debris commission dated January 5, 1925, which said report is approved by the United States in section 13 of that certain act of said congress entitled "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928, eight hundred thousand dollars (\$800,000)."

#### Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 13 of the printed bill, as amended, strike out all of lines 4 to 52, inclusive.

#### Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 14 of the printed bill, as amended, strike out all of lines 1 to 52, inclusive.

#### Amendment adopted.



## AMENDMENT NUMBER NINE.

On page 15 of the printed bill, as amended, strike out all of lines 1 to 31, inclusive.  
Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 402 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 743—An act granting to the city of Martinez title and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 743 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 441 ordered on file for second reading.

## ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

GRAY, Chairman.

Senate Bill No. 660 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Pedrotti:

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:  
An act to amend section 1 of an act entitled "To provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited

territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," which became a law March 2, 1899, without the Governor's approval, relating to annexation of uninhabited territory.

Request referred to Committee on Rules.

#### COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

GOVERNOR'S OFFICE, SACRAMENTO, March 19, 1929.

*Honorable H. L. Carnahan,  
State Senate, Sacramento, California.*

DEAR MR. CARNAHAN: The time is near when bills in rapidly increasing volume will be coming to me for executive action. In fairness to their authors, I naturally wish to examine these bills as promptly as possible. Will you, therefore, be good enough to present this communication to the Senate?

As was the case last session, I shall need a written explanation of each bill, since it is manifestly impossible to remember oral explanations of so many different measures. Last time, however, these explanations were not attempted until after final passage, at which time the author was so busy that I frequently did not hear from him at all, or far more briefly than would have been the case had the explanation been made at the time the bill passed in the house of its origin, and was consequently fresh in mind.

May I ask, therefore, that each member of the Senate some time this week hand to Mr. Whitmore, Mr. Carlin, or Mr. Kennedy, an explanation of each of his bills which has thus far passed the Senate, and that as bills pass in the future a similar explanation be handed in. If any of these bills is hereafter materially changed in the Assembly, a supplementary explanation can describe such change.

May I ask that the following suggestions be observed in preparing these explanations:

1. Please discuss each bill on a separate sheet of paper, in order that the statement may be filed away with the particular bill which it explains.

2. Each statement should set forth fully the purpose and object of the bill, its necessity, the forces which are back of it, the condition which it is designed to correct, and the like.

3. I should also appreciate receiving such communications from others regarding the bills as the members are willing to have filed with the bill in this office. This request also extends to all bills in which any Senator is interested, either for or against, as well as to his own measures. These latter will be of great value, but the explanations of the author as set forth in "1" and "2" above are absolutely essential to any adequate study of the bill.

My only desire is to give to every bill the fullest and most sympathetic consideration. It is manifestly impossible, however, to do full justice to so many measures unless I am helped out by securing all possible information regarding each, aside from what can be gleaned from the mere text. I wish to thank the members in advance for the kind cooperation they will give me in this matter.

Yours very sincerely,

C. C. YOUNG, Governor.

#### RECESS.

At ten o'clock and thirty minutes a.m., on motion of Senator Breed, the President declared the Senate at recess, to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

March 20, 1929, ten o'clock and thirty minutes a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young 39.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## PRESENTATION OF AFFIDAVIT.

William B. Hornblower, a Manager of the Assembly, presented an affidavit to the court, accompanied by a further affidavit of testimony sworn to at a hearing conducted by the Board of Managers, and requested that they be filed with the court and be read.

## OBJECTION TO READING OF AFFIDAVIT.

Frank M. Carr, of counsel for the defense, objected to the reading of the affidavit on the ground that Rule 10 of the rules adopted by the Senate for the government of the impeachment proceedings, adopted the law of evidence and rules of practice applicable to criminal cases.

## FILING AND READING OF AFFIDAVIT.

The President directed that the affidavit of William B. Hornblower be received and filed and that it be read by the Secretary.

The Secretary read the affidavit as follows:

## PRESENTATION OF AFFIDAVIT.

William B. Hornblower, a Manager of the Assembly, presented an affidavit, accompanied by a further affidavit, which he requested be filed and read:

In the Matter of the Impeachment of	} Affidavit.
CARLOS S. HARDY,	
a Judge of the Superior Court of the	
State of California, in and for the	
County of Los Angeles.	

STATE OF CALIFORNIA,	} ss.
COUNTY OF SACRAMENTO	

WILLIAM B. HORNBLOWER being duly sworn, deposes and says:

That one Minnie Kennedy is a necessary and proper witness in the above entitled cause and will give testimony as set forth in the attached affidavits; that the said Minnie Kennedy made affidavits at Portland, Oregon, on March 1, 1929, and March 2, 1929, copies of which are hereto attached and made a part hereof, said affidavits setting forth in substance the testimony that she would give if appearing as a witness in the above entitled proceeding.



That the said Minnie Kennedy is now residing in Longview, state of Washington, at the Chinook hotel in said city of Longview; that the said Mrs. Minnie Kennedy stated that she would not come to California as a witness in the above entitled proceeding, therefore at this time, as one of the Board of Managers, I request that your honorable body have issued a commission to either a superior court judge or a notary public of the state of Washington, to take the deposition of said Mrs. Minnie Kennedy, to be used at the trial of the defendant in the above entitled proceeding.

WILLIAM B. HORNBLOWER.

Subscribed and sworn to before me this twentieth day of March, 1929.

H. L. CARNAHAN,  
President of the Senate.

Filed March 20, 1929.

JOSEPH A. BEEK, Secretary of Senate,  
Clerk of the Court of Impeachment.

#### STATEMENT BY THE PRESIDENT.

The President stated that the affidavit of Mrs. Minnie Kennedy, which accompanied the affidavit of Mr. William B. Hornblower, was received only in connection with the motion of the Managers that a commission be issued for the taking of the deposition of Mrs. Kennedy and not as evidence upon the trial for any purpose, and that it must be read unless the reading be waived by the defendant.

#### OBJECTION TO THE READING OF THE AFFIDAVIT.

Frank M. Carr, of counsel for the defense, objected to the reading of the affidavit of Mrs. Kennedy on the ground that such affidavit was incompetent, irrelevant and immaterial.

#### REQUEST OF THE PRESIDENT.

The President of the Senate requested that argument of counsel be directed to the question of the right of the Senate to issue commissions for the taking of depositions in the impeachment trial.

#### ARGUMENT OF COUNSEL.

Manager Walter J. Little addressed the court in support of the right of the Senate to issue commissions for the taking of depositions in the impeachment proceedings, and suggested that the orderly procedure in authorizing the taking of depositions would be to amend Rule 10 of the rules adopted by the Senate for the government of the impeachment proceeding.

#### MOTION BY SENATOR SWING.

Senator Swing moved that Rule 10 be suspended in order that the President might rule upon right of the Senate to issue the commission for the taking of the deposition.

#### SUBSTITUTE MOTION BY SENATOR INMAN.

Senator Inman moved as a substitute motion that Rule 10 be stricken from the rules.

#### OBJECTION TO AMENDMENT OF THE RULES.

Senator West addressed the Senate in opposition to the amendment of the rules.

#### DISCUSSION OF AMENDMENT OF THE RULES.

The question of the amendment of Rule 10 to permit the taking of depositions was discussed by Senators West, Inman, Swing and Carter.

#### MOTION BY SENATOR SWING.

Senator Swing moved that the court go into conference.

## SUBSTITUTE MOTION BY SENATOR WEST.

Senator West moved that the defense counsel be given an opportunity to address the court upon the right and expediency of the Senate authorizing the taking of depositions for use in the impeachment proceeding.

Motion carried.

## ARGUMENT IN OPPOSITION TO TAKING OF DEPOSITIONS.

Frank M. Carr addressed the court in opposition to the right and propriety of the court issuing commissions for the taking of depositions for use in the impeachment proceeding.

## ARGUMENT IN SUPPORT OF THE TAKING OF DEPOSITIONS.

Manager Walter J. Little addressed the court in support of the right of the court to issue commissions for the taking of depositions.

## QUESTION BY SENATOR SWING.

With the permission of the President, Senator Swing asked the question of the Managers and the defense whether the attendance of Mrs. Kennedy in court could be compelled.

Both parties agreed that Mrs. Kennedy could not be produced in court.

## MOTION THAT COURT RECESS FOR CONSULTATION.

The President put the motion previously made by Senator Swing that the court recess for the purpose of a conference.

Motion carried.

## RECESS.

At twelve o'clock and ten minutes p.m., the President declared the court at recess.

## RECONVENED.

At four o'clock and seven minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Harry F. Sewell, Clare Woolwine, William B. Hornblower and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr and Rex Hardy.

## SUBSTITUTION OF MOTION BY SENATOR INMAN.

Senator Inman withdrew the motion previously made that Rule 10 be stricken from the rules and proposed the following resolution amending Rule 10 to permit the taking of depositions in certain cases:

## RESOLUTION.

The following resolution was offered:

By Senator Inman:

*Resolved*, That Rule 10 of the rules governing the impeachment trial of Judge Carlos S. Hardy be amended as follows:

Strike out the period following Rule 10, insert a semicolon and the following: "*provided, however*, that the deposition of any person without the jurisdiction of the State of California may be taken by oral examination or written interrogatories upon request of either party, before any person authorized to administer oaths, upon order of the President of the Senate, after a satisfactory showing of the materiality of the testimony to be given, and such notice of the time and place of taking such deposition shall be given to the opposite party as the President shall prescribe. Either party may attend the examination and put such questions direct and cross as may be proper. The deposition when completed must be carefully read to the witness and corrected by him or her in any particular, if desired; it must then be subscribed by the witness, certified by the judge or officer taking the deposition, inclosed in an envelope or wrapper, sealed, and directed to the Secretary of the Senate of the State of California, at Sacramento, State of California, and either delivered by the officer to the Secretary of the Senate, or transmitted through the mail; and thereupon such deposition may be used by either party upon the trial against any party giving or receiving the notice, subject to all legal exceptions; but if the parties attend the examination, no exceptions to the form of an interrogatory shall be made at the trial, unless the same is stated at the time of the examination."

The President directed the Secretary to call the roll upon the adoption of the resolution of Senator Inman.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Maloney, McCormack, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—28.

**NOES**—Senators Fellom, Garrison, Gray, Hurley, Lyon, McKinley, Merriam, Pedrotti, Weller, and West—10.

QUESTION OF MATERIALITY OF EVIDENCE SOUGHT BY DEPOSITION OF  
MRS. KENNEDY.

The President requested that the Managers read from the affidavit of Mrs. Kennedy such parts as they considered would show the materiality of the evidence sought to be elicited.

Frank M. Carr, of counsel for the defense, objected to the reading of the affidavit of Mrs. Kennedy on the ground that the affidavit was incompetent, irrelevant and immaterial.

Objection overruled.

Excerpts from the affidavit of Mrs. Kennedy were read by William B. Hornblower, Manager of the Assembly, and the material facts sought to be elicited by the deposition were stated by him.

The President announced that the motion to take the deposition of Mrs. Kennedy would be granted and a commission issued.

## TIME OF TRIAL SET.

The President of the Senate asked the Managers for suggestions concerning a date upon which to set the trial of the impeachment.

Walter J. Little, Manager of the Assembly, suggested April 8, 1929, as the date for the impeachment trial.

Frank M. Carr, of counsel for the defense, announced that the defense had no objection to April 8, 1929, as the date for such trial.



Senator Carter moved that the trial of the impeachment of Carlos S. Hardy be set for eleven o'clock a.m., April 8, 1929, in the Senate Chamber.

Motion carried, and such date was announced as the date for the hearing of the impeachment.

Carlos S. Hardy accepted notice of the date set for the hearing.

#### ADJOURNMENT.

Senator Breed moved that the Court of Impeachment adjourn until eleven o'clock a.m., April 8, 1929.

Motion carried.

The President announced the adjournment of the Court of Impeachment until eleven o'clock a.m., April 8, 1929.

#### IN SENATE.

At five o'clock and ten minutes p.m., the Senate reconvened.

President pro tempore Arthur H. Breed in the chair.

Secretary Joseph A. Beck at the desk.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following concurrent resolution was offered:

By Senator Crowley: Senate Concurrent Resolution No. 21—Relative to the publication of a new edition of the constitution of the State of California and providing funds to meet the expenses thereof.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER TWENTY-ONE.

Senator Crowley asked unanimous consent for the consideration of Senate Concurrent Resolution No. 21, without reference to committee, for purpose of adoption.

Unanimous consent granted.

#### SENATE CONCURRENT RESOLUTION No. 21.

Relative to the publication of a new edition of the constitution of the State of California and providing funds to meet the expenses thereof.

WHEREAS, The forty-eighth session of the California Legislature previously adopted Senate Concurrent Resolution No. 15, providing for the compilation and publication of the constitution of the State of California, the constitution of the United States and other documents for use in the public schools of the State; and

WHEREAS, Senate Concurrent Resolution No. 15 did not provide sufficient funds to meet the expenses of the compilation, publication and distribution of the documents therein provided for; therefore, be it

*Resolved by the Senate, the Assembly concurring,* That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Senate in the sum of \$2,000 in favor of the Secretary of the Senate, and to draw his warrant upon the contingent fund of the Assembly in the sum of \$2,000 in favor of the Chief Clerk of the Assembly, in addition to the amount previously appropriated by Senate Concurrent Resolution No. 15, for the purpose of carrying out the provisions of Senate Concurrent Resolution No. 15, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 21 ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and certificates:

Also: Senate Bill No. 409—An act to add a new section to be numbered 1576a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bills Nos. 656 and 409 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 925—An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county or city is a party:

Also: Assembly Bill No. 660—An act to provide for the assent by the State of California to the provisions of an act passed by the Congress of the United States, known as the Capper-Ketcham Act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and approved May 22, 1928;

Also: Assembly Bill No. 1008—An act to amend sections 737k and 737z of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class;

Also: Assembly Bill No. 4—An act to amend section 653 of the Penal Code, relating to blacklisting and providing penalties for same;

Also: Assembly Bill No. 1081—An act to amend section 111 of the Penal Code, relating to the expense of trials for escape;

Also: Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 925 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 660 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bill No. 1008 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 4 and 1081 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1063 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 19, 1929, passed Assembly Bill No. 41—An act to repeal section 9, amended by Statutes of 1907, chapter 472, and amended by Statutes of 1927, chapter

212, of an act entitled "An act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, as amended.

Also: Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bill No. 41 read first time, and referred to Committee on Public Charities and Corrections.

Assembly Bill No. 525 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12—Relative to approving a certain amendment to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held thereon on the sixth day of November, 1928.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Concurrent Resolution No. 12 read, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 17—An act to amend section 751 of the Political Code, relating to the Supreme Court and providing for appointment, employment and compensation of the chief deputy clerk and deputy clerks of the Supreme Court of the State of California and for the salaries and expenses incurred by said court under the provisions hereof, and repealing section 756 of said code.

Also: Assembly Bill No. 19—An act to add a new section to the Political Code to be numbered 462, relating to claims for which a warrant has been issued and paid and the amount thereof returned to the State treasury for payment by the State Treasurer, and prescribing a time after which said amount shall revert to and become a part of the general fund of the State.

Also: Assembly Bill No. 206—An act to amend sections 3 and 15 of an act entitled "An act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended.

Also: Assembly Bill No. 958—An act amending sections 2 and 14 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and adding a new section to said act to be numbered section 32, relating to the appointment of the State Civil Service Commission and its powers and duties.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. Gloss, Assistant Clerk.

Assembly Bills Nos. 17 and 19 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 206 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 958 read first time, and referred to Committee on Civil Service.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 685—An act to amend sections 2, 5 and 7 of an act entitled "An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and



infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled "An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," approved February 20, 1901," as amended," approved May 31, 1927;

Also: Assembly Bill No. 284—An act prohibiting the catching of any invertebrate or specimen of marine plant life within a certain described portion of Fish and Game District No. 19, other than by officers, employees, and students of the University of California, for scientific purposes, making every violation of certain provisions of this act a misdemeanor, providing for the punishment thereof and providing for the disposition of fines imposed or collected on account of said violation;

Also: Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class;

Also: Assembly Bill No. 1058—An act to amend sections 851, 863, 874, 882 and 883 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class;

Also: Assembly Bill No. 901—An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 685 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 284 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1092 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 901 and 1058 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Concurrent Resolution No. 19 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 433—An act to amend sections 2, 3 and 4 of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the State Fire Marshal, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, and to add a new section to be known as section 5.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 433 read first time, and referred to Committee on Insurance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 19, 1929, passed Senate Bill No. 20—An act to amend section 4 of an act

entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 19, 1929, passed Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 482 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 683—An act to amend section 1763 of the Code of Civil Procedure, relating to guardians of insane and other incompetent persons; Also: Assembly Bill No. 1071—An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations;

Also: Assembly Bill No. 106—An act to amend sections 1 and 2 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927;

Also: Assembly Bill No. 522—An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens;

Also: Assembly Bill No. 555—An act relating to the issuance of permits to work outside of school hours to certain minors.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 683 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1071 read first time, and referred to Committee on Corporations.

Assembly Bill No. 106 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 555 and 522 read first time, and referred to Committee on Education.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Ray Jones:

SENATE CHAMBER, SACRAMENTO, March 7, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners.

Request referred to Committee on Rules.





## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8, absent—3.

MUELLER, Chairman.

Senate Bill No. 840 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10, absent—1.

MUELLER, Chairman.

Senate Bill No. 723 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 91—An act to amend section 1576 of the Penal Code relating to salaries of prison employees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10, absent—1.

MUELLER, Chairman.

Assembly Bill No. 91 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 700—An act authorizing the Department of Public Works of the State of California to build, purchase, condemn, or otherwise acquire, but not in the name of the State of California, and to create and maintain bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state; also to charge tolls for passage over said bridges; also to fix the rate of said tolls; also to issue and sell non-taxable, interest-bearing revenue bonds, and to fix the rate of interest thereon, with which to build, purchase, condemn or otherwise acquire, bridges and approaches thereto; also to fix the time of maturity; also to provide by the collection of tolls for the money with which to retire said bonds and to pay the interest thereon; also to pay into the State treasury all moneys collected hereby, and to create a special fund to be styled "The highway bridge fund"; also to create a first lien on such tolls that may be collected for the use of any such bridges or approaches thereto; also to provide that certain property already appropriated to another public use may be condemned and taken for the bridge purposes herein set out; and also declaring that the building or ownership of bridges and approaches contemplated by this act shall be a superior or paramount right or necessity; also that when two or more bridges are coupled or consolidated under one bond issue or under one contract that when such bridges have been paid for that thereafter no tolls shall be charged or collected on either or any such bridge or bridges—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 700 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 228—An act to add three new sections to the Political Code

to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor;

Also: Senate Bill No. 297.—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State Park System; to establish and define the State Park System; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto;

Also: Senate Bill No. 298.—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary for the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions;

Also: Senate Bill No. 712.—An act providing for the creation and establishment of the Contractors State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bills Nos. 228, 297, 298 and 712 ordered on file for second reading.

#### ADJOURNMENT.

At five o'clock and thirty-five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until eleven o'clock a.m., Thursday, March 21, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

##### SENATE CHAMBER,

SACRAMENTO, Thursday, March 21, 1929.

The Senate met at eleven o'clock a.m.

President pro tempore of the Senate, Arthur H. Breed, in the chair.  
Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 20, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Thomas L. Ambrose of Los Angeles.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harry C. Smith of Campbell and Mr. Fred L. Thomas of San Jose, district attorney of Santa Clara County.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to ex-Senator William Kehoe.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eldora McCarty, principal of Tegner School, Turlock, and Isabelle Mendosa, Lydia Mello, Hilda Correia, Hallie Nuteher and Manual Tixeria.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena B. Everett, teacher of low eighth grade civics class, Newton Booth School, Sacramento, and pupils, as follows: Georgia Zempathas, Thais Langrehr, Dorothea Tariel, Evelyn Hermanns, Barbara Bailey, Birdie Boyles, Margaret Buhler, Lois Adams, Annetta Anderson, Alta Simms, Celia Kiefer, Helen Nisbet, Katherine Simms, Filomena Mezzanares, Madelene Moon, Conrad H. Paschane, Doyle Sellers, Bill Reichert, Harvie Mesusan, Harold Sennes, Roy Lear, Robinson Greer, Allen J. Higgs, Earl A. Sylva, Jerome J. Turling, Edward Moor, Clifford McKenzie and Sam Matranga.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. C. Fremming of Long Beach.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. W. Campton of Los Angeles.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Foster, supervising principal; Alma Jones, Marjorie Mackey, teachers, of Hagginwood School, North Sacramento district, and pupils as follows: Mildred Manning, Elsie Higgins, Mildred McKern, LaVerne Geraventa, William Lehman, Donald Baugh, Bethel Machado, Donald Murchison, William Hack, Hunter Wardlow, Paul Brousseau, Ross McKern, Burton McCampbell, Ralph Lehman, Charles Ridifer, Robert Dupzyk, Ellis Nolan, Ilo Benn, June Clark, Berdena Sherbourne, Neva Pimentel, Ned Baugh, Sydney Parnham, Edwin Compton, Clark Smith, Elizabeth Osmer, Ellen Hack, Christa Hodson, Robert Culver, Paul Culver, Robert Atwood, Mary Lucchesi, Roy Mayfield, Mildred Manning, Marion Brown, Alvin Labeaux, Viola Bedegrew, Beth Buell, Gertrude King, Violet England, Ruth Franklin, Milton Mace, Cecil Black, John Parrish, Bill Kerr, Arthur Mores, Karl Tretton, Ralph Davis, Russell Franklin, Gordon Violet, Fred McKay, Warren Martin, Helen Orisek, Grace Evers, Dorothy Turner, Lillian Hunting, Eloise Tate, Flora



Murchison, Madeline Borge, Jeanette Bent, Amelia Miller, James Shea, Robert Harris, Donald Hamilton, Alvin Jones, Mildred King, Frances Wardlow, Laura Jerue, John Taylor, Maxine Falconer, Nellie Franklin, Alice Humphrey, Alvera Paiva, Raymond Foster and Gordon Beasley.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, March 21, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that since the adjournment of the forty-seventh session of the Legislature was taken on the twenty-ninth day of April, 1927, I have made the following appointments and request your confirmation thereof and consent thereto :

July 29, 1927, Charles Albert Adams of San Francisco, a member of the State Board of Education, for the term ending March 1, 1931.

July 29, 1927, Minnie J. Bradford of Sacramento, a member of the State Board of Education, for the term ending March 1, 1931.

July 29, 1927, Gordon Gray of San Diego, a member of the State Board of Education, for the term ending March 1, 1930.

July 29, 1927, C. L. McLane of Fresno, a member of the State Board of Education, for the term ending March 1, 1930.

July 29, 1927, Amy S. Steinhart of San Francisco, a member of the State Board of Education, for the term ending March 1, 1930.

March 31, 1928, Allen T. Archer of Los Angeles, a member of the State Board of Education, for the term ending March 1, 1932.

March 31, 1928, Mary Roberts Coolidge of Berkeley, a member of the State Board of Education, for the term ending March 1, 1932.

March 31, 1928, E. P. Clarke of Riverside, a member of the State Board of Education, for the term ending March 1, 1932.

March 20, 1929, Irene Heineman of Los Angeles, as a member of the State Board of Education, for the term ending March 1, 1933.

March 20, 1929, Daisie L. Short of Oakland, as a member of the State Board of Education, for the term ending March 1, 1933.

Respectfully submitted.

C. C. YOUNG, Governor.

Governor's message referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts:

Also: Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had;

Also: Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. (Approved May 3, 1923.);

Also: Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards;

Also: Senate Bill No. 484—An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters;

Also: Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended relating to street improvements;

Also: Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands;

Also: Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

#### ON RULES

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator West to introduce a bill entitled—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Garrison to introduce a bill entitled—An act to amend sections 2950, 2965 of the Civil Code, relating to mortgages on personal property—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Pedrotti to introduce a bill entitled—An act to amend section 1 of an act entitled "To provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," which became a law March 2, 1899, without the Governor's approval, relating to annexation of uninhabited territory—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Maloney,

McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Ray Jones to introduce a bill entitled—An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville, and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership: 5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator West: Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 845—An act to amend sections 2959, 2965 and 2966 of the Civil Code, relating to mortgages on personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pedrotti: Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof relating to annexation of uninhabited territory.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Ray Jones: Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of levees in the City of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a relating to powers of levee commissioners.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.



## RESOLUTION.

The following resolution was offered :

By Senator Weller :

WHEREAS, The impeachment proceedings now pending before the Senate of the State of California constitute a matter of nation-wide public interest ; and

WHEREAS, The Senate is going to great pains to conduct these proceedings in a highly orderly and judicial manner ; and

WHEREAS, The record of these proceedings will be in great demand by the judiciary of this State and other states ; therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby directed to preserve, compile and edit all records of such impeachment proceedings and at the conclusion thereof to have the same published in a binding separate and apart from the Journal of the forty-eighth session of the Senate.

Resolution read, and referred to Committee on Judiciary.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received :

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT : Your Committee on Free Conference concerning Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lynamel, Meeker and Anderson, and that the Committee on Free Conference has agreed to recommend the following : That the bill be amended as follows :

## AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill as amended in Assembly March 7, 1929, strike out the comma following the word "addict", and strike out the second word "who", in said line and insert in lieu thereof a semicolon and the following : "provided, that a drug addict".

YOUNG,  
CANEPA,  
EDWARDS,

Senate Committee on Free Conference.

Report read previously.

The question being on the adoption of the report of the Committee on Free Conference and the amendment.

The roll was called, and the report of the Committee on Free Conference and the amendment adopted by the following vote :

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 174 ordered to enrollment.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 24, of the printed bill, after the comma at the end of said line, add the following: "or is handed to the claimant or served on his attorney."

## Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the words "such dividing evidenced by the", then strike out all of line 7 and line 8 to the words "on the ground,".

## Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, after the word "act;", insert the words "except that the dividing of a tract of land of four acres or less in area surrounded on three or more sides by dedicated streets shall not constitute a subdivision within the meaning of this act;".

## Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 10, of the printed bill, after the words "*provided, however,*" insert the following: "that nothing contained herein shall prohibit the filing of a map of less than five lots or a map composed of lots of more than one acre in area, such map to comply in all other respects with the requirements of this act and further provided".

## Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 1, of the printed bill, after word "and", insert the word "bounds".

## Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 1, of the printed bill, after the word "or", insert the word "by".

## Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, between lines 13 and 14, of the printed bill, insert the following paragraph:

"A way is a strip of land dedicated to public use exclusively for pedestrian purposes."

## Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 26, of the printed bill, after the word "and", where it first appears in said line, insert the word "a".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 26, of the printed bill, strike out the word "a", where it appears between the words "and" and "county."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 45, of the printed bill, after the word "thereto", insert the following: "provided, that any person who desires to subdivide land shall file with the planning commission a copy of the map which he proposes to use in said subdivision and the said planning commission shall issue to said subdivider a receipt given in the name of the record owner of said property, which receipt properly signed and attested by the record owner may be recorded in the office of the county recorder in said county. If at the expiration of thirty days, after the date of such recordation, the planning commission shall not have approved said map, the subdivider may then proceed to sell such property by metes and bounds description."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 45, of the printed bill, strike out the words "Any contract", the remainder of said line and all of lines 46 to 51, inclusive, and insert thereafter the following: "or must cause to be recorded in the office of said county recorder the receipt from the planning commission, regional planning commission, county surveyor or the city engineer setting forth that such map has been submitted to such body for approval. If such map has not been approved by such body within thirty days after the date of such recordation thereafter such subdivider or his agent may sell such property by metes and bounds. It shall be unlawful for any person to sell or offer for sale any lot or parcel of land, by reference to any map or plat, unless such map or plat has been made, certified, indorsed, acknowledged and filed in all respects as provided in this act, or was filed or recorded prior to the taking effect of this act and in accordance with the laws in force at the time it was so filed or recorded, and no person shall sell or offer for sale any lot or parcel of land by reference to any map or plat other than such recorded map or plat or true and correct copy thereof."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 1, of the printed bill, strike out the "period", and in lieu thereof insert the following: ", and any person, firm, or corporation, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which any aggrieved municipality or other political subdivision or person, firm or corporation may otherwise be entitled."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 11, of the printed bill, strike out the words "two copies", and insert in lieu thereof the following: "one original and as many duplicates as may be required by the city planning commission, city engineer, or county surveyor".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 13, of the printed bill, strike out the word "maps", and insert in lieu thereof the word "map".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 18, of the printed bill, after the word "file", insert the words "one or more copies of".

Amendment adopted.



## AMENDMENT NUMBER FIFTEEN.

On page 3, line 20, of the printed bill, after the word "county", insert the words "having jurisdiction and".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 3, line 21, of the printed bill, after the word "with", insert the word "such".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 3, line 25, of the printed bill, after the word "body.", insert "except that in all cities a copy of said tentative map shall also be filed with the city engineer."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 3, line 28, of the printed bill, after the word "municipality", insert the words "in the same county".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 3, line 32, of the printed bill, strike out the words "a copy", and insert in lieu thereof the word "copies".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 3, line 33, of the printed bill, strike out the word "copy", and insert the word "copies".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 3, line 34, of the printed bill, after the word "commission", insert the words "and the city engineer, if within a city."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 3, line 36, of the printed bill, after the words "or engineer", insert the words "and city engineer if within a city".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 3, line 36, of the printed bill, after the word "return", insert the words "the copies".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 3, line 39, of the printed bill, strike the word "him", and insert the word "them".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 3, line 44, of the printed bill, strike the word "he", and insert the words "either of them".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 3, line 45, of the printed bill, after the word "secretary", insert the words "and city engineer, if within a city."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 3, line 46, of the printed bill, strike the word "him", and insert the words "each or either of them".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 3, line 48, of the printed bill, strike the word "relations", and insert the word "regulations".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 4, line 11, of the printed bill, strike out the words ", duly attested.", and insert "."

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 4, line 17, of the printed bill, after the word "tion.", insert as follows: "The foregoing provisions of this section may be changed or modified by the subdivision regulations adopted in accordance with the provisions of this act to provide for the submission of the tentative map to the city engineer or county surveyor and the legislative body, in addition to the planning commission, provided that the total time elapsing between the first submission of said map and the date of action by said legislative body shall not exceed thirty days."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 4, line 18, of the printed bill, strike out the words "maps are", and insert the words "map is".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 4, line 20, of the printed bill, strike out the words "properly attested" and insert the word "proper".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 4, line 21, of the printed bill, strike out the words "each of".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 4, line 21, of the printed bill, strike out the word "maps", and insert the word "map".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 4, line 23, of the printed bill, strike out the word "maps", and insert the word "map".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 4, line 23, of the printed bill, strike out the word "relations", and insert the word "regulations".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 4, line 26, of the printed bill, strike out the word "maps", and insert the word "map".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 4, line 27, of the printed bill, strike out the word "rejection", and insert the word "disapproval".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-NINE.

On page 4, between lines 31 and 32, insert the following: "(c) or failure to comply with any existing legal requirements governing subdivisions".

Amendment adopted.

## AMENDMENT NUMBER FORTY.

On page 4, line 32, of the printed bill, strike out the word "rejected", and insert the word "disapproved".

Amendment adopted.

## AMENDMENT NUMBER FORTY-ONE.

On page 4, line 31, of the printed bill, after the word "drainage", insert a new paragraph: "In the event of such disapproval the commission, officer or body disapproving such tentative maps shall forthwith upon demand by the subdivider furnish such subdivider with a certificate of disapproval duly attested. Said certificate shall contain a description of the exterior boundaries of such subdivision and shall contain a clear and concise statement of the reasons for such disapproval and of what changes will render the maps acceptable."

Amendment adopted.

## AMENDMENT NUMBER FORTY-TWO.

On page 4, line 34, of the printed bill, strike out the words "the other", and insert the word "another."

Amendment adopted.

## AMENDMENT NUMBER FORTY-THREE.

On page 4, line 36, of the printed bill, after the word "the", insert the word "original".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FOUR.

On page 4, line 46, of the printed bill, strike out the words "the members present at such meeting", and insert the words "its members".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FIVE.

On page 4, line 49, of the printed bill, after the word "both", add the word "copies".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SIX.

On page 4, line 50, of the printed bill, strike out the word "maps", and insert the word "map".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SEVEN.

On page 5, line 1, of the printed bill, omit the words "charged with", and insert the words "having jurisdiction over".

Amendment adopted.

## AMENDMENT NUMBER FORTY-EIGHT.

On page 5, line 30, of the printed bill, after the word "approved.", cut said ".", and insert "and optional tentative maps may be filed at the same time."

Amendment adopted.

## AMENDMENT NUMBER FORTY-NINE.

On page 5, line 31, of the printed bill, strike out the word "his", and insert in lieu thereof the word "the".

Amendment adopted.

## AMENDMENT NUMBER FIFTY.

On page 5, line 38, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-ONE.

On page 6, lines 14 and 15, of the printed bill, strike out the words "opaque paper or cloth, physically attached to the aforesaid sheets", and insert the words "the said tracing cloth".

Amendment adopted.



## AMENDMENT NUMBER FIFTY-TWO.

On page 6, line 44, of the printed bill, strike out the words "SECTION 18", and all of the remainder of said line and lines 45 and 46, inclusive.

Amendment adopted.

## AMENDMENT NUMBER FIFTY-THREE.

On page 6, line 47, of the printed bill, strike out the words "SECTION 19", and place in lieu thereof the words "SECTION 18."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FOUR.

On page 6, line 49, of the printed bill, strike out the words "municipalities or counties", and insert the words "municipality, county, or".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FIVE.

On page 7, line 4, of the printed bill, strike out the words "SECTION 20", all the remainder of said line and lines 5 and 6, inclusive.

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SIX.

On page 7, line 7, of the printed bill, strike out the words "SECTION 21", and insert in lieu thereof the words "SECTION 19."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-SEVEN.

On page 7, line 9, of the printed bill, strike out the words "and boundaries", and insert in lieu thereof the words "boundaries and courses".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-EIGHT.

On page 7, line 20, of the printed bill, strike out the words "SECTION 22", and insert the words "SECTION 20."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-NINE.

On page 7, line 22, of the printed bill, strike out the final "e" in the word "therefore".

Amendment adopted.

## AMENDMENT NUMBER SIXTY.

On page 7, line 23, of the printed bill, strike out the word "county", and insert the words "recorder of the county in which".

Amendment adopted.

## AMENDMENT NUMBER SIXTY-ONE.

On page 7, line 24, of the printed bill, after the word "map", insert the words "is located".

Amendment adopted.

## AMENDMENT NUMBER SIXTY-TWO.

On page 7, line 24, of the printed bill, strike out the words "recorders of".

Amendment adopted.

## AMENDMENT NUMBER SIXTY-THREE.

On page 7, line 42, of the printed bill, strike out the following: "; *provided, however,*" all the remainder of said line, lines 43 and 44, inclusive, and insert in lieu thereof a period.

Amendment adopted.

## AMENDMENT NUMBER SIXTY-FOUR.

On page 7, line 45, of the printed bill, strike out the words "SECTION 23", and insert the words "SECTION 21."

Amendment adopted.

## AMENDMENT NUMBER SIXTY-FIVE.

On page 7, line 50, of the printed bill, strike out the word "except", then strike out all of line 51 and line 52 up to and including the word "and".

Amendment adopted.

## AMENDMENT NUMBER SIXTY-SIX.

On page 8, line 8, of the printed bill, strike out the words "title to property", all of the remainder of said line, all of line 9 and all of line 10.

Amendment adopted.

## AMENDMENT NUMBER SIXTY-SEVEN.

On page 8, line 11, of the printed bill, strike out the words "SECTION 24", and insert the words "SECTION 22."

Amendment adopted.

## AMENDMENT NUMBER SIXTY-EIGHT.

On page 8, line 20, of the printed bill, strike out the words "SECTION 25", and insert the words "SECTION 23."

Amendment adopted.

## AMENDMENT NUMBER SIXTY-NINE.

On page 8, line 38, of the printed bill, strike out the words "SECTION 26", and insert the words "SECTION 24."

Amendment adopted.

## AMENDMENT NUMBER SEVENTY.

On page 8, line 50, of the printed bill, where the word "to" first appears, strike out such word, and insert the word "with".

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-ONE.

On page 9, line 8, of the printed bill, strike out the words "SECTION 27", and insert the words "SECTION 25."

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-TWO.

On page 9, line 19, of the printed bill, strike out the words "SECTION 28", and insert the words "SECTION 26."

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-THREE.

On page 9, line 32, of the printed bill, strike out the words "SECTION 29", and insert the words "SECTION 27."

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-FOUR.

On page 9, line 38, of the printed bill, after the word "which", insert the word "the".

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-FIVE.

On page 9, line 47, of the printed bill, strike out the words "SECTION 30", and insert the words "SECTION 28."

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-SIX.

On page 9, line 51, of the printed bill, strike out the word "practical", and insert the word "practicable".

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-SEVEN.

On page 10, line 2, of the printed bill, strike out the words "adequate provision", and insert the words "dedication of adequate easements".

Amendment adopted.

## AMENDMENT NUMBER SEVENTY EIGHT.

On page 10, line 12, of the printed bill, strike out the words "SECTION 31", and insert the words "SECTION 29".

Amendment adopted.

## AMENDMENT NUMBER SEVENTY-NINE.

On page 10, line 13, of the printed bill, strike out the word "and", and insert the word "or".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY.

On page 10, line 14, of the printed bill, strike out the words "in absence thereof".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY ONE.

On page 10, line 16, of the printed bill, strike out after the "." all of lines 17, 18, 19 and 20, and in lieu thereof insert the following: "immediately upon the adoption of an ordinance providing for subdivision regulation it shall be the duty of the city clerk or clerk of any political subdivision adopting such ordinance to record a certified copy thereof in the office of the county recorder in the county in which the municipality or political subdivision is located. Such regulations shall not be effective until after they have been so recorded.

Amendment adopted.

## AMENDMENT NUMBER EIGHTY TWO.

On page 10, line 21, of the printed bill, strike out the words "SECTION 32", and insert the words "SECTION 30".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY THREE.

On page 10, line 33, of the printed bill, strike out the words "and record", and insert the word "clear".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY FOUR.

On page 10, line 48, of the printed bill, insert the word "each", after the word "within".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY FIVE.

On page 11, line 25, of the printed bill, strike out the words "Every contract", and all the remaining words of said line and all of lines 26, 27, 28, 29 and 30.

Amendment adopted.

## AMENDMENT NUMBER EIGHTY SIX.

On page 11, line 33, of the printed bill, strike out the word "of", and insert the word "for".

Amendment adopted.

## AMENDMENT NUMBER EIGHTY-SEVEN.

On page 11, line 34, of the printed bill, strike out the words ", or for other purposes", and insert in lieu thereof "."

Amendment adopted.

## AMENDMENT NUMBER EIGHTY-EIGHT.

On page 12, between lines 4 and 5, of the printed bill, insert the following: "(j) Said regulations may require the dedication of streets, highways and public ways when such dedication may be deemed necessary for the public use." "(k) Such regulations may change or modify the provisions of section 8 in this act to provide for the submission of the tentative map to the city engineer or county surveyor in addition to the city planning commission, provided that the total time elapsing between the submission of said map and its return to the planning commission of the county shall not exceed fifteen days."

Amendment adopted.



## AMENDMENT NUMBER EIGHTY-NINE.

On page 12, line 18, of the printed bill, strike out the words "SECTION 33", and insert the words "SECTION 31."

Amendment adopted.

## AMENDMENT NUMBER NINETY.

On page 12, line 37, of the printed bill, strike out the words "SECTION 34", and insert the words "SECTION 32."

Amendment adopted.

## AMENDMENT NUMBER NINETY-ONE.

On page 12, line 42, of the printed bill, after the word "subdivider.", insert the words "unless said map shall have been abandoned or the time for action on same extended."

Amendment adopted.

## AMENDMENT NUMBER NINETY-TWO.

On page 12, line 47, of the printed bill, strike out the words "SECTION 35", and insert the words "SECTION 33."

Amendment adopted.

## AMENDMENT NUMBER NINETY-THREE.

On page 12, line 52, of the printed bill, after the words "tentative map:", insert the words "and such other matters as require checking to insure compliance with the provisions of this act".

Amendment adopted.

## AMENDMENT NUMBER NINETY-FOUR.

On page 13, line 4, of the printed bill, strike out the words "required on the tentative map", and insert the words "enumerated on the tentative map and the memorandum attached thereto."

Amendment adopted.

## AMENDMENT NUMBER NINETY-FIVE.

On page 13, line 5, of the printed bill, insert after the word "regulations.", the following words "except such as are necessary to comply with this act".

Amendment adopted.

## AMENDMENT NUMBER NINETY-SIX.

On page 13, line 9, of the printed bill, after the word "aforesaid", insert the words "together with tax receipts, title search and such other papers as may be required in the subdivision regulations for the carrying out of the provisions of this act."

Amendment adopted.

## AMENDMENT NUMBER NINETY-SEVEN.

On page 13, line 11, of the printed bill, strike out the word "rejection", and insert the word "disapproval".

Amendment adopted.

## AMENDMENT NUMBER NINETY-EIGHT.

On page 13, line 12, of the printed bill, strike out the words "to approve", and insert in lieu thereof "to act upon".

Amendment adopted.

## AMENDMENT NUMBER NINETY-NINE.

On page 13, line 15, of the printed bill, strike out the word "governing", and insert the word "legislative".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED.

On page 13, line 15, of the printed bill, strike out "said governing body", and all of the remainder of said line and all of line 16, and insert in lieu thereof the following: "If said governing body shall approve said map it shall thereupon transmit said map to the city engineer or county surveyor for transmittal to the county recorder's office for recordation."

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED ONE.

On page 13, line 17, of the printed bill, strike out the words "SECTION 36", and insert the words "SECTION 34".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED TWO.

On page 13, line 17, of the printed bill, strike out the word "required", and insert the word "requires".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED THREE.

On page 13, line 25, of the printed bill, strike out the words "SECTION 37", and insert the words "SECTION 35."

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED FOUR.

On page 13, lines 28 and 29, of the printed bill, strike out the words "is refusing to approve any tentative or final maps".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED FIVE.

On page 13, line 43, of the printed bill, strike out the words "SECTION 38", and insert the words "SECTION 36".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED SIX.

On page 13, line 44, of the printed bill, strike out the words "filing or".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED SEVEN.

On page 14, line 4, of the printed bill, strike out the words "SECTION 39", and insert the words "SECTION 37".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED EIGHT.

On page 14, line 13, of the printed bill, after the word "records," insert the words "records, and above shall constitute recordation; the year, the month, the day of the month, and the hour when said map is received shall be engrossed on said map as specifying time of recordation."

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED NINE.

On page 14, line 15, of the printed bill, strike out the words "SECTION 40", and insert the words "SECTION 38".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED TEN.

On page 14, line 23, of the printed bill, strike out the word "designed", and insert the word "designated".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED ELEVEN.

On page 14, line 37, of the printed bill, strike out the words "SECTION 41", and insert the words "SECTION 39".

Amendment adopted.

## AMENDMENT NUMBER ONE HUNDRED TWELVE.

On page 14, line 27, of the printed bill, strike out the words "any map", and thereafter all of said line, and all of lines to line 37, inclusive, and insert in lieu thereof the following words: "All maps filed for the purpose of showing as acreage land previously subdivided into numbered or lettered lots or parcels shall be filed with and checked by the city engineer or county surveyor or such other commission or body or officer as may be provided by subdivision regulations adopted pursuant to

the provisions of this act and shall conform to the provisions of this act and subdivision regulations adopted pursuant hereto except that no survey nor certificate of any surveyor or engineer shall be required."

Amendment adopted.

AMENDMENT NUMBER ONE HUNDRED THIRTEEN.

On page 44, line 38, of the printed bill, strike out the words "SECTION 42", and insert the words "SECTION 40".

Amendment adopted.

AMENDMENT NUMBER ONE HUNDRED FOURTEEN.

On page 14, line 45, of the printed bill, strike out the words "SECTION 43", and insert the words "SECTION 41".

Amendment adopted.

AMENDMENT NUMBER ONE HUNDRED FIFTEEN.

On page 14, line 46, of the printed bill, strike out the words "or lands in which", and insert the words "or lands into".

Amendment adopted.

AMENDMENT NUMBER ONE HUNDRED SIXTEEN.

On page 14, line 48, of the printed bill, substitute the word "prohibiting", for the word "prohibited".

Amendment adopted.

AMENDMENT NUMBER ONE HUNDRED SEVENTEEN.

On page 14, line 49, of the printed bill, substitute the word "said" for the word "such".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, strike out all of lines 18 and 19, and insert in lieu thereof the following: "personal property in the same manner as a natural person. Said corporation may create a bonded indebtedness or increase the same and may issue, sell and dispose of bonds or the increase thereof, and may secure the payment of such bonds by mortgage or deed of trust of its real or personal property; and may receive bequests and devises for its own use."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, beginning in said line 6, strike out the words: "rots, excepting brown rot, blue and green mold, and", and insert in lieu thereof the following: "decay."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 15, of the printed bill, beginning in said line 15, strike out the following: "brown rot, blue and green mold shall not be considered serious defects," and insert in lieu thereof the following: "any packed, wrapped citrus fruit which has been in storage or shipped by rail and which fails to meet the requirements of this standard only by reason of brown rot, blue mold or green mold which has occurred after packing, shall not be held for violation of the provisions of this act on account of such deterioration."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 25, of the printed bill, beginning in said line 25, strike out the words "irrespective of analysis of the juice", and insert in lieu thereof the following: "if the juice contains soluble solids equal to or in excess of six and one-half parts to every part of acid contained in the juice."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 7, of the printed bill, immediately following the words "other defects", insert the following: "in any lot of citrus fruit in bulk".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 9, of the printed bill, strike out the words: "of the various sizes selected at random.", and insert in lieu thereof a period.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 42, of the printed bill, strike out the period, and insert in lieu thereof a comma, and the following: "provided, however, that grapefruit remaining on the trees after June 1 of each season shall be deemed mature irrespective of analysis of the juice."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 683 --An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in the State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 11, line 47, of the printed bill, immediately following the words "picking boxes", add the following: "filled with grapes of group "B" varieties."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 11, line 48, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "fifty".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 11, line 50, of the printed bill, strike out the words "grade 2", and insert in lieu thereof the word "unclassified".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 641—An act to revise an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act." approved June 8, 1915, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, strike out said line 19, down to and including the period following the word "issued", and insert in lieu thereof the following: "on a particular scale, the location of which is described in said license during the fiscal year for which issued and all such licenses heretofore issued shall become null and void upon this amendment taking effect and all persons desiring to engage in the business of public weighmaster shall pay the fee of twenty dollars and a credit shall be given on the old license prorated for the unexpired term of its maturity."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 8, of the printed bill, after the word "application", strike out the period, and insert the following: "and no person shall act as agent of a public weighmaster until a license shall have been issued to him by the state superintendent of weights and measures."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 24, of the printed bill, after the comma in said line, put in period, and strike out the following: "except where such writing bears across the top thereof in letters not less than one quarter inch in height the words "not officially weighed.""

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 42, of the printed bill, strike out lines 42 to 46, inclusive, and insert in lieu thereof: "numbered consecutively; said certificates shall be bound in nonremovable book form, providing for at least one carbon copy to be retained."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 48, of the printed bill, strike out the words "filed or sealed", and insert in lieu thereof the words "piled or stored".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, line 50, of the printed bill, after the word "identified", in said line, strike out the period, and insert in lieu thereof the following: "as herewith authorized."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 7, of the printed bill, after the word "fee" in said line, strike out the period, and insert in lieu thereof the following: "or public storage charges."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 23, of the printed bill, after the period in said line, insert the following: "Whenever a formal complaint has been filed in any court in this state charging any public weighmaster with a violation of this act, or with any felony, the state superintendent of weights and measures may forthwith suspend said weighmaster's license until the final disposition of said court proceedings."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Amend the title of the printed bill by striking out all of the title and insert in lieu thereof the following:

"An act regulating the sale of agricultural seed and providing for a state seed arbitration committee to investigate and make recommendations relative to disputes arising from violations of the provisions thereof."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning with the word and figure "Section 1", strike out all of the remaining portion of the printed bill and insert in lieu thereof the following:

"SECTION 1. The Legislature hereby declares that the purposes of this act are to promote, encourage, and and protect the agricultural interests of the State of California, which have in any way to do with agricultural seeds as sold, or purchased or seeded or planted and to establish a responsibility upon the part of any person, firm, association or corporation who sells, for commercial seeding or planting, within this state, any such agricultural seeds; that it believes these purposes can best be accomplished by providing an official committee to investigate and recommend to the interested parties or to any court in this state the fair and equitable responsibility to be borne by the seller, the purchaser or between the seller and purchaser of such agricultural seed in dispute, as such responsibility may relate to the factors of mechanical purity, germination and inherent quality of such agricultural seed. The Legislature hereby declares the recognition of the accepted practices which enable the seed analyst to determine mechanical purity and germination by proper laboratory methods and likewise the recognition that inherent quality is an intangible factor to determine and does not admit of measure or analysis by known laboratory methods except as such agricultural seeds may be grown under field conditions to the mature plants.

The Legislature hereby declares the recognition that the producer of agricultural crops may be seriously injured and sustain important financial losses if his choice of a crop has been made and the seed which he purchases does not prove to be of the mechanical purity, of the germination or of the inherent quality as represented by the seller of such agricultural seed from whom he purchases; and likewise the recognition that important financial losses may be sustained by the seller of agricultural seeds if such claims are established unwarrantedly.

Sec. 2. Certain terms as used in this act are hereby defined as follows:

(a) "California seed law of 1921" means the act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violation of the provisions hereof," approved June 3, 1921, as the same now exists and from time to time is amended.

(b) The words "agricultural seeds," means all domesticated grasses, cereals, legumes such as alfalfa, sweet clover, red clover, crimson clover, alsike clover, white clover, field peas, cow peas, beans, soy beans, and vetches, garden seeds and the seeds of all other crops that are or may be grown commercially on a field scale in this state, not including flower, or sugar beet.



(c) The word "label," means a tag or label affixed in a conspicuous place on the exterior of a package or other container, plainly written or printed in the English language in type not smaller than seven-point, or if written to be of permanent black ink.

(d) The word "committee" whenever used in this act shall be held and construed to mean the state seed arbitration committee.

SEC. 3. Any person, firm, association or corporation who sells, offers or exposes for sale for planting or seeding purposes within the state, any lot of agricultural seed shall sell same as herein provided:

(a) Each lot of agricultural seed must be labeled in full accordance with the provisions of the California seed law of 1921.

(b) If in the transactions relating to the sale of any agricultural seed, any additional information is given supplementing the label requirements of subsection (a) of section 3 of this act, which additional information makes any claim or representation as to a definite species, variety, type, strain, or selection, the person, firm, association or corporation selling such agricultural seed must deliver the seed as represented in so far as species, variety, type, strain, or selection can be determined by the exercise of reasonable care and diligence.

SEC. 4. Agricultural seeds shall be exempt from the provisions of this act:

(a) When possessed, exposed for sale, or sold for food or manufacturing purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning, or not possessed, sold or offered for sale for seeding purposes within the state.

(d) When sold in packages or bulk of less than five pounds.

SEC. 5. A state seed arbitration committee is hereby created to consist of three members as follows:

(1) The director of the department of agriculture of the State of California, or an assistant whom he may designate;

(2) The head of the division of agronomy of the College of Agriculture of the University of California, or an assistant whom he may designate;

(3) A representative of the seed merchants of California, which representative shall be selected by an assembly of seed merchants of this state in a meeting called in session by the director of the department of agriculture of the State of California. At this assembly a first and a second alternate representative of the California seed merchants shall also be selected. Each representative so selected shall be a bona fide seed merchant in California and so selected that no two of these representatives are financially interested by ownership or employment in any same seed merchandising firm, corporation or association.

(4) Should a dispute arise as to whether or not any seed delivered was as represented by the information given on the label as required under subdivision (a) of section 3 of this act or given by any other means or represented by additional information given, as provided for under subdivision (b) of section 3 of this act, any party to the transaction may bring his dispute for investigation before the state seed arbitration committee which is herein provided for; *provided, however*, that as a prerequisite to such an investigation the person requesting such an arbitration shall, upon making such request, deposit with the secretary of the committee twenty-five dollars to be applied toward the expenses of the investigation.

SEC. 6. No member of this committee will be eligible to serve on an investigation of dispute in which he or the firm, association or corporation, by which he is employed, is an interested party. Whenever the person, firm, association or corporation with which the seed trade representative is connected, is an interested party in dispute, brought before the committee, then the first or second alternate representative shall serve on the committee for the investigation and recommendations of such dispute, whichever one of whom is not an interested party.

SEC. 7. Members of the committee will serve without pay appointments enduring two years from the date of appointment; *providing*, that the member and alternates representing the seed merchants will hold appointments at the pleasure of the seed merchants of the state as expressed by their organizations. Vacancies will be filled as they occur.

SEC. 8. It shall be the duty of the committee:

(a) To investigate, hold hearings or in any way obtain the facts of any dispute as described in this act, which may be brought before it for investigation.

(b) After an investigation has been completed to recommend to all interested parties an equitable basis for settlement as determined by the committee.

(c) If the interested parties can not agree on a settlement and an action is filed in relation to such transaction in any court in this state, to present the record of these findings to the court.

(d) To investigate each dispute on its own merits and not be guided by precedents of other findings.

(e) To select from its membership its chairman and secretary and formulate necessary rules of conduct and procedure for carrying out investigations.

(f) To keep a complete record in duplicate of all hearings, investigations, conclusions and recommendations of disputes brought before it for investigations. One

copy of such records to be filed at the department of agriculture of California and one to be filed at the College of Agriculture of the University of California. Such files to be open to any citizen of this state. The file of any dispute may be destroyed four years after it is closed.

SEC. 9. The committee shall have power:

(a) To subpoena witnesses and take testimony under oath.

(b) To employ such clerical assistance as may be necessary to carry out the purposes of this act.

(c) To fix the compensation and determine the duties of such employees as shall be necessary.

(d) To perform such travel on state expense as may be necessary to make investigations.

SEC. 10. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00) for carrying out the purposes of this act. All moneys collected under the provisions of this act shall be paid into a special fund in the state treasury to be known as "seed arbitration fund" which fund is hereby created. All moneys in the seed arbitration fund shall be used for the purposes of carrying out the provisions of this act.

SEC. 11. If any section, subsection, paragraph, sentence or clause of this act is for any reason held to be invalid, the Legislature hereby declares that had it known of the invalidity of that portion at the time of this enactment, it would have passed the remainder of this act without the invalid portion and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act.

SEC. 12. This act shall be known and referred to as the "Agricultural seed arbitration act of 1929."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 42—An act to add a new section to be numbered 71 to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violation of the provisions of the act," approved May 20, 1915, relating to State highways.

#### COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 1, line 6, of the printed bill, strike out the word "buys", and on line 7 the words "buy or".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, following the period after the word "misdemeanor", insert the following: "Nothing herein contained, however, shall be deemed to prohibit a seller from taking orders for or delivering any commodity from a vehicle on the part of the right of way of a state highway immediately adjoining the premises of the purchaser."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

SENATOR NELSON IN THE CHAIR.

At eleven o'clock and thirty minutes a.m., Senator Nelson of the First District was called to the chair.

Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to

wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 8 to 24, inclusive, and insert in lieu thereof the following: "Beginning at a point on the south shore of the straits of Carquinez in the county of Contra Costa, State of California, at the line of high tide, said point being two thousand four hundred eighty-seven and fifteen hundredths feet north and six thousand eight hundred five and twenty-one hundredths feet west of the quarter corner on the east line of section thirteen, township two north, range three west, Mount Diablo base and meridian, said point also being on the south line of tide land survey number thirty-two as per patent thereof from the State of California, to L. B. Mizner, dated June 14, 1877, as per amended map thereof on file in the office of the state surveyor general and the office of the recorder of the county of Contra Costa, State of California, five hundred seventy-six and thirty-one hundredths feet west of the most easterly corner of said tide land survey number thirty-two; thence running along the south line of said tide land survey, east five hundred seventy-six and thirty-one hundredths feet to the most easterly corner thereof; thence along the line of low tide, south seventy-three degrees, fifty-seven minutes, fifteen seconds east one thousand four hundred ninety and seventy-seven hundredths feet; thence north eighty-nine degrees, twenty-two minutes, forty-five seconds east, one thousand seven hundred and eighty-nine hundredths feet to the west line of tide land survey number four produced northerly as per State of California patent thereof to Oliver C. Coffin, dated November 15, 1867; thence running along the west line of said tide land survey number four, south nought degrees, thirty-seven minutes, fifteen seconds east, one thousand three hundred fifty and no hundredths feet to a point on the line of high tide, and from which point the center of a curve to the right with a radius of six thousand two hundred six and forty-six hundredths feet bears north twenty degrees, twenty minutes, thirty-six seconds east; thence running along the line of high tide and said curve in a westerly direction, five hundred fifty and ninety-one hundredths feet; thence, tangent to said curve, north sixty-four degrees, thirty-four minutes, fifteen seconds west, three thousand five hundred fifteen and fifty hundredths feet; thence on a curve to the left with a radius of five thousand seven hundred seventy-three and sixty-one hundredths feet, and tangent to last mentioned course, forty-six and fifty-six hundredths feet to the point of beginning, containing an area of fifty-two and seventy-two hundredths acres of land, more or less."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 4 of the printed bill, strike out all of lines 6 to 15, inclusive, and insert in lieu thereof the following:

"SEC. 5. Whenever the board of state harbor commissioners determines by resolution that a bond issue under this act is necessary or desirable in order to carry into execution any of the plans or projects authorized by this act, and so certifies



to the San Francisco harbor bond finance board, then the said bond finance board shall adopt a resolution which".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 4 of the printed bill, strike out lines 31 to 34, inclusive, and insert in lieu thereof the following:

"The bonds first to mature in each issue shall mature at the end of the sixth year from the date of issuance thereof, and, beginning at the end of said sixth year specified numbers of bonds of specified numerical sequence shall mature in equal amounts at annual intervals; and the bonds last to mature".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 5, line 2, of the printed bill, strike out the word "governor", and insert in lieu thereof the following: "president of the board of state harbor commissioners".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 6, line 14, of the printed bill, strike out the words "refrigerator pre-cooling facilities,".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 7 of the printed bill, strike out all of line 20, and insert in lieu thereof the following: "upon all bonds then sold, delivered, and outstanding, less interest accrued upon investments made from moneys in the fourth San Francisco seawall sinking fund under the provisions of this section. The".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 7 of the printed bill, strike out all of lines 22 and 23, and insert in lieu thereof the following: "directed by the collection of dockage, tolls, rents, wharfage, cranage, demurrage, switching and any and all collections now or hereafter authorized by law, to collect a sum of money sufficient for the purposes".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 8, line 35, of the printed bill, after the period following the word "issued", insert the following: "All money remaining in the fourth San Francisco seawall sinking fund, after the principal of and interest upon all bonds issued under the provisions of this act have been paid in full and after all such bonds and the interest coupons therefrom have all been canceled, shall be paid into the San Francisco harbor improvement fund to be expended in accordance with law."

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 10 of the printed bill, strike out all of lines 5 and 6.

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 10, line 7, of the printed bill, strike out the numeral "15", and insert in lieu thereof the numeral "14".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as

amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7 $\frac{1}{2}$ , 8 $\frac{1}{2}$ , 22 $\frac{1}{2}$ , 23 $\frac{1}{2}$ , 28 $\frac{1}{2}$ , 30 $\frac{1}{2}$ , 31 $\frac{1}{2}$ , 45 $\frac{1}{2}$ , 52 $\frac{1}{2}$ , 72 $\frac{1}{2}$ , 76 $\frac{1}{2}$ , 83 $\frac{1}{2}$ , 98 $\frac{1}{2}$ , 100 $\frac{1}{2}$ , 111 $\frac{1}{2}$ , 114 $\frac{1}{2}$ , 134 $\frac{1}{2}$ , 141 $\frac{1}{2}$ , 146 $\frac{1}{2}$ , 150 $\frac{1}{2}$ , 152 $\frac{1}{2}$ , 153 $\frac{1}{2}$ , and 154 $\frac{1}{2}$ , relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semi-trailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 27, of the printed bill after the word "duties", insert the following: "and a vehicle owned and operated by the chief or one assistant chief of an organized fire department in answering fire alarms".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4, line 21, of the printed bill, strike out down to and including line 21, page 6, and insert the following:

"SEC. 30. "California highway patrol."

(a) There is hereby created the "California highway patrol," the administration of which shall be in the division of motor vehicles and under control of the director of the department of public works who is hereby authorized to appoint one superintendent of traffic patrol, one assistant superintendent of traffic patrol, one secretary to the superintendent of traffic patrol, all necessary state inspectors at large, and in addition thereto a sufficient number of state inspectors, traffic officers and clerks in the counties of the state for the purpose of enforcing the provisions of this act with such salaries as may be fixed by the director of the department of public works.

(b) The director of the department of public works, the chief of the division of motor vehicles, the superintendent of traffic patrol, the assistant superintendent of traffic patrol, the inspectors and traffic officers as provided herein shall constitute the "California highway patrol" and are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of this act with the power of serving warrants issued by any court of this state in any portion thereof.

(c) The division may from time to time establish headquarters or substations in such localities in the rural portions of the state as it shall deem most suitable for the efficient performance of the duties of the California traffic patrol and for that purpose he may lease or purchase lands and buildings.

(d) The division is hereby authorized to:

(1) Establish a school for the training and education of the members of the "California highway patrol" in traffic regulation, their duties and the proper enforcement of this act.

(2) Create districts within the state in the organization of the "California highway patrol."

(3) Adopt rules covering the policy, procedure, regulation and administration of all activities of the "California highway patrol."

(e) The division shall issue to each member of the "California highway patrol" a badge of authority with the words "California highway patrol" enclosing the same, the seal of the State of California in the center thereof, and below the designation of the office held by each member thereof.

(f) Any person who without authority wears the badge of a member of the "California highway patrol" or a badge of similar design which would tend to deceive anyone shall be guilty of a misdemeanor.

(g) Any person who impersonates a member of the "California highway patrol" with the intention to deceive anyone shall be guilty of a misdemeanor.

(h) All persons, with the exception of state inspectors at large, appointed under the provisions of section 30 of this act shall be exempt from the provisions of the civil service act.

(i) When appointments are to be made of inspectors, traffic officers, and clerks to serve in any county of the state, the board of supervisors of such county shall be notified of such contemplated appointments and thereupon the said board of supervisors shall submit to the department a list of names of proposed inspectors, traffic officers, and clerks, from which list such appointments shall in the discretion of the director of the department of public works be made. If any board of supervisors should fail or refuse to submit a list of names for such appointments as aforesaid the director of the department of public works shall proceed to make such appointments.

(j) The chief of the division whenever in his opinion an emergency exists is hereby authorized to assign the members of the "California highway patrol" for service in any portion of the state.

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 6, line 25, of the printed bill, strike out the comma after the word "vehicles", and all of the balance of the line and all of line 26 and the words "and the branch manager" on line 27.

### Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 7, line 27, of the printed bill, strike out the quotes after the abbreviation "Cal." and insert in lieu thereof a period and strike out the balance of the line and all of lines 28, 29 and 30.

### Amendment adopted.

#### AMENDMENT NUMBER FIVE.

On page 14, line 28, of the printed bill, strike out the following: "or his address".

### Amendment adopted.

#### AMENDMENT NUMBER SIX.

On page 15, line 13, of the printed bill, after the word "at", insert the following: "all times display the license number plate or plates issued".

### Amendment adopted.

#### AMENDMENT NUMBER SEVEN.

On page 18, line 8, of the printed bill, as amended, strike out the words "for the".

### Amendment adopted.

#### AMENDMENT NUMBER EIGHT.

On page 18, line 9, of the printed bill, as amended, strike out the words "transportation of passengers for hire,".

### Amendment adopted.

#### AMENDMENT NUMBER NINE.

On page 19, line 5, of the printed bill, after the period, strike out all of the balance of the line and all of lines 6, 7, 8, and 9.

### Amendment adopted.

#### AMENDMENT NUMBER TEN.

On page 20 of the printed bill, strike out "(a)" in line 9 down to and including line 10, and insert in lieu thereof the following:

For a transfer by the owner .....	\$1.00
For a transfer by the legal owner .....	1.00
For a transfer by legal and registered owner at the same time .....	1.00

### Amendment adopted.



## AMENDMENT NUMBER ELEVEN.

On page 24, line 43, of the printed bill, strike out the word "bell," and the words "or exhaust whistle".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 25, line 37, of the printed bill, strike out the word "white", and insert in lieu thereof the word "blue".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 30, line 8, of the printed bill, strike out the word "directly".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 35 of the printed bill, strike out all of lines 8, 9, 10, 11, and 12.

Amendment adopted.

## AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments were offered, and their adoption moved by Senator Breed:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, after the word "sections" in said line, insert the following: "7 $\frac{1}{2}$ ".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 7 of the title of the printed bill, strike out the numerals "154", and insert in lieu thereof the numerals "159".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 8 of the title of the printed bill, strike out the following: "7 $\frac{1}{2}$ ".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 416—An act concerning the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, in the title of the printed bill, strike out the word "concerning", and insert in lieu thereof the following: "providing for".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the words "In this act", and insert in lieu thereof the following: "(a) The term".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, lines 6 and 7, of the printed bill, strike out the following:  
"Operating aircraft" means performing the services of aircraft pilot," and insert in lieu thereof and before the word "The" the following: "(b)".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 12, of the printed bill, before the word "The", insert the following: "(c)".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On pages 1, 2 and 3 of the printed bill, strike out everything from line 17 on page 1, through and including page 2, to and including line 35 on page 3, and insert in lieu thereof the following:

"(d) The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"(e) The term 'federal license' shall mean, as the case may be, a valid, unrevoked and unsuspended aircraft certificate or airman certificate issued by the secretary of commerce under authority of the federal act and the lawful rules and regulations issued or which may be issued thereunder.

"(f) The term 'person' means every natural person, firm, copartnership, association or corporation.

Sec. 2. It shall be lawful for any person to navigate any aircraft within the State of California, if it is licensed and registered under the laws of the United States and any regulations made pursuant thereto, but it shall be unlawful for any person to navigate any aircraft within the State of California unless it is so licensed and registered.

Sec. 3. It shall be lawful for any person to operate or participate in the operation of any aircraft within the State of California or to act as an airman in connection therewith if such person is licensed and registered under the laws of the United States or any regulations made pursuant thereto, but it shall be unlawful for any person to act as an airman in any capacity, except that for which he is licensed under the laws of the United States or any regulations adopted pursuant thereto.

Sec. 4. The certificate of the licensee, required by section 3 of this act, shall be kept in the personal possession of the licensee when he is operating aircraft within this state and must be presented for inspection upon the demand of any passenger, any peace officer of this state or any official, manager or person in charge of any airport in this state upon which he shall land.

Sec. 5. Any person, firm or association or corporation, or any county, city and county, city or other political subdivision of the state having management or control of any airport or air navigation facilities may establish rules or regulations governing the use of same but shall not establish any rule or regulation, whether by law, ordinance or otherwise, inconsistent with or contrary to the provisions of this act or of any act of the United States or any regulations established pursuant thereto.

Sec. 6. Any person, firm, association or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or be subject to both such fine and imprisonment.

Sec. 7. It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs to navigate any aircraft in this state, and upon conviction thereof shall be imprisoned in the state prison for not less than one, nor more than five years.

Sec. 8. Except as otherwise provided in this act, no city, county, city and county, town or other political subdivisions of this state, shall be law, ordinance, rule, regulation, or otherwise, license aircraft or airmen, or provide for the registration thereof, or prescribe any air traffic rules to govern the operation of aircraft in flight, or the use of airports, emergency or other landing fields, or in any way regulating or controlling emergency or other landing fields or air navigation facilities, and the Legislature hereby declares that the government of the State of California has, to the exclusion of all political subdivisions thereof, complete sovereignty of the air space over the lands and waters of the State of California, and hereby reserves complete and exclusive legislative jurisdiction concerning the same.

Sec. 9. In case that any section or sections or part of any section of this act shall be found to be unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect.

Sec. 10. All acts or parts of acts which are inconsistent or in conflict with this act are hereby repealed.

Sec. 11. This act may be designated and referred to for all purposes as "the California air navigation act."

Sec. 12. An act entitled "An act concerning the registration, numbering, and use of aircraft and the licensing of operators thereof," approved June 3, 1921, is hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 12, line 12, of the printed bill, after the period in said line, insert the following: "No city, county, or city and county shall have authority by ordinance enacted by the legislative body thereof or adopted by the people under the initiative power or otherwise, to regulate or supervise or to provide for the regulation or supervision of an dams or reservoirs in this state, or the construction, maintenance or operation thereof, nor to limit the size of any dam or reservoir or the amount of water which may be stored therein, it being the intent of the Legislature by this act to provide for the regulation and supervision of dams and reservoirs exclusively by the state."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 700—An act authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, and to operate and maintain bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state; also to charge tolls for passage over said bridges; also to fix the rate of said tolls; also to issue and sell nontaxable, interest bearing revenue bonds, and to fix the rate of interest thereon, with which to build, purchase, condemn or otherwise acquire, bridges and approaches thereto; also to fix the time of maturity; also to provide for the collection of tolls for the money with which to retire said bonds and to pay the interest thereon; also to pay into the State treasury all moneys collected hereby, and to create a special fund to be styled "the highway bridge fund"; also to create a first lien on such tolls that may be collected for the use of any such bridges or approaches thereto; also to provide that certain property already appropriated to another public use may be condemned and taken for the bridge purposes herein set



out; and also declaring that the building or ownership of bridges and approaches contemplated by this act shall be a superior or paramount right or necessity; also that when two or more bridges are coupled or consolidated under one bond issue or under one contract that when such bridges have been paid for that thereafter no tolls shall be charged or collected on either or any such bridge or bridges.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, beginning in said line 1, strike out all of lines 1 to 28, inclusive, and insert in lieu thereof the following:

"An act declaring the policy of the State of California relative to toll bridges, and authorizing the department of public works of the State of California to bond, purchase, condemn or otherwise acquire, for and in the name of the State of California, bridges and approaches thereto across water, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state, and to acquire rights, franchises, rights of way, easements, franchises or other property rights used or to be used in connection with any of such bridges; also to operate and maintain such bridges and to fix and charge tolls for passage over the same; also to issue and sell revenue bonds secured as to the redemption thereof and interest thereon only by the tolls or other revenues received from such bridge or bridges, and to prescribe the terms and conditions of such bonds; also authorizing any city, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or bridge, and to issue and sell general obligation bonds for such purpose; also authorizing the department of public works of the State of California to enter into agreements with any such political subdivisions for the repayment from tolls to be collected on such bridges, of amounts so advanced or contributed; also dedicating and granting rights of way over or across state-owned lands; also providing for the method of acquiring property or rights of way over lands or property belonging to any city, county, city and county, incorporated city or town or joint highway district and for payment for such property or for damages thereto; also providing for the manner in which contracts shall be let for the building of bridges or approaches thereto; also providing that bridges or any real or personal property, franchises or rights appurtenant thereto or appropriated to a public use by any person, firm or private corporation may be condemned or taken under eminent domain proceedings; and also providing for the elimination of toll charges on bridges acquired or constructed under this act; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds, and may be used as security for the performance of an act or the deposit of public moneys."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning in said line 1, strike out all of lines 1 to 3, inclusive, and all of pages 2 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. It is hereby declared to be the policy of the State of California to acquire and own all privately owned toll bridges situate upon or along any part of the highways of the state, with the end in view of ultimately eliminating all toll charges thereon.

SEC. 2. The department of public works of the State of California is hereby authorized and empowered to acquire real estate, bridges and approaches thereto, and such other property, rights and franchises as may be useful in connection therewith, and to do all of the things provided for in this act, for and in the name of the State of California.

The term "department of public works", when used in this act shall be construed to mean the department of public works of the State of California.

The term "bond" when used in this act, either in the singular or plural, shall be construed to mean any bond or other written evidence of indebtedness which the department of public works may issue under this act in order to secure money with which to carry out the purposes of this act.

No officer or employee of the department of public works shall have any interest in, or association, either direct or indirect, with any person or with any corporation.

firm, company, association or partnership who or which may have any interest whatever in building or acquiring any toll bridge in this state, or in the sale or purchase of any bonds that may be authorized by this act.

SEC. 3. The department of public works is hereby empowered to build, purchase and acquire for the State of California bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state, whenever in its opinion it may be necessary or desirable so to do, and to pay for the same out of any fund provided for or made available by this act. The department of public works is hereby empowered to acquire by gift, by purchase, or by eminent domain proceedings any bridge, franchise, rights, privileges, easement, or other property either real or personal, that in its opinion may be necessary, useful or helpful in ultimately eliminating toll charges on bridges in the State of California.

SEC. 4. When the department of public works can not acquire any bridge, or the real or personal property, franchises, rights, privileges or easements needed for bridge or approach purposes, by agreement with the owner or owners, it shall be lawful for the department of public works, and said department is hereby authorized to condemn and take any such bridge, real estate or personal property, franchises, rights, privileges or easements deemed necessary for such bridge or approach thereto, under the provisions of the laws of this state relating to eminent domain proceedings. But said department shall not have power to commence any such proceedings in eminent domain unless and until the director of the said department of public works shall first have made and issued an order declaring that public interest and necessity require the acquisition, construction or completion by the state acting through the said department of public works of any such bridge, real estate or personal property, franchises, rights, privileges and easements and that such bridge, real estate, or personal property, franchises, rights, privileges and easements are necessary therefor. Such order shall be conclusive evidence (a) of the public necessity of such acquisition, construction or completion; (b) that such property and said franchises, rights, privileges or easements are necessary therefor; and, (c) that such proposed acquisition, construction or completion is planned or located in a manner, which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department of public works to condemn any bridge, real estate, personal property, franchises, rights, privileges or easements used or to be used in connection with any bridge, the attorney general of the state shall represent the department of public works, and shall, upon his request, be assisted by the district attorney of the county or the city attorney of the city or county wherein lies the bridge, real estate or personal property, franchises, rights, privileges or easements sought to be acquired, and by the attorney for the department of public works. In eminent domain proceedings to acquire property for any of the purposes of this act any bridges, real property, franchises, rights or other property appurtenant to any such bridges already appropriated to a public use by any person, firm or private corporation may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use to which such property has been so appropriated or for any other public purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use than the public use to which such property has already been appropriated.

SEC. 5. Whenever the department of public works determines that it is advisable or necessary to acquire, either through eminent domain proceedings or otherwise, any existing privately owned toll bridge or bridges and the approaches or other property, franchises or rights appurtenant thereto, or, when the department of public works determines that it is for the best interest of the public highway system of the state that a new toll bridge be constructed and operated by the state, the department of public works shall cause to be issued revenue bonds secured as to the redemption thereof and the payment of interest thereon only by the tolls collected from the operation of any such bridge. Bonds of any such issue shall be sold from time to time as need for such acquisition or construction arises, and also to pay interest on outstanding bonds of any particular issue during the period of actual construction of any such bridge or bridges. The amount of bonds to be issued for such acquisition or construction shall be determined by the department after estimates of the costs thereof have been made and after deductions from such estimates have been made for money, property, materials or labor contributed from other sources are considered. All such bonds shall be issued in the name of the State of California and shall indicate clearly on their face that they are secured both as to principal and interest only by the tolls or other revenue received from the operation of the particular bridge or bridges for the acquisition or construction of which the bonds were issued. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. The department of public works shall determine the form and conditions of all such bonds, the time and order of maturity thereof, and the rate of interest thereon, which interest rate shall not be in excess of six (6%) per cent per annum, and may also provide for the earlier redemption of the whole or any particular amount of the bonds

of any particular issue under conditions to be expressed on the face of the bonds so issued. No bonds authorized under this act shall be sold for less than the par value thereof plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. All such bonds issued shall be signed by the director of the department of public works of the State of California and by the state treasurer. The signature of the state treasurer may be by facsimile. All interest coupons shall bear the facsimile signature of the state treasurer but need not bear the signature of the director of the department of public works. All such bonds shall bear the facsimile signature of the state treasurer who holds that office at the time any particular issue of bond is authorized by the department of public works as herein provided and shall be signed by the director of the department of public works who holds that office at the time of the issue and sale of any such bonds. If the department of public works, in its judgment, should deem it advisable so to do it may couple two or more bridges under one contract and under one bond issue, and the tolls or revenues derived from such bridges built or purchased under the one bond issue shall be used for the redemption and the payment of the interest charges on bonds issued on account of all of the bridges so coupled in one contract or under one bond issue.

SEC. 6. The department of public works, through its own engineers or through such other engineers or experts it may employ, shall design all bridges to be built under the authority of this act, and may build the same or any portions thereof either by its own employees or by contract with any person, firm or corporation. The cost of any or of all such bridges shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations from other sources as herein provided. Any such bridge or bridges or portions thereof shall be built by the department of public works under and in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erection and buildings,' approved March 28, 1876," approved March 22, 1909, and amendments thereto," in so far as the provisions of said act may be made applicable; *provided, however*, that the amount of the cash or certified checks required to accompany any bid submitted, when bids relating to the construction of any bridge are called for, shall be fixed and determined by the department of public works.

SEC. 7. The department of public works is hereby empowered to charge and collect tolls and to fix the rates thereof for all toll bridges acquired or built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The department of public works in establishing toll charges shall give due consideration to the cost of operating and maintaining such bridge or bridges and to the amount required annually to meet the redemption of bonds and interest payments thereon, and also to appropriations or contributions from other sources to aid in meeting any such payments. The tolls so fixed shall never be less than sufficient to meet the estimated operating and maintenance expenses, and all redemption payments and interest charges of the bonds issued for any particular bridge or bridges. All tolls collected shall be deposited in the state treasury and credited to the particular bridge or bridges for which bonds were issued. The state treasurer shall make monthly credits from the tolls so collected and deposited to a special fund sufficient to adequately meet the requirements for bond redemption and interest charges of the particular bond issue for the ensuing year. Receipts so credited shall not be available for any other purpose all until all bonds of the particular issue are redeemed.

SEC. 8. When any of the bonds issued under authority of this act become due and payable redemption thereof shall be made out of the tolls collected from the particular bridge or bridges for which such bonds were issued, or from such other contributions or appropriations as may be made under the terms of this act. The good faith of the State of California is hereby pledged to give its moral support to the payment of both principal and interest of said bonds, but neither the payment of the principal or any interest thereon shall be or constitute a debt or a general obligation of the state. The interest on said bonds shall be paid semiannually and on the first day of January and the first day of July of each year. Bonds issued under the provisions of this act shall be free from state, county and municipal taxation.

SEC. 9. All bonds issued under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the department of public works may deem proper. The said department may reject any and all bids made for such bonds.

SEC. 10. Any city, county, city and county, incorporated city or town, or joint highway district may, upon the request of the department of public works, advance or contribute money, rights of way, labor, materials and other property toward the expense of building, acquiring and maintaining the bridges referred to in this act, and for preliminary surveys and the preparation of plans and estimates of cost therefor, and appropriations for such purpose may be made from any funds available,



including highway funds received from the state. Any of the political subdivisions or public corporations mentioned in this section may also issue general obligation bonds for any of such purposes, and all proceedings for the authorization, issue and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation. Money or property so advanced or contributed may be immediately transferred or delivered to the department of public works to be used for the purpose for which such advance or contribution was made. The department of public works may enter into a binding agreement with any city, county, city and county, incorporated city or town, or joint highway district to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of acquiring or constructing any bridge acquired or constructed as provided for in this act; *provided*, no repayment therefor shall be made until all obligations issued by the department of public works for the acquisition or construction of any such bridge have been fully redeemed and paid, and then only out of the toll revenues received from the operation of such bridge. After all bonds issued hereunder for the acquisition or construction of any bridge have been fully redeemed and paid such bridge shall become a free public bridge, and no further tolls shall be collected thereon unless, because of some extraordinary casualty or calamity or unusually heavy maintenance required, the department of public works shall determine it necessary to continue for a longer period the collection of tolls on such bridge; and also unless the said department shall determine to continue the collection of tolls for the purpose of repayment to any city, county, city and county, incorporated city and town, or joint highway district of any amount the department of public works shall have theretofore agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the acquisition or construction of such bridge.

SEC. 11. When any privately owned toll bridge is acquired or the location of any toll bridge to be constructed under this act is determined upon, and revenue bonds of the character herein provided have been issued and sold for such acquisition or construction, no city, county, city and county, joint highway district, bridge and highway district, or other public corporation or district of the state shall build or authorize the building of any bridge, subway or other highway crossing or establish or authorize the establishment and maintenance of any free ferry across the same body of water within five miles on either side of any such bridge so acquired or the location of any such bridge to be constructed under this act, nor shall the department of public works build any additional bridge, subway or other highway crossing or establish any free ferry within said distance of five miles until all of said revenue bonds issued for such acquisition and construction, together with interest thereon, shall have been paid or provision made for their payment; and *provided further*, that no city, county, city and county, joint highway district, bridge and highway district or other public corporation or district shall build or authorize the building of any bridge, subway or other highway crossing or authorize the establishment of any free ferry within a distance greater than five miles and less than fifteen miles on either side of any bridge acquired or constructed or for which bonds may have been issued under this act without the approval and consent of the department of public works, which approval and consent may be withheld in the discretion of said department when the department reasonably determines that the establishment of such additional bridges, subways or other highway crossings or ferries would be competitive with any toll bridge acquired or constructed or to be acquired or constructed under this act; *provided, further*, that the limitations as to distance contained in this section shall not apply to the construction of any bridge which may hereafter be built across the Golden Gate from the city and county of San Francisco to the county of Marin by the Golden Gate bridge and highway district, organized and incorporated under the provisions of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto" (approved May 25, 1923) and all amendments thereto, or any bridge which may hereafter be built across said Golden Gate between the city and county of San Francisco and the county of Marin. If the department of public works shall acquire or construct any toll bridge designed for and limited to the carrying of a particular class or particular classes of traffic, or issue bonds therefor, the construction of other bridges designed for and limited to the carrying of different and distinct classes of traffic shall not be deemed competitive, and the limitations as to distance contained in this section shall not then apply. The provisions of this section relating to restrictions against the construction of competitive bridges, ferries, subways and other highway crossings may be recited in said revenue bonds as and as evidence of a contract to that effect between the State of California and the holders of said revenue bonds. The department of public works may except any existing or proposed bridge, ferry, subway or other highway crossing from the limitations as to distance within which another bridge, subway or other highway

crossing may be constructed by the proceedings authorizing the issuance of said revenue bonds provided recital of such exceptions is made on the face of said bonds.

SEC. 12. Nothing in this act shall be construed to prevent the state from making appropriations from time to time in aid of the acquisition or construction of any such toll bridge or bridges, or property, franchises or rights appurtenant thereto, or for the purpose of making preliminary surveys, plans and estimates of the cost thereof, as the Legislature may deem proper.

SEC. 13. Any city, county, city and county, incorporated bridge and highway district, or joint highway district may by proper resolution of its governing body petition the department of public works requesting said department to acquire or construct any toll bridge or other toll highway crossing across any waters, bays, arms of bays, rivers or streams wholly within, or bordering upon, or wholly without the limits of any such political subdivision or public corporation herein mentioned, and in the event said department does not within two years thereafter institute the proper proceedings to acquire or construct, or sooner refuses to acquire or construct said toll bridge or other toll highway crossing under the provisions of this act, then any such city, county, city and county, incorporated bridge and highway district or joint highway district, either singly or in conjunction with other cities, counties, cities and counties, incorporated bridge and highway districts or joint highway districts, may acquire or construct such toll bridge or other toll highway crossing, subject however, to the limitations of section 11 of this act relative to the building of bridges in competition with bridges acquired or constructed by the department of public works under this act.

SEC. 14. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies; and for state school funds; and whenever any money or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in the said bonds issued under this act and in accordance with its provisions; and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act and in pursuance of its provisions may be so used.

SEC. 15. The department of public works is authorized to enter into agreements with steam and electric or other railroad or transportation companies for the use of portions of such bridges at such charges or tolls as may be mutually agreed upon should the department consider such agreements advisable or necessary for the financing of such bridges, and for the best interests of the state.

SEC. 16. The department of public works is further authorized to acquire, and construct hereunder by contract or otherwise, tubes and tunnels in connection with said bridges if it deem the same advisable, and all of the provisions of this act shall be fully applicable thereto and they shall be understood to be included within the word "bridge" or "bridges".

SEC. 17. When any such bridge is being built by the department of public works directly and not by contract, the said department may carry a reasonable amount of casualty insurance or protect itself from loss or damage by indemnity bond or bonds; the said department, in its discretion, is further empowered to carry a reasonable amount of insurance to cover any accident or destruction in part or in whole to any bridge until the same has been fully paid for and used only as a free bridge.

SEC. 18. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossing through, over or across any of the lands which are now or may be the property of this state, including highways. If any property belonging to any city, city and county, or incorporated city or town is required to be taken for the construction of any such bridge or approach thereto, or should any such property be injured or damaged by such construction, such compensation therefor as shall be agreed upon may be paid by the department of public works to the particular city, city and county, or incorporated city or town owning such property.

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 228.—An act to add three new sections to the Political Code to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the words "and the journals of the Senate and", and insert in lieu thereof the following: "of each session of the Legislature".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the word "Assembly".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, strike out the words "and journals".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 27, of the printed bill, strike out the last word "The" in said line, and strike out all of line 28 on said page.

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of lines 1 to 18, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 3, line 7, of the printed bill, strike out the following words: "and the journals of the Senate and Assembly".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 297.—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain power and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill as amended March 8, 1929, strike out the word "commissioner", and insert in lieu thereof the word "commission".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 9 of the title of the printed bill, as amended March 8, 1929, after the comma following "4a", insert the following: "granting to the park commission the right of eminent domain".

Amendment adopted.



## AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, as amended March 8, 1929, strike out the word "commissioner", and insert in lieu thereof the word "commission".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 14, of the printed bill, as amended March 8, 1929, strike out the period following the word "California", and insert in lieu thereof a comma and the following: "and agricultural parks wherever located."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, after the comma following the word "extent", insert the following: "and the recommendation of the state park commission".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, following the words "city and county", insert the following: "irrigation district".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, following the words "incidental to", insert the following: "the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, or to".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 15, of the printed bill, following the word "raising", strike out the semicolon and add the following: "when performed or conducted by an owner or lessee;".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, beginning with line 19, of the printed bill, strike out all of lines 19, 20 and 21, and on page 2, strike out all of lines 1, 2 and 3, and in lieu thereof insert the following:

"(d) The public utilities operating under the regulation of the state railroad commission on construction work incidental to their own business.

(e) Owners of the property upon which any of the construction operations hereinafter mentioned are conducted by themselves; *provided*, all of the owners of said property join in said undertaking, but this exemption does not apply where an owner of an interest in property contracts with an owner of another interest therein as in any such operations;".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 4, of the printed bill, strike out the designation of the subsection "(c)" and insert in lieu thereof the following designation: "(f)".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 8, of the printed bill, following the word "dollars", strike out the period and add the following: "such work or operation being considered as of a casual, minor, and inconsequential nature."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 9, of the printed bill, strike out all of lines 9, 10 and 11.

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 2, of the printed bill, following the word "contractor", strike out the following: "engaged as the major portion of his business", and in lieu thereof substitute the following: "experienced"; and in line 4 of the same page, following the word "contractor", strike out the words "engaged as the major portion of his business", and substitute in lieu thereof the word "experienced"; and in line 6 of the same page, strike out the words "engaged as the major portion of his business", and substitute in lieu thereof "experienced".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 13, of the printed bill, following the word "state", strike out the word "continuously".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 14, of the printed bill, following the word "years", strike out all of the remainder of line 14, all of line 15, and all of line 16 to and including the period following the word "state".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5, line 43, of the printed bill, following the word "His", insert the word "education", and following the word "training" in this same line, strike out the word "and", and insert in lieu thereof the word "or"; and in line 44 of the same page, following the word "the", strike out the words "preparation and", and in line 45 of the same page, following the word "of", strike out the word "blueprints".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 13, beginning with line 42, of the printed bill, strike out all of lines 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, and on page 14 of the same section all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 and insert in lieu thereof the following:

"(1) Any fraud, deceit or substantial misrepresentation in obtaining a license under this act;

(2) Intentional, fraudulent or negligent departure from, or disregard of, plans or specifications in any material respect, without the consent of the owner or his duly authorized representative; or intentional or deliberate disregard or violation of the building code of any municipality or governing body having jurisdiction of a building or operation;

(3) Abandonment of any contract, or failure to complete any contract without legal excuse;

(4) The diversion of funds received for prosecution or completion of a particular contract covered by this act, or for a specified purpose in the prosecution or completion of such contract and their application or use for any other contract or obligation with intent to defraud or deceive creditors or the owner.

(5) The doing of any wilful, fraudulent act, by the licensee as a contractor in consequence of which another is substantially injured."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 16, line 35, of the printed bill, eliminate all of section 21, beginning with line 35, and ending with line 51, and all of the remainder of the same section on page 17, beginning with line 1 and ending with line 23, and substitute in lieu thereof the following:

"SEC. 21. (a) Within thirty days after denial of rehearing or after decision on rehearing, any party aggrieved by such decision of the board may appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the board a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in its office affecting or relating to such decision and all the evidence taken on the rehearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the board from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the board in making such decision."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

## CASE OF URGENCY.

## RECOMMENDATION OF THE GOVERNOR.

In accordance with article IV, section 34 of the constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1100:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, March 15, 1929.

*To the Senate and Assembly of the State of California,  
Sacramento, California.*

Assembly Bill No. 1100 makes an appropriation to meet the deficiency in the appropriation for the support of the Division of Architecture, Department of Public Works.

In my opinion the appropriation necessary for such expenditure during the remainder of the eightieth fiscal year constitutes an emergency within the meaning of article IV, section 34 of the constitution, and I therefore recommend the passage of this bill as an emergency measure.

Respectfully submitted,

C. C. YOUNG, Governor.



Assembly Bill No. 1100.—An act making an appropriation to meet the deficiency in the appropriation for support of Division of Architecture, Department of Public Works, for the seventy-ninth and eightieth fiscal years.

Bill read third time.

URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1, of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young 33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1100 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young 33.

NOES—None.

Title read and approved.

Assembly Bill No. 1100 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred message from the Governor, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, March 21, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that since the adjournment of the forty-seventh session of the Legislature was taken on the twenty-ninth day of April, 1927, I have made the following appointments and request your concurrence thereof and consent thereto:

July 29, 1927, Charles Albert Adams of San Francisco, a member of the State Board of Education, for the term ending March 1, 1931.

July 29, 1927, Minnie J. Bradford of Sacramento, a member of the State Board of Education, for the term ending March 1, 1931.

July 29, 1927, Gordon Gray of San Diego, a member of the State Board of Education, for the term ending March 1, 1930.

July 29, 1927, C. L. McLane of Fresno, a member of the State Board of Education, for the term ending March 1, 1930.

July 29, 1927, Amy S. Steinhart of San Francisco, a member of the State Board of Education, for the term ending March 1, 1930.

March 31, 1928, Allen T. Archer of Los Angeles, a member of the State Board of Education, for the term ending March 1, 1932.

March 31, 1928, Mary Roberts Coolidge of Berkeley, a member of the State Board of Education, for the term ending March 1, 1932.

March 31, 1928, E. P. Clarke of Riverside, a member of the State Board of Education, for the term ending March 1, 1932.

March 20, 1929, Irene Heineman of Los Angeles as a member of the State Board of Education, for the term ending March 1, 1933.

March 20, 1929, Daisy L. Short of Oakland as a member of the State Board of Education for the term ending March 1, 1933.

Respectfully submitted.

C. C. YOUNG, Governor.

Has had the same under consideration, and respectfully reports the same back, and recommends that the above named persons be confirmed.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

BREED, Chairman.  
CROWLEY.  
McKINLEY.  
NELSON.  
SLATER.

#### MOTION CONFIRMING APPOINTMENTS OF GOVERNOR.

Senator Breed moved that the Senate confirm and consent to the several appointments of the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Charles Albert Adams of San Francisco, as a member of the State Board of Education for the term ending March 1, 1931?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Charles Albert Adams of San Francisco, as a member of the State Board of Education.

The President put the question: Will the Senate confirm and consent to the appointment of Minnie J. Bradford of Sacramento, as a member of the State Board of Education for the term ending March 1, 1931?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Minnie J. Bradford, as a member of the State Board of Education.

The President put the question: Will the Senate confirm and consent to the appointment of Gordon Gray of San Diego, as a member of the State Board of Education for the term ending March 1, 1930?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Gordon Gray, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of C. L. McLane of Fresno, as a member of the State Board of Education for the term ending March 1, 1930?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray;

Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of C. L. McLane of Fresno, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of Amy S. Steinhart of San Francisco, as a member of the State Board of Education for the term ending March 1, 1930?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Amy S. Steinhart of San Francisco, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of Allen T. Archer of Los Angeles, as a member of the State Board of Education for the term ending March 1, 1932?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Allen T. Archer of Los Angeles, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of Mary Roberts Coolidge of Berkeley, as a member of the State Board of Education for the term ending March 1, 1932?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Mary Roberts Coolidge of Berkeley, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of E. P. Clarke of Riverside, as a member of the State Board of Education for the term ending March 1, 1932?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of E. P. Clarke of Riverside, as a member of the State Board of Education for the term ending March 1, 1932.



The President put the question: Will the Senate advise and consent to the appointment of Irene Heineman of Los Angeles, as a member of the State Board of Education for the term ending March 1, 1933?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Irene Heineman of Los Angeles, as a member of the State Board of Education.

The President put the question: Will the Senate advise and consent to the appointment of Daisie L. Short of Oakland, as a member of the State Board of Education for the term ending March 1, 1933?

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Daisie L. Short of Oakland, as a member of the State Board of Education.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

#### SENATOR ROCHESTER IN THE CHAIR.

At twelve o'clock and two minutes p.m., Senator Rochester of the Thirty-seventh District was called to the chair.

#### SENATE CONCURRENT RESOLUTION No. 20

Providing for the appointment of a committee on tax investigation

WHEREAS, In view of the submission of the final report of the California Tax Commission and the commission's several recommendations contained therein, it appears necessary and advisable that a thorough study be made of said report and of the entire system of local and general taxation of the State and the relative burden borne by all property in proportion to its value and that recommendations be made to the Legislature at its forty-ninth biennial session with reference to the recommendations contained in said report and for any other changes, modifications and amendments to the existing provisions of law and the State constitution, if any are deemed necessary or advisable; and

WHEREAS, It is extremely important that opportunity be given the citizens and taxpayers of the State of California to express their views, opinions, suggestions and recommendations in regard to any or all proposed new methods of taxation and also as to the existing systems or methods of taxation as compared to the new methods proposed in said report, or otherwise, or any changes or modifications deemed necessary or advisable with reference thereto; and

WHEREAS, Said report and the executive message by which it was transmitted to this Legislature recommends that a careful study and investigation of the question of taxation be made by the Legislature; and

WHEREAS, Irrespective of whether there may or may not be a continuance of a statutory tax commission, it is necessary and advisable to secure well considered yet speedy and prompt action by the next Legislature on a comprehensive program of taxation; therefore be it

*Resolved by the Senate of the State of California, the Assembly concurring,* That a committee of eight members, consisting of four members of the Assembly, one of whom shall be the Speaker of the Assembly, the other three to be appointed by the Speaker, and four members of the Senate to be appointed by the President of the Senate, be appointed to make a study of said report and the recommendations therein contained and of the tax problems of the State and of the counties, municipalities and political subdivisions of this State and to make such recommendations to the Legislature of the State of California at the forty-ninth session thereof with

reference to any and all of the matters herein referred to, as it may deem proper and advisable; and, be it further

*Resolved*, That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further

*Resolved*, That said committee is hereby authorized to hold public hearings at any place in the State of California, after reasonable announcements thereof have been given to the public at which hearings the people shall have the opportunity to present their views to the committee with reference to any suggested method of taxation; and, be it further

*Resolved*, That said committee shall in addition to other things herein provided investigate the provisions of the constitution of the State of California and the statutes of the State and the ordinances of counties and municipalities, which may bear upon taxes and revenues, and shall determine as nearly as possible the burden of taxes now borne or paid pursuant to each and all of such provisions by the various classes of property in proportion to the value of such respective classes; and, be it further

*Resolved*, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every kind; to issue subpoenas, to compel the attendance of witnesses, and to procure testimony and so far as practicable, have material testimony reported so that it may be used by the Legislature. Each member of said committee is hereby authorized to administer oaths; and all the provisions of article VIII of chapter 8, title 1, part 111 of the Political Code of the State of California relating to the attendance and assemblage of witnesses before the Legislature and committees, shall apply to the committee appointed under this resolution and it shall be the duty of all State, county, municipal and political subdivision officers to furnish such reports and testimony, upon request of said committee and as may be pertinent to the purposes herein set forth, and, be it further

*Resolved*, That it shall be the duty of said committee to submit its report covering all of the provisions herein made, and particularly its findings on questions of necessary revenue and on the relative burden of taxes borne by the several classes of property in the State, including taxes of the State, counties, municipalities and political subdivisions, to make its recommendations of changes in present laws or provisions of the constitution of this State which will correct any inequalities, if such may be found, and further to report on such other matters as in its judgment may bear upon any of the problems covered by the provisions of this resolution, and make public its findings and conclusions by filing a copy thereof with the Governor of the State of California as a public document not earlier than November 15, 1930, and not later than December 1, 1930, and also to submit its report to the Legislature of the State of California during the first week of the forty-ninth session thereof; and, be it further

*Resolved*, That the sum of \$20,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the respective contingent funds of the Senate and Assembly, which may have heretofore or may hereafter be appropriated for the contingent expenses of the Senate and Assembly by this session of the Legislature, said sum to be payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, but not exceeding the sum of \$20,000 in all, for the purpose of paying the expenses incurred by the joint committee herein designated, under the authority hereof, and for the purposes herein set forth, and said payments shall be disbursed from time to time by Controller's warrants to be drawn against such contingent funds upon the written orders of the chairman of said joint committee herein provided for.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Peltom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—Senator Cleveland—1.

### Title read and approved.

Senate Concurrent Resolution No. 20 ordered transmitted to the Assembly.

Senate Bill No. 189—An act to define private or individual game hunting clubs, to regulate their operation and maintenance, and to

clothe the Fish and Game Commission with power to exercise jurisdiction thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collection of taxes; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provisions a misdemeanor; and to provide a method of dissolving such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 745 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam,



Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893,"

approved March 19, 1907, as amended, relating to statements of candidates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 667 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—20.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23 and 24 of said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 668 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 341 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure, relating to publication of notice to creditors in probate proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 828 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 821 to Senator Handy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, as amended in Senate March 14, 1929, strike out the words and figures "twenty-five (25)" and insert in lieu thereof the word and figures "forty (40)".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 821, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.



CONSIDERATION OF DAILY FILE.  
SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 931.—An act to validate the Golden Gate Bridge and Highway District, confirm its boundaries and all proceedings relative to the formation and incorporation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 508.—An act to amend section 1469 of the Code of Civil Procedure, relating to setting aside estates not exceeding \$2,500 in value.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, strike out the words "or surviving spouse", and the comma appearing in that line after the word "person".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, insert the words "or of his widow", at the beginning of said line prior to the words "or of the guardian".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, strike out the word "the", preceding the words "minor children", and insert in lieu thereof the word "his".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 9, of the printed bill, strike out the words "of such deceased person".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 1, line 23, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 1, line 24, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 1, line 25, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 2, line 6, of the printed bill, strike out the words "surviving spouse", in the two places in which the same appears in said line and insert in lieu thereof the word "widow" in each of said two places.

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 2, line 7, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 12, of the printed bill, strike out the words "surviving spouse", and insert in lieu thereof the word "widow".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 91.—An act to amend section 1576 of the Penal Code, relating to salaries of prison employees.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out line 8 and insert in lieu thereof the following: "from and after the date this act becomes effective be less than the sum of one hundred dollars per month to and including June 30, 1930, and that thereafter the salary of such officer or employee so fixed shall not in any case be less than the sum of one hundred ten dollars per month; to".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## RECESS.

At one o'clock p.m., on motion of Senator Breed, the presiding Senator, declared the Senate at recess until the hour of two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON CONSTITUTIONAL AMENDMENTS.

## SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees, and attaches;

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—10; committee vote: Ayes—7; absent—3.

SWING, Chairman.

Senate Constitutional Amendments Nos. 30 and 31 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1a of article VI of the constitution, relating to the exchange of judges by request—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—10; committee vote: Ayes—7; absent—3.

SWING, Chairman.

Senate Constitutional Amendment No. 13 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections

7 and 11 of that article—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—10; committee vote: Ayes—7; absent—3.

SWING, Chairman.

Senate Constitutional Amendment No. 24 ordered on file.

#### ON INSURANCE

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 603—An act to amend section 364, Workmen's Compensation, Insurance and Safety Act, chapter 589, laws of 1927, relating to insurance by State Compensation Insurance Fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

TUBBS, Chairman.

Senate Bill No. 603 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 601—An act to amend section 7, chapter 586, laws of 1917, as amended by chapter 471, laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act.

Also: Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it;

Also: Senate Bill No. 604—An act to amend section 38, chapter 176, laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance Fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

TUBBS, Chairman.

Senate Bills Nos. 601, 602 and 604 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 684—An act to amend section 1592 of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bill No. 684 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts;

Also: Senate Bill No. 56—An act to amend the Code of Civil Procedure by adding thereto a new section to title XII of part II thereof, to be numbered 934, relating to police courts;

Also: Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts;

Also: Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure to be numbered 927g, relating to costs in small claims courts;

Also: Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof;

Also: Senate Bill No. 71—An act to add a new section to the Political Code to be numbered 4185a, relating to qualifications and eligibility to the office of justice of the peace;



Also: Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 55, 56, 57, 63, 67, 71 and 675 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—3; absent—4.

INMAN, Vice Chairman.

Senate Bill No. 65 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 172—An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 172 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 21—Relative to the publication of a new edition of the constitution of the State of California and providing funds to meet the expenses thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. GLOSS, Assistant Clerk.

Senate Concurrent Resolution No. 21 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals;

Also: Assembly Bill No. 978—An act to amend the California Fruit, Nut and Vegetable Standardization Act of 1927, approved June 2, 1927, as amended, by amending section 35 thereof, relating to standards for sweet potatoes;

Also: Assembly Bill No. 393—An act to amend sections 5, 10, 12 and 24 of the Direct Primary Law, being "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913;

Also: Assembly Bill No. 674—An act to amend sections 1, 2, 11, 16 and 24b of an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919; as amended April 13, 1927, relating to contents of petition, extent of district, award of contract, date and form of bonds, and reassessments;

Also: Assembly Bill No. 111—An act relating to the regulation and licensing of dealers in live market poultry and providing penalties for the violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 691 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 978 and 111 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 393 read first time, and referred to Committee on Elections.

Assembly Bill No. 671 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 193—An act to provide for the standardization of cement-concrete pipe sold for irrigation purposes.

Also: Assembly Bill No. 648—An act to amend section 604 of the Penal Code, relating to the injury to, or unlawful taking of any crops, grain, cultivated fruits or vegetables, and fixing the penalty for a violation of this section;

Also: Assembly Bill No. 134—An act to amend section 1 of "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended;

Also: Assembly Bill No. 189—An act to amend sections 3 and 79 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended;

Also: Assembly Bill No. 169—An act to amend section 18b of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes thereon; and the creation of ex officio boards of supervisors," approved March 29, 1909 (Stats. 1909, page 551), as amended, relating to annexation of districts by cities.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 193 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 648 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 134 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 189 and 169 read first time, and referred to Committee on Municipal Corporations.

#### LEAVE OF ABSENCE.

Senator Weller was, on motion of Senator Young, granted leave of absence for the remainder of this day.

#### SENATOR MALONEY IN THE CHAIR.

At two o'clock and thirty-three minutes p.m., Senator Maloney of the Twenty-third District was called to the chair.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contents of wills.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cleveland, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Tubbs, Wagy, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 346 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cleveland, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagy, and Young—23.

NOES—Senator West—1

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 233—An act to amend sections 5, 26, 31, 36, 45, 48, 49, 56, 58 and 60 of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas heaters and ventilation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 233 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Slater, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30h, relating to the packing of cauliflower.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423—An act to amend sections 4, 7, 10, 11 and 12 of an act entitled "An act to promote the development of the California

fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 30—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, by adding a new section thereto, to be numbered section 1½, relating to registration of drug stores.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack,

McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—28.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At three o'clock and two minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

SENATE JOINT RESOLUTION No. 7.

Relative to the protection of agricultural products.

WHEREAS, Agriculture is the basic industry of California and of the nation; and

WHEREAS, Large volumes of foreign products are now being imported from foreign countries due to unusual world-wide economic conditions; and

WHEREAS, Many lines of this great agricultural industry are now seriously menaced by this situation; now, therefore, be it

Resolved, That the Legislature of the State of California hereby memorializes Congress to provide adequate tariff protection for the producers of bananas, grape fruit, pineapples, figs, dates and vegetables, so as to equalize the prices of such products locally grown and those produced in foreign countries, and be it further

Resolved, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to secure the adoption of such measures, and be it further

Resolved, That duly authenticated copies of this resolution be transmitted to each of California's Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

SENATOR MALONEY IN THE CHAIR.

At three o'clock and seven minutes p.m., Senator Maloney of the Twenty-third District was called to the chair.

Senate Bill No. 299—An act to transfer and set over certain State lands described as lot 2 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 7.44 acres more or less; lot 3 of section 23, township 15 north, range 1 west, Humboldt base and meridian, containing 22.44 acres more or less; lot 2 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 22.04 acres more or less; lot 3 of section 25, township 15 north, range 1 west, Humboldt base and meridian, containing 18.66 acres more or less; lot 1 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 7.13 acres more or less; lot 2 of section 26, township 15 north, range 1 west, Humboldt base and meridian, containing 1.57 acres more or less; situated in Del Norte County, State of California, from the jurisdiction of the Surveyor General to the jurisdiction of the Department of Natural Resources and providing for the use thereof.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rochester moved to refer Senate Bill No. 740 to Senator Mueller, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill strike out lines 1 to 6, inclusive, of the title and insert in lieu thereof the following:

"An act to amend the title and section 1 of an act entitled "An act to provide for the burial of ex-union soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, and providing for the burial of soldiers, sailors, marines and nurses who shall have served in or with the army or navy of the United States and the burial of widows of such soldiers, sailors or nurses."

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 22, inclusive, on said page, also strike out lines 1 to 9, inclusive, on page 2, and insert in lieu thereof the following:

"SECTION 1. The title of an act entitled "An act to provide for the burial of ex-union soldiers, sailors, and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, is hereby amended to read as follows:

An act to provide for the burial of soldiers, sailors, marines and nurses who shall have served in or with the army or navy of the United States and for the burial of widows of such soldiers, sailors or marines.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Section 1. It shall be the duty of the board of supervisors of each".

Motion carried.

##### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 740, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUELLER, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 833—An act to add a new section to the Political Code of the State of California, to be known as section 3627c, relating to taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 833 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 826 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 567 passed by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An act relating to the support of junior colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 599 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wag, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State



officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject.

Bill read third time.

#### URGENCY SECTION.

SEC. 8. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article IV, of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the present saline conditions now existing in the Sacramento River, of which the American River is a tributary, and which are detrimental to agriculture and industry depending upon the Sacramento River.

It is imperative also that the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the cities of Sacramento and North Sacramento should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

To secure these ends it is necessary that this act take effect immediately upon its passage.

#### PASSAGE OF URGENCY SECTION.

Urgency section read.

The question being: Shall this section, setting forth the urgency features of this bill, be passed?

The roll was called, and the urgency features of the bill passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 31—An act granting certain tidelands and submerged lands of the State of California to the city of Laguna Beach upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 31 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 631—An act authorizing the grant to Utility and Service, Inc., a corporation, of an easement for the installation and maintenance of a pipe line over and across land owned by the State of California in Napa County, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 631 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young 25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending section 12 thereof, relating to the general powers of the district.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 96 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, by amending sections 4, 5 and 6 of said act, relative to the mode of nomination and election of elective officers of such water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 39 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23—An act to amend an act entitled "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto, to be numbered 1a, relating to the powers and duties of the State Board of Prison Directors.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 23 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Slater, Swing, Tubbs, Wagy, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 11

Relating to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters.

WHEREAS, The misuse of habit-forming drugs constitutes a grave menace to society; and

WHEREAS, There is great need for more vigorous action on the part of the State of California to combat this evil; and

WHEREAS, The State of California is particularly subject to the illegal traffic in narcotic drugs on account of its great accessibility by land and water; and

WHEREAS, A greater effort is necessary on the part of California in order to successfully combat this evil and stamp out drug addiction within its borders; and

WHEREAS, There is great need that the State and federal narcotic laws should be harmonized in order to bring about closer cooperation between State and federal law enforcing officials; now, therefore, be it

*Resolved by the Assembly, the Senate concurring,* That there shall be and there is created a committee to consist of one member of the Assembly, to be appointed by the Speaker of the Assembly, and one member of the Senate, to be appointed by the President of the Senate, for the purpose of considering the enactment of effective and uniform laws governing traffic in narcotic drugs, and be it further

*Resolved,* That the committee shall also make a complete study of the entire subject of drug addiction in California, and shall gather such other necessary information, formulate recommendations, and prepare and submit to the next session of the Legislature of the State of California their findings thereon, be it further

*Resolved,* That the members of said committee shall receive no compensation for their services but shall be paid their necessary traveling and other expenses. The sum of one thousand five hundred dollars (\$1,500.00) is hereby set aside from the contingent fund of the Assembly, and a like sum from the contingent fund of the Senate, and made available for the purpose of defraying the expenses, if any, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the Assembly and Senate, and the State Controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKin-



ley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be submitted as amended.

Committee membership—10; committee vote: Ayes 7; absent 3.

SWING, Chairman.

Senate Constitutional Amendment No. 5 ordered on file.

##### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 839—An act relating to powers and duties of city presentors of cities, or cities and counties, operating under a freeholder's charter—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

LYON, Chairman.

YOUNG,

GRAY,

McKINLEY,

CHRISTIAN,

FELLOM,

ROCHESTER.

Senate Bill No. 839 ordered on file for second reading.

##### ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 153—An act to amend section 14 of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of and government of parole prisoners, and repeal an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners,' approved March 23, 1893,' approved June 16, 1913, relating to the granting of parole and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of Parole Commissioners," approved May 29, 1915, as amended, relating to conditions of parole—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

PEDROTTI, Chairman.

Senate Bill No. 153 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 885—An act to amend section 1587 of the Penal Code, relating to the treatment of prisoners;

Also: Assembly Bill No. 1016—An act relating to certain funds of inmates of State prisons and reformatories and the expenditure thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

PEDROTTI, Chairman.

Assembly Bills Nos. 885 and 1016 ordered on file for second reading.

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 21—An act to amend section 2141 of the Political Code, relating to the powers of the Department of Institutions:

Also: Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

MUELLER, Chairman.

Senate Bills Nos. 24 and 817 ordered on file for second reading.

## ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be printed, and be re-referred to this committee.

(Signed out)

GARRISON, Chairman.

CLEVELAND.

COBB.

EVANS.

ALLEN.

Senate Bill No. 266 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 499—An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of March, 1929, at three o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senators Hurley and Murphy: Senate Joint Resolution No. 9—Relative to Dale-Lehlbach Retirement Bill in United States Congress.  
Resolution referred to Committee on Federal Relations.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 484—An act to amend section 1359 of the Political Code, relating to absent voters.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Senate Bill No. 484 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill as amended in Senate March 18, 1929, following line 31, insert the following paragraph:

"SEC. 2. Section 1361 of the Political Code is hereby amended to read as follows:"

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 484, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

## ADJOURNMENT.

At four o'clock and twenty-five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Friday, March 22, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, March 22, 1929.

The Senate met at eleven o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—32.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 21, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Crowley was, on motion of Senator Murphy, granted leave of absence for this day.

Senator Allen was, on motion of Senator Cobb, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

Senator Weller was, on motion of Senator Young, granted leave of absence for this day.

Senator Boggs was, on motion of Senator Sharkey, granted leave of absence for this day.

Senator Christian was, on motion of Senator Hurley, granted leave of absence for this day.

Senator Edwards was, on motion of Senator McKinley, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robt. Collins of Pinole.



On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank H. Moore of Huntington Park.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Miguel Estudillo and Lyman Evans of Riverside, Roscoe J. Anderson, Jr., of Redding, and Assemblyman Chester Kline.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. L. M. Dorsey, former superintendent of Los Angeles schools, and Miss Eva D. Edwards, president, Alhambra City Teachers Club, Alhambra.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. A. Jacobs, principal; Miss Trela Shields, Mrs. Ruth Osborn, teachers, and pupils of the seventh and eighth grades of the Dixon Grammar School, as follows: Eleanor Ashby, Alta Eggert, Selma Embree, Guemvere Hissey, Lillian Miller, Dorothy Moreland, Dorothy Pedrick, Bonnie Simpson, Jean Sikes, Gloria Peters, Marie Rossi, Billie Comber, Ben King, Ehler Smith, Willard Sneed, Roy Schroeder, Jack Sikes, Clifton Rattenburg, Ruth Castner, Larue Dentrich, Elizabeth Hopkins, Louise McKenzie, Hilda Schoenherr, Phyllis June Wrigley, Mary Otne Dammberg, Leopoline Dammberg, Ellen Dobson, Mina d'Artenay, Phyllis Greive, Colleen Lucas, Roberta McNeill, Angelina Mello, Beatrice Rabbe, Wilma Van Sant, Ruth Hitchcock, William Bello, Belle Barnard, Fred Fegley, Walter Fegley, Stuart Grady, Austin Heiges, Maynard Johnson, Phillip McIntyre, Karl Muller, Robert Shellhammer, Mervin Brown, Jim Palmer, Lester Rohwer and Dallas Tuck.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bertha McNeil, Mrs. Mabel McLaggan, Mrs. Dewing, teachers of Walnut Creek School, and the following pupils: George Alling, Harry Alling, Milford Brown, Edward Brown, James Bradley, Barney Malcolm and Frank Macedo.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Clara P. Christian, principal of Lafayette School, Lafayette, California, and the following pupils: Margaret Alexander, Marland Chandler, Gladys Christian, Bob Collins, Virginia Guy, Margaret Loesch, Alvin Medan, Sydney Rogers and Ellen Herman.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Cleo McCullough, principal of the Oak Grove School at Concord, California, and pupils as follows: Eda Mangini, Jeannette Morrison, Chieyko Sakamoto, Lowell Moyer, Gordon Moyer, Kathleen Good, Lyle Jean Turner, Helen Berray, Eleanor Semas, Matsuko Yamauchi, Albert Lamb, Irene Favia, Stanley Ford, James Cereghino, Frank Marcellini, Harry Ide, Theona Garrett, Annie Cancilla and Louis Mangini; and Mr. and Mrs. E. W. Moyer.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following pupils of Walnut Creek School, Contra Costa County: Lorraine Dewing, Lucile Hook, Frances Shields, Ada Dewey, Margaret Dean, Alice Tyceer, Alyse Laird, Delphina Saunders, Ellabelle Beugger, Constance Botello, Betty Mauzy, Jean Walker, Kathleen Serpa, Roberta Humble, Harmon Howard, Norman Sanders, Fred Robertson, Harlow Palmer, James Stow,

James Symmons, Willard Smith, Malcolm Newell, Armand Anderson, Albert Danielson, Carl Bertino and Ivan Lawrence.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 20, 1929, passed Assembly Bill No. 647—An act relating to courses of study in elementary schools.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 647 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1073—An act to amend section 401 of the Civil Code, relating to extension of corporate existence;

Also: Assembly Bill No. 100—An act to amend the California Irrigation District Act, approved March 31, 1897, by amending sections 7, 26, 27b, 84 and 90 thereof, relating to directors of irrigation districts;

Also: Assembly Bill No. 698—An act to amend section 2322h of the Political Code, relating to county horticultural commissioners;

Also: Assembly Bill No. 38—An act to add a new section to the "Weights and Measures Act," approved June 16, 1913, as amended, to be numbered 16x2, relating to the salaries of the Sealer of Weights and Measures, and deputies, in counties of the second class;

Also: Assembly Bill No. 306—An act to amend section 19x23 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twenty-third class;

Also: Assembly Bill No. 307—An act to amend section 2322x23 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class;

Also: Assembly Bill No. 880—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections 12 and 17 thereof, relating to directors, and by adding a new section thereto to be numbered 19a, relating to nomination of candidates for office, and by amending section 20 thereof, relating to elections, section 41 thereof, relating to assessments, and section 58 thereof, relating to actions to determine the validity of bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 1073 read first time, and referred to Committee on Corporations.

Assembly Bill No. 100 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 698 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 38, 306 and 307 read first time, and referred to Committee on County Government.

Assembly Bill No. 880 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as, 'Bay Farm Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island

Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 539 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 6—Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act:

Also: Senate Joint Resolution No. 8—Relating to the Federal Income Tax Law.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Joint Resolutions Nos. 6 and 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3628, 3629, 3648, 3649 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3628, 3629, 3648, 3649 and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED SEVENTY.

##### AMENDMENT NUMBER ONE.

On page 9, line 31, of the printed bill, as amended, strike out the words "solvent credits", and insert in lieu thereof the word "notes."

##### AMENDMENT NUMBER TWO.

On page 9, line 32, of the printed bill, as amended, strike out the word "allotting", and insert in lieu thereof the word "allowing."

##### AMENDMENT NUMBER THREE.

On page 9, line 33, of the printed bill, as amended, insert as a new paragraph the following:

"9. The actual value of all solvent credits and any legal or equitable interest therein: in entering solvent credits there shall be entered the net amount after allowing proper deductions for debts as provided in section 3628 of this code."

##### AMENDMENT NUMBER FOUR.

On page 9, line 50, of the printed bill, as amended, strike out the whole of said line.

##### AMENDMENT NUMBER FIVE.

On page 10, line 1, of the printed bill, as amended, strike out the "." and insert in lieu thereof the following: ", and money. In listing money the assessed value thereof shall in all cases be placed upon a separate line from the other personal property."

##### AMENDMENT NUMBER SIX.

On page 10, line 18, of the printed bill, as amended, insert after the numeral "6." the following: "The provisions of this act shall be retroactive as to all assessments



made on or after noon of the first Monday of March, 1929: *provided*, that no informality or irregularity in the assessment or tax roll for the current year shall render any assessment or tax thereunder invalid or void."

#### AMENDMENT NUMBER SEVEN.

On page 2 of the printed bill, as amended, beginning with line 48, strike out all of subdivision 6, and in lieu thereof insert the following: "Sixth—The terms "credits", and "solvent credits", mean those solvent debts, including contracts for the sale of personal property whereby title is vested in the vendor until payment of the purchase price specified in the contracts, not secured by mortgage or trust deed, owing to the persons, firm, corporation, or association assessed. The term "debt" means those unsecured liabilities owing by the person, firm, corporation, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations or with building and loan associations, the principal place of business of which is located in this state, shall, for the purpose of taxation be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof."

#### AMENDMENT NUMBER EIGHT.

On page 3, line 22, of the printed bill, after the comma following the word "notes", add the word "debentures."

#### AMENDMENT NUMBER NINE.

On page 3, line 23, of the printed bill, strike out the word "nor", and insert in lieu thereof the word "not".

#### AMENDMENT NUMBER TEN.

On page 3, line 28, of the printed bill, after the comma following the word "credits", add the words "deeds of trust."

#### AMENDMENT NUMBER ELEVEN.

On page 10, after line 32, of the printed bill, add two new sections as follows:

"SEC. 8. Section 3648 of the Political Code is hereby amended to read as follows:

Sec. 3648. Any property wilfully concealed, removed, transferred, or misrepresented by the owner or agent thereof, to evade taxation, upon discovery must be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the board of supervisors; *provided*, that property taxable under the provisions of subsection four of section 16 of article thirteen of the constitution of the State of California and section 3627a of the Political Code of the State of California is not subject to the provisions of this section.

SEC. 9. Section 3649 of the Political Code is hereby amended to read as follows:

Sec. 3649. Any property discovered by the assessor to have escaped assessment for the last preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year, may be assessed at double its value; *provided*, that property taxable under the provisions of subsection four of section 16 of article thirteen of the constitution of the State of California and section 3627a of the Political Code of the State of California is not subject to the provisions of this section."

#### AMENDMENT NUMBER TWELVE.

In line 6 of the title of the printed bill, after the figures "3629", insert a comma and add the following: "3648, 3649."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 670?

The roll was called, and Assembly amendments to Senate Bill No. 670 concurred in by the following vote:

AYES—Senators Breed, Carter, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—27.

NOES—None.

Senate Bill No. 670 ordered to enrollment.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 283—An act granting to The Regents of the University of California for the use of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography

the sole and exclusive right of possession, occupation, and use of certain lands bordering on the Pacific Ocean in the county of San Diego, State of California, and State waters adjacent thereto, forbidding entry upon said lands and State waters by any persons other than officers, employees, students of the University of California and licensees of The Regents of the University of California, making every violation of certain provisions of this act a misdemeanor, and providing for the punishment thereof;

Also: Assembly Bill No. 178.—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1907, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 283 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bill No. 178 read first time, and referred to Committee on Governmental Efficiency.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

##### SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 102. An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended.

Also: Senate Bill No. 109.—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees.

Also: Senate Bill No. 110.—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

Also: Senate Bill No. 111.—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended.

Also: Senate Bill No. 150.—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens.

Also: Senate Bill No. 223.—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County.

Also: Senate Bill No. 224.—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County.

Also: Senate Bill No. 282.—An act to amend section 736b of the Political Code, relating to the salaries of judges in the superior courts.

Also: Senate Bill No. 361.—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds.

Also: Senate Bill No. 711.—An act to add a new section to the Civil Code to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code.

Also: Senate Bill No. 834.—An act to amend section 19a24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

Also: Senate Bill No. 379.—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof."

approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats;

Also: Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders;

Also: Senate Bill No. 304—An act to amend section 4272 of the Political Code, relating to counties of the forty-third class;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9.

(Signed out)

MURPHY, Chairman.  
INMAN.  
MALONEY.  
CARTER.  
CLEVELAND.

Senate Bills Nos. 144 and 145 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in lime, cement and other reduction plants—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9.

(Signed out)

MURPHY, Chairman.  
INMAN.  
MALONEY.  
CARTER.  
CLEVELAND.

Senate Bill No. 14 ordered on file for second reading.



## ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 288—An act to add a new article to chapter 3 of title 1 of part III of the Political Code, to be numbered article III, embracing sections 371 to 371g, inclusive, relating to a Department of Military and Veterans' Affairs:

Also: Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State:

Also: Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor:

Also: Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View cemetery in the city of Oakland:

Also: Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—8; committee vote: Ayes—5; absent—3.

CLEVELAND, Chairman.

Senate Bills Nos. 288, 290, 291, 755 and 832 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 20—An act to amend section 1926 of the Political Code, relating to the powers of the Adjutant General—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—8; committee vote: Ayes—5; absent—3.

CLEVELAND, Chairman.

Assembly Bill No. 20 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Concurrent Resolution No. 2—Relative to veterans and widows of veterans engaged in the civil service of the several counties, cities and other political subdivisions of the State of California:

Also: Assembly Concurrent Resolution No. 4—Relative to reports of the proceedings of the Annual Convention of the Veterans of Foreign Wars at the United States, Department of California:

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—8; committee vote: Ayes—5; absent—3.

CLEVELAND, Chairman.

Assembly Concurrent Resolutions Nos. 2 and 4 ordered on file.

## ON PUBLIC CHARITIES AND CORRECTIONS.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927:

Also: Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended:

Also: Senate Bill No. 816—An act to add a new section to the Political Code to be numbered 2333a, relating to powers of the State Department of Social Welfare with respect to jails and detention homes:

Also: Senate Bill No. 13—An act to amend section 2210b of the Political Code, relating to the Woman's Relief Corps Home of California:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

HURLEY, Chairman.

Senate Bills Nos. 783, 741, 816 and 13 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Assembly Bill No. 41—An act to repeal the section 9, amended by statutes of 1907, chapter 472, and amended by statutes of 1927, chapter 212, of an act entitled "An act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

HURLEY, Chairman.

Assembly Bill No. 41 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

HURLEY, Chairman.

Senate Bill No. 357 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Senate Bill No. 10—An act providing for the protection and assistance of aged persons under certain conditions in the State of California and prescribing penalties for violation of the provisions hereof and making an appropriation for the carrying out of its purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and do pass, and be re-referred to Committee on Finance.

Committee membership—5; committee vote: Ayes—3; absent—2.

HURLEY, Chairman.

Senate Bill No. 10 ordered on file for second reading.

#### ON CIVIL SERVICE.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Bill No. 958—An act amending sections 2 and 14 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers, and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and adding a new section to said act to be numbered section 32, relating to the appointment of the State Civil Service Commission and its powers and duties—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

MALONEY, Chairman.

Assembly Bill No. 958 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 420—An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

MERRIAM, Chairman.

Senate Bill No. 420 ordered on file for second reading.

## COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, March 20, 1929.

Senator Henry E. Carter, State Capitol,  
Sacramento, California.

MY DEAR SENATOR CARTER: On behalf of Mrs. Flint and the other members of Senator Flint's family, I want to thank you and each of the members of the State Senate of the State of California for the very kind and wonderful expressions of sympathy uttered by that body in tribute to Senator Flint, and for the kindness and thoughtfulness of yourself in representing that body by attendance at the Senator's funeral.

Gratefully,

HENRY S. MAC KAY, JR.

## RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$472 19 in payment of the items set forth below, and the Treasurer is hereby directed to pay the same:

Sacramento Rubber Company, chair tips	\$21 12
Bancroft-Whitney Company, code	7 00
Purnell Stationery Company, supplies	1 21
Carither Sign Company, signs	3 70
Postage	300 00
The Letter Shop, multigraphing	14 15
Highway Commission, map	83 14
Senator Carter, expenses and flowers, Senator Flint funeral	61 75
Postal Telegraph Company	89
Pacific Telephone and Telegraph Company, service and tolls since January 7	42 80
Pacific States Electric Company, light shades	13 65
Toledo Scale Company, repairing letter scale	2 75

Total ----- \$472 19

CARTER, Chairman.  
CASSIDY.  
MALONEY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Cassidy, Cobb, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, West, and Young—26.

NOES—None.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator West:

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances.

Request referred to Committee on Rules.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 20—Relative to approving the



charter of the city of Riverside which was submitted to the qualified voters of said city and voted for and ratified by them at a special municipal election held on the fifteenth day of March, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER TWENTY.

Senator Merriam asked for and was granted unanimous consent to consider at this time Assembly Concurrent Resolution No. 20, without reference to committee.

Assembly Concurrent Resolution No. 20—Relative to approving the charter of the city of Riverside which was submitted to the qualified voters of said city and voted for and ratified by them at a special municipal election held on the fifteenth day of March, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Breed, Carter, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—26.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 20 ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senator Wagy: Senate Concurrent Resolution No. 22—Relative to radio interference by electrical transmission lines and other electrical equipment.

Resolution referred to Committee on Public Utilities.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections 7 and 11 of that article.

#### COMMITTEE AMENDMENT.

During the reading of the constitutional amendment, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the title and lines 1 to 19, inclusive, and insert in lieu thereof the following:

"Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article twelve of the constitution of the State of California, amending sections 1, 7 and 11, and repealing sections 2, 3, 9, 12 and 14 of that article.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its forty-eighth regular session commencing January 7, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that article twelve of the constitution of the State of California be amended as follows:

Section 1 of article twelve of the constitution of the State of California is hereby amended to read as follows:

SECTION 1. The Legislature shall have power, by general laws and not otherwise, to provide for the formation, organization and regulation of corporations and

to prescribe their powers, rights, duties and liabilities and the powers, rights, duties and liabilities of their officers and stockholders or members. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.

Sections 2, 3, 9, 12 and 14 of article twelve of the constitution of the State of California are hereby repealed.

Section 7 of article twelve of the constitution of the State of California is hereby amended to read as follows:

Sec. 7. The Legislature shall not extend any franchise, nor remit the forfeiture of any franchise, of any quasi public corporation, but may provide by general laws, applicable to all corporations formed for a limited period, for the extension of the term of existence of any corporation.

Section 11 of article twelve of the constitution of the State of California is hereby amended to read as follows:

Sec. 11. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received."

Amendment adopted.

Senate Constitutional Amendment No. 24 read, ordered to print, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 603—An act to amend section 36½, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, add the word "their", immediately following the word "against", and preceding the word "liability".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, add the word "their" immediately following the word "to", and preceding the word "employees".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, immediately following the word "state", and preceding the comma, add "when such insurance appertains to and is written in conjunction with its workmen's compensation insurance policies".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance fund.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 56—An act to amend the Code of Civil Procedure by adding thereto a new section to title XII of part II thereof, to be numbered 934, relating to police courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure, to be numbered 927*g*, relating to costs in small claims courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure, to be numbered 77*a* and 77*b*, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 71—An act to add a new section to the Political Code, to be numbered 4185*a*, relating to qualifications and eligibility to the office of justice of the peace.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

#### COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the comma after the word "district", insert the following: "May or may not be members of the Legislature".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, after the comma after the word "Assembly", insert the following: "together with fifteen duly qualified voters, who shall be elected at large from the State."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 23, of the printed bill, strike out the words "shall be the sum of one thousand dollars".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 24, of the printed bill, after the comma insert the words "shall be fixed by the Legislature."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 3, of the printed bill, after the comma insert the following: "in addition to such experts as the convention shall deem necessary."

Amendment adopted.

Senate Constitutional Amendment No. 5 read, ordered to print, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 839—An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a free-holders' charter.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 153—An act to amend section 1½ of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of and government of parole prisoners, and repeal an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners,' approved March 23, 1893,' approved June 16, 1913, by adding thereto a new section to be numbered 1½, relating to the granting of paroles and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of Parole Commissioners," approved May 29, 1915, as amended, relative to conditions of parole.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 16 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "and providing for the deposit of funds to meet costs and awards in condemnation suits."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the comma, and insert in lieu thereof the following: "and all the other purposes provided in this act".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 11, of the printed bill, strike out the word "conclusive", and insert in lieu thereof the following: "prima facie".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 12, of the printed bill, after the comma following the word "however", insert the following: "where the rights or property sought to be condemned are already put to a beneficial use for a public purpose, the question of whether the public use for which said property is sought to be condemned is a more necessary public use than that to which it has already been appropriated, shall be a question for the determination of the court".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 7, of the printed bill, strike out the word "said", and insert in lieu thereof the word "state".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 21, of the printed bill, strike out the period, and insert in lieu thereof the following: "or the people thereof."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 31, of the printed bill, after the period, insert the following: "Said lease shall contain further provisions giving to the state the right, at the end of any given year, to take over the project on terms agreed upon and set forth in said lease. Said terms may, if agreed upon, provide for the payment therefor by the issue by the state of revenue bonds against the project."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 34, of the printed bill, after said line 34, insert the following: "SEC. 4. In any case where the department of finance shall exercise the right of eminent domain, under this act, it may, prior to the commencement of such action, require the person or corporation applying or negotiating for a lease on any power site, water course, dam site or other property referred to in this statute, to deposit with the treasurer of the State of California, in a special fund, to the credit of the department of finance and subject to its order, such sum as the said department of finance may fix as adequate to cover any award of damages, together with the costs and expenses of said action. Such fund shall be at the disposal of the department of finance and subject to its order, to meet and pay, without cost to the State of California, all costs and expenses of suit, and any award of damages or compensation allowed to any property owner whose property is condemned in such action. Should any portion of said fund remain unexpended after the completion of said condemnation proceedings, the department of finance is authorized to return the same to the owner thereof and it shall be the duty of the treasurer of the State of California to honor the order of the department of finance for the payment of said fund for any of the purposes provided in this act."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 35, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 46, of the printed bill, following the word "least", insert the following: "or may file a competitive bid thereon in all cases not affected by section 2 of this act".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 47, of the printed bill, after the word "therefor", insert the following: "and any competitive bid, in case said bid is permissible under the provisions of this section,".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 50, of the printed bill, after the comma following the word "and" insert the following: "or to accept any competitive bid offered,".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 52, of the printed bill, strike out the period, and insert in lieu thereof the following: "or make any award thereof."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 24—An act to amend section 2141 of the Political Code, relating to the powers of the Department of Institutions.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the words "the power of"

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 24, of the printed bill, strike out lines 24 to 26, inclusive, and insert in lieu thereof the following: "fixed by said department at not less than dollars per annum."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, strike out lines 1 to 5, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, strike out all of said third line of the title and insert in lieu thereof the following: "4, 17, 18, 19, 21, 32, 35, 40, 51, 64b, 64c, 64d, 64e, 64f, 64g and 64h of said act".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning with the first word of said line 1, strike out all of the printed bill to and including the last word on page 6, line 17, and insert in lieu thereof the following:

"SECTION 1. Section 4 of the "California water storage district act," approved June 3, 1921, as amended, is hereby amended to read as follows:

Sec. 4. In order to propose the organization of a water storage district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, and the location proposed for the storage of water to be used for such irrigation, any drainage or reclamation connected therewith, and any incidental development of hydro-electric energy, and the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a water storage district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the said state engineer the said engineer shall forthwith fix a time and place at which he will hear said petition, which place shall be either the office of the state engineer at Sacramento or some place within the county, or one of the counties, within which any portion of the lands of said proposed district are situated and which time shall be not less than thirty nor more than sixty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for three successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the water storage district proposed in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form:

Before the state engineer, State of California.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein; and to all other persons who may be interested in or affected by the project contemplated in said petition:

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the \_\_\_\_\_ day of \_\_\_\_\_ and will be heard by said engineer at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act, approved June 3, 1921, and known as California water storage district act, to which said act particular reference is hereby made.

Dated \_\_\_\_\_.

\_\_\_\_\_  
State engineer.

When contained upon more than one instrument one copy only of said petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

The notice herein in this section provided to be published, shall not be published until five days after the presentation and filing of said petition and undertaking in the office of said state engineer as herein provided.

Sec. 2. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The board of directors shall upon the organization of a water storage district as in this act provided, proceed to make or cause to be made, all such examinations, surveys, detailed plans and specifications, and estimates of costs for the acquisition, appropriation, diversion, storage, conservation and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydro-electric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary as aforesaid, for the purpose of said water storage

district, and the probable cost and expense thereof, and to make a report thereof as hereinafter provided, in which connection said board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it, adapted to that purpose, and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district.

If the board of directors proposes to acquire any property of any kind or character, or any interest or easement therein for the purposes or use of said water storage district by purchase or lease, or in any manner other than by condemnation proceedings, that fact shall be stated in their said report and a true copy or copies of the instrument or instruments evidencing such acquisition of such property, interest or easement therein, or the right to acquire same shall be made a part of said report.

No property of any kind or interest therein belonging to any water corporation which is a public utility, shall be acquired by a water storage district, nor shall any such properties of such public utility be included in the report of the directors in this paragraph provided for, unless and until the railroad commission of California shall have first made its order authorizing such sale and such abandonment or curtailment of service by such public utility as would result from the acquisition by said water storage district of said properties of such public utility.

A certified copy of any order of authority so made by the said railroad commission shall be made a part of and filed with said report of said board of directors, and unless such order of the railroad commission in effect binds and declares that such sale and such abandonment or curtailment of service of such public utility through the acquisition of such properties by the water storage district will be to the interest of the consumers of such public utility and that the terms and conditions of such acquisition of such properties of such public utility by the water storage district is fair, just and equitable to the consumers of such public utility, such report shall be deemed insufficient for any of the purposes of this act.

Said board of directors may at their option segregate and divide the plans, specifications and estimates of cost into one or more units of construction, and may in said plan provide that one or more individual units of construction shall not be entered upon immediately, but shall be authorized and undertaken in such order and at such future time as the board of directors shall thereafter determine. Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer, and a true copy thereof in the office of the secretary of said board, a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights both to waters and lands it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the cost of said project, including the acquisition of all rights, necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said project shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a majority of the board of directors, and entered in full upon the minutes of said board. If said board shall determine to segregate and divide the plans, specifications, and estimates into more than one unit of construction, such plans, specifications, and estimates shall be complete as to each unit, and the board shall in its report specify the particular unit or units the construction of which shall be immediately entered upon and the particular unit or units reserved for future action.

If the board of directors of any district organized under this act shall fail, neglect, or refuse to complete and file its said report within six (6) years from the date of the filing of the order of the state engineer declaring said district duly organized as provided in section 11 hereof, the project of said district shall be deemed abandoned and the board of directors thereof shall within ninety (90) days thereafter, pay all outstanding debts and claims against said district and shall within said time remit to the assessment payers of said district in proportion to the amount paid by said assessment payers on the last call or assessment levied by said board of directors, the balance of any funds then remaining with the treasurer of said district or to its credit with the county treasurer or county treasurers within which the lands of said district are situated.

SEC. 3. Section 18 of said act is hereby amended to read as follows:

SEC. 18. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (a) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (b) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or not the recommendation of said board of directors shall be adopted or rejected. In the event the said order so made and entered by the state engineer shall call an election, said state

engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer must establish a convenient number of election precincts in said district and define the boundaries thereof and said state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general water storage district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show more than one-third of all the votes cast are "Completion of project—No" (or that more than one-third of the qualified voters who voted at said election voted "Completion of project—No") the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the votes cast at such election show two-thirds or more of all votes cast are "Completion of project—Yes" (and also shows that two-thirds of the qualified voters who voted at said election voted "Completion of project—Yes") said state engineer shall thereupon appoint the commissioners provided for in section 19 of this act and thereafter such proceedings shall be taken and followed as are provided in said section 19 and subsequent sections of this act.

SEC. 4. Section 19 of said act is hereby amended to read as follows:

SEC. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained, the state engineer shall make such further investigation of such project as is in his judgment desirable and shall as soon as possible after the expiration of sixty days after the filing of said report make and enter upon the records kept by him an order either approving and confirming said report and recommendation or disapproving the same. Pending final approval or disapproval by the state engineer, the board of directors may amend, modify, or supplement their report and the plans, specifications and estimates and other matters accompanying the same, either on their initiative or in response to suggestions by the state engineer.

Immediately after making and recording such order, the state engineer shall call a district election for the purpose of determining whether such recommendation and report shall be adopted, such election to be noticed, held, and conducted and the result thereof determined and declared in all respects as nearly as possible as provided in section 18 of this act, the notice of election to state whether such report and recommendation is approved or disapproved by the state engineer.

If the result of such election shows that more than one-third of all votes cast are "Completion of project—No" (or that more than one-third of the qualified voters who voted at said election voted "Completion of project—No"), the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in section 18 in case of abandonment. If the result of such election shows two-thirds or more of all votes cast are "Completion of project—Yes" (and also shows that two-thirds of the qualified voters who voted at said election voted "Completion of project—Yes"), said report and recommendation shall be deemed to be adopted by the district. In case of the adoption of said report and recommendation the state engineer shall forthwith appoint three (3) commissioners whose duty it shall be to assess the cost of the project, or in the event said board shall have divided the project into units of construction, the cost of the unit or units specified for immediate construction, upon the benefited lands within the district, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate



ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, or such unit or units thereof as have been specified for immediate construction, such assessment to be in gold coin of the United States; *provided, however*, that if the project shall include plans for the generation of electric power, then the commissioners shall ascertain the total cost of all the properties which are necessary to be used in connection with the generation of electric power as set forth in said plan, and shall also ascertain what portion of the assessment of benefits to accrue to each tract made as herein provided consists of costs of the properties which are necessary to be so used; and *provided, further*, that where any such tract of land consists of more than one section such apportionment to such tract of land shall be made according to legal subdivisions thereof or to other boundaries sufficient to identify the same in subdivisions not greater than one section in area, but any failure or defect in complying with this requirement shall not invalidate said apportionment or said assessment. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district a copy of the detailed plans, specifications, and estimate of the costs of the project, which have been duly filed with the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

(1) A description of each tract held in separate ownership by legal subdivisions, governmental surveys or other boundaries sufficient to identify the same; *provided, however*, that if any area composed of more than one tract held in separate ownership is not assessed because the lands therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of such area as a whole without a description of each tract thereof shall be sufficient.

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon each tract assessed or if no assessment is made upon any tract, or area composed of more than one tract, a statement of that fact;

(5) The rate per acre of such assessment upon each tract assessed for the costs of the properties which are necessary to be used in connection with the generation of electric power, or if no assessment of such costs is made upon any tract, or area composed of more than one tract, a statement of that fact;

(6) The total amount of the assessment as computed;

(7) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district before mentioned.

The roll shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith and also the portion of the assessment attributable to the cost of the properties which are necessary to be used in connection with the generation of electric power. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Said state engineer shall forthwith transmit two copies of said rolls to the board of directors of said district, who shall file one copy in their records and thereupon transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a

president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed in the records of said board of directors when and where it will meet within each county wherein lands of said directors are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situated. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; *provided, however*, that no assessment shall be increased except after personal notice or notice by registered mail given to the owner, if known, by depositing in the post office at the place in which the office of said district is located in a sealed envelope addressed to each of such owners at his last known, if any, place of residence or business, otherwise at the county seat of the county in which any portion of his lands are situated, with full postage paid, at least two weeks before said hearing, or if unknown by publication at least once a week for two successive weeks in the county in which said land in the district may be located, and upon a hearing of objections thereto if made.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board of directors shall at such time as it shall determine upon the construction of any such unit or units, pass a resolution to that effect and cause a certified copy thereof to be transmitted to the state engineer. At such time the board may amend the plans, specifications and estimates of costs of such unit or units by making such changes therein, modifications thereof, and additions thereto, as it shall deem desirable, and in the event of any such change, modification, or addition, the board shall cause to be filed with the state engineer, the plans, specifications and estimates of costs of such unit or units as amended. Upon receipt by the state engineer, of such certified copy of resolution and such amended plans, specifications and estimates of cost, if any, the same proceedings for levying, approving and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as hereinbefore provided for an assessment to meet the cost of the unit or units first constructed.

Any proceedings taken under this section prior to the going into effect of this act amending the same, and conforming to said section as it read before such amendment, shall not be invalidated by the passage of this act, but all subsequent proceedings shall be taken into accord with said section as so amended.

SEC. 5. Section 21 of said act is hereby amended to read as follows:

Sec. 21. At the end of thirty days the county treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the

board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

(Name) water storage district. (Location of the principal place of business.) Notice is hereby given that at a meeting of the board of directors held on \_\_\_\_\_ an installment of \_\_\_\_\_ per cent of a \_\_\_\_\_ assessment number \_\_\_\_\_ was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situated. Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon, with ten per cent of such installment and interest added as penalty (Signed) \_\_\_\_\_ Treasurer of \_\_\_\_\_ county.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known, and if not known, at the place where the principal office of the district is situated, or in the absence of such notice shall be published once a week for two consecutive weeks in each such county.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must prepare and as soon as the same is complete publish once a week for two consecutive weeks in each county wherein lands of the district are situated, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where lands have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time, for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of one per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any water storage district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as hereinabove provided for said deed by the county treasurer.

SEC. 6. Section 32 of said act is hereby amended to read as follows:

SEC. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any construction or supply contract awarded or to be awarded by the board, or in the profits to be derived therefrom, but no other character of contract shall be invalid because of interest on the part of a director or officer, unless such director or officer participate in or influence the making or authorization of such contract on behalf of the district; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor and conviction shall work a forfeiture of his office, and he shall be punished by a fine



not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

No owner of property, nor any employee, or stockholder thereof, shall be qualified to serve as a director or as any other officer named in this act where said district proposes to acquire such property of such owner.

Sec. 7. Section 35 of said act is hereby amended to read as follows:

Sec. 35. The board of directors of a water storage district shall establish a convenient number of election precincts in the district and define the boundaries thereof and at least one such precinct must be established for each division of the district, and said board whenever it is deemed advisable for the best interests of the district and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of any such election precinct, which changes when made must be entered upon the minutes of the board.

After any such district shall have adopted its project, the state engineer shall, not less than sixty days prior to the next general election to be held in said district, redivision the said district by dividing the same into the same number of divisions into which the said district had theretofore been divided, but changing the basis of said divisions and the boundaries thereof so that said divisions shall be as nearly equal as to the number of land owners entitled to vote therein as may be conveniently possible. Said order of the state engineer shall be filed in the office of said state engineer and a copy thereof certified by said state engineer filed in the office of the secretary of said district. Thereafter, said board of directors shall at its next regular meeting establish a convenient number of election precincts in each of said new divisions and no precinct shall include any lands situate in more than one of said divisions. The directors theretofore in office at the time said new divisions are established shall continue to hold for the divisions from which they were elected until the expiration of the terms for which said directors were elected, but their successors, and the successors of each of them, shall be elected from said new divisions in accordance with the provisions of this section.

Sec. 8. Section 40 of said act is hereby amended to read as follows:

Sec. 40. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the precinct may administer and certify such oath. The polls must be opened at six a.m. on the morning of the election, and be kept open until seven p.m., when the same must be closed.

Sec. 9. Section 51 of said act is hereby amended to read as follows:

Sec. 51. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes when the question of title or value of land claimed to be owned by a petitioner or voter is involved, the county assessment roll last equalized at the time of the election or filing of the petition, in each county wherein any such land is situated shall be sufficient evidence of ownership and value. If any parcel of land is assessed on any such assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed for any of the purposes of this act to have but one owner in addition to any owner or owners whose true name or names may be purposed to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition or vote at any election provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Where property has been conveyed prior to the election and such change of interest does not appear by such assessment roll the original deed of conveyance, or a copy thereof duly certified by the county recorder of the county wherein the same has been recorded, or otherwise authenticated, shall be sufficient evidence to entitle the holder thereof to vote the acreage therein described. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. The certificate of the register of the United States land office for the district in which the lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands entered under the laws of the United States or of the State of California. Guardians, personal representatives and other persons holding land in a trust capacity under appointment of court may sign any petition and may vote at any election in behalf of the estate represented by them without obtaining any special authority therefor. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom a petition was signed, shall be

sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner under this act. The state engineer shall, prior to the election on organization, and at all subsequent elections the board of directors shall, cause to be prepared and certified and furnished to the election board at each voting place in the district a copy of each of said assessment rolls so far as the same pertain to any land in the respective precincts, and shall likewise cause to be prepared and furnished to the election boards lists certified by the register of the United States land office or the surveyor general of the State of California, as the case may be, showing the lands entered under the laws of the United States or of the State of California, respectively, which said lists, so far as disclosed by the records of said offices, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said assessment rolls and said lists shall be used by the election boards in determining the qualifications of voters and the number of votes each voter is entitled to cast.

Where a tract of land is situated partly within and partly without the boundaries of an election precinct and the assessment roll contains a valuation of said tract as a whole the same must be apportioned according to the number of acres lying within and without the boundaries of said precinct. If there shall be included in any assessment roll or list as furnished to an election board any land which has no valuation assigned to it, then the state engineer or the board of directors, as the case may be, shall request the county assessor of the county in which such land is situated to value said land and it shall be the duty of such county assessor to prepare and furnish to the state engineer or board requesting it a statement of the value of such land as the same shall be appraised by him, which value shall be arrived at as nearly as may be done in the same manner and upon the same basis as was the valuation for purposes of taxation assessed upon other lands in the precinct similarly situated, and the valuation so made by the county assessor shall be furnished to the election board of the precinct in which the land so valued is situated and shall be used by the election board in determining the number of votes which the holder of title or evidence of title to such land is entitled to cast.

SEC. 10. Section 64b of said act is hereby amended to read as follows:

Sec. 64b. The holder or holders of title or evidence of title to one or more tracts of land which constitute a portion of a water storage district may jointly or severally file with the state engineer, a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from the district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries, but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

SEC. 11. Section 64c of said act is hereby amended to read as follows:

Sec. 64c. The state engineer shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of the said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made.

SEC. 12. Section 64d of said act is hereby amended to read as follows:

Sec. 64d. The state engineer at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said state engineer

as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

SEC. 13. Section 64c of said act is hereby amended to read as follows:

SEC. 64c. If upon the hearing of any such petition it appears that the lands sought to be excluded will not be benefited by irrigation from water supplied from said district or by reclamation or drainage of the land not made necessary by the irrigation of other lands the land shall be excluded from the district, but if no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the state engineer deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the state engineer shall order that said petition be denied as to such lands; but if the said state engineer deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said petition should be denied in whole or in part, or if, having shown cause, with draws his objections, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of said state engineer to, and he shall forthwith, make an order that the lands mentioned, and described in the petition, or some defined portion thereof, be excluded from said district.

SEC. 14. Section 64f of said act is hereby amended to read as follows:

SEC. 64f. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of said outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said state engineer, may be excluded from the district, and if said lands or any portion thereof be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the state engineer and must be recorded in the minutes of the state engineer; and said minutes, or a copy thereof, certified by the state engineer, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

SEC. 15. Section 64g of said act is hereby amended to read as follows:

SEC. 64g. In the event the said state engineer shall exclude any lands from said district upon petition therefor, it shall be the duty of the state engineer to make an entry in the minutes of the state engineer describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the state engineer may cause a survey to be made of such portions of the district as the state engineer may deem necessary; and a certified copy of the entry in the minutes of the state engineer excluding any land, certified by the state engineer, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a water storage district as fully, to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

SEC. 16. Section 64h of said act is hereby amended to read as follows:

SEC. 64h. In case land is excluded from any district, the state engineer, if he deems it desirable, but not less than sixty days before any election in such district, may reestablish the boundaries of the divisions within such district.

SEC. 17. Section 68 of said act is hereby amended to read as follows:"

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Irrigation.

SENATOR DUVAL IN THE CHAIR.

At eleven o'clock and fifty minutes a.m., Senator Duval of the Fifteenth District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

Senate Bill No. 210—An act to add a new section, to be numbered 19c, to the "California Irrigation District Act," relating to elections, and declaring the urgency thereof.

Bill read third time.



## URGENCY CLAUSE.

SEC. 2. This act is hereby declared to be an urgency measure necessary to the immediate preservation of the public health and safety within the meaning of section 1 of article IV of the constitution of the State of California and as such it shall take effect immediately. The following is a statement of the facts constituting such urgency: Irrigation districts supply water for domestic purposes and for live stock and further through the canals and other facilities of the districts such districts supply drainage to the districts which is necessary to the preservation of the health of the people within and near the districts. In certain irrigation districts the land is owned by persons not residing within the district and there are not sufficient resident electors in such districts to conduct an election as to hold the offices of the district, consequently such districts have not held the recent elections as required by law and are without officers or organization as required by law and such districts are no longer able to function thus leaving the people residing with the district without a supply of water for domestic purposes or for live stock and leaving the district without the drainage and functions of sanitation performed by the district and without means of paying the bonded indebtedness or warrants of the district.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Inman moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Breed, Carter, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Young—24.

The Secretary announced the absentees.

Time, eleven o'clock and fifty-two minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Inman.

The Secretary was directed to call the roll on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

AMENDMENT FROM FLOOR.

During the reading of the constitutional amendment, the following amendment was offered, and its adoption moved by Senator Swing:

AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed constitutional amendment, after the word "constitution", in said line, insert the following: "and appointed by the governor or by the governor with the advice and consent of the Senate, except members of the board of regents of the University of California and members of the railroad commission".

Amendment adopted.

Senate Constitutional Amendment No. 11, as amended, ordered to print, and re-engrossment.

Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15 and 19 of act 5216, General Laws of California, entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places, and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited, and the manner of collecting such assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 644—An act to amend section 2 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way and providing for the issuance and payment of street improvement bonds to provide for the assessments for the costs thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to what work may be done and to petitions to have such work done.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy,

Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RE-REFERENCE OF ASSEMBLY BILL.

Senator Cleveland asked unanimous consent to withdraw Assembly Bill No. 332 from Committee on Governmental Efficiency and re-refer it to Committee on County Government.

Unanimous consent granted, and such was the order.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 361—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKimley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Garrison, Gray, Handy, Inman, Lyon, Maloney, McKimley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—24.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 224 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Garrison, Gray, Handy, Inman, Lyon, Maloney, McKimley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—24.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 304—An act to amend section 4272 of the Political Code, relating to counties of the forty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Gray, Handy, Hurley, Inman, Lyon, Maloney, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 109 passed by the following vote:

AYES—Senators Breed, Carter, Cobb, Duval, Evans, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, West, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Senators Breed, Carter, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Breed, Carter, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 passed by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Garrison, Gray, Handy, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY JOINT RESOLUTION No. 5.

Relating to the participation of California in the Great Lakes-St. Lawrence Tide Water Association to facilitate and expedite the prosecution of the construction of a seaway connecting the Great Lakes with the Atlantic Ocean.

WHEREAS, The growth of the essential industries of the State of California depends in large measure upon the extension of her commerce with the interior of the nation—an interior now handicapped in its development by high transportation rates to and from the sea; and

WHEREAS, Such handicap, both to present commerce and to the development of a still larger, wider and more valuable commerce, may be overcome only by bringing ocean transportation to the heart of the continent, thereby giving to the interior direct low cost transportation to its markets, both selling and buying, throughout the world, and by reason of such action stimulating a business development and population growth that shall enlarge the market outlets for the products of the State of California; and

WHEREAS, The Panama Canal has made it possible for the producers of the State of California to reach the seaboard markets of the Atlantic Coast to their very great advantage, while the equally desirable markets upon and surrounding the Great Lakes are still closed to our producers; and

WHEREAS, The joint board of engineers for the United States and Canada has declared that a seaway connecting the Great Lakes with the Atlantic by way of the St. Lawrence River, thereby extending to our producers the full benefits of direct ocean connection with the interior of the continent, is practical from the engineering standpoint, and the St. Lawrence Commission of the United States, on December 27, 1926, after an investigation, at the instance of the national government, of the economic needs and requirements, declared "The construction of the shipway from the Great Lakes to the sea is imperative"; and

WHEREAS, Eighteen states, by action of their legislatures, have joined the Great Lakes St. Lawrence Tidewater Association, an association of sovereign states, having as its object the early undertaking and completion of this improvement; and

WHEREAS, The transportation situation now existing constitutes an emergent need calling for immediate relief; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the State of California is hereby associated in the above named organization with its neighboring commonwealths in pressing to advance to completion this undertaking, and that participation by this State in the council of the said associated states by the Governor and by those whom he may appoint to said council as representing the State of California is hereby ordered and approved, and that the representatives of this State in the Congress of the United States are hereby requested to facilitate and expedite in every possible way the prosecution of this undertaking for the economic freedom of a landlocked continent.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Duval, Evans, Gray, Handy, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag, West, and Young—23.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 5 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 684—An act to amend section 1592 of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 885--An act to amend section 1587 of the Political Code, relating to the treatment of prisoners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1016--An act relating to certain funds of inmates of State prisons and reformatories and the expenditures thereof.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Concurrent Resolution No. 12—Relative to approving a certain amendment to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1928—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

LYON, Chairman.  
BOCHESTER,  
GRAY,  
McKINLEY,  
YOUNG.

##### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER TWELVE.

Senator Merriam asked for and was granted unanimous consent to take up at this time Assembly Concurrent Resolution No. 12, without reference to committee.

Assembly Concurrent Resolution No. 12—Approving a certain amendment to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1928.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Breed, Carter, Cleveland, Cobb, Davis, Evans, Goodrich, Gray, Handy, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murray, Pennington, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Senate Bill No. 673 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 333—An act relating to pupils in the public schools—has had the same

under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—7; noes—5; absent—1.

SLATER, Chairman.

Senate Bill No. 333 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 334—An act relating to pupils enrolled in high school part time classes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—7; noes—5; absent—1.

SLATER, Chairman.

Senate Bill No. 334 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 335—An act relating to pupils in public high schools—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—9; noes—3; absent—1.

SLATER, Chairman.

Senate Bill No. 335 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 653—An act relating to the compensation of election officers of school elections;

Also: Assembly Bill No. 608—An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind, or the semisighted;

Also: Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes;

Also: Assembly Bill No. 616—An act relating to the attendance of pupils attending school in a district other than the district in which they reside;

Also: Assembly Bill No. 604—An act relating to the publication of textbooks and teachers' manuals of the studies prescribed for the elementary schools;

Also: Assembly Bill No. 605—An act relating to the composition of boards of education of consolidated school districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Assembly Bills Nos. 653, 608, 821, 616, 604 and 605 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 551—An act providing for annual conventions of secondary school principals;

Also: Assembly Bill No. 552—An act relating to the issuance of vacation permits to work to certain minors;

Also: Senate Bill No. 426—An act providing for the membership of public schools in organizations for the promotion and advancement of education;

Also: Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts;

Also: Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors;

Also: Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Assembly Bills Nos. 551 and 552 ordered on file for second reading.

Senate Bills Nos. 426, 706, 332 and 385 ordered on file for second reading.

## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 879—An act to amend section 4256 of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-seventh class.

Also: Assembly Bill No. 540—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

Also: Assembly Bill No. 542—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

Also: Assembly Bill No. 273—An act to amend section 4282 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-third class.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 879, 540, 542 and 273 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 868—An act to amend section 4267 of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty-eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties.

Also: Assembly Bill No. 556—An act to amend section 2322x27 of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies, and employees, in counties of the twenty-seventh class.

Also: Assembly Bill No. 45—An act to amend section 4234 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class.

Also: Assembly Bill No. 40—An act to amend section 19x25 of the Juvenile Court Law, relating to probation officers in counties of the twenty-fifth class.

Also: Assembly Bill No. 651—An act to amend section 2322x18 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

Also: Assembly Bill No. 1085—An act to amend section 2322x24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 868, 556, 45, 90, 651 and 1085 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 188—An act to add a new section to the Political Code to be numbered 3236, relating to preference on public contracts and furnishing supplies.

Also: Senate Bill No. 452—An act to add a new section to the Political Code to be numbered 4052, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

CLEVELAND, Vice Chairman.

Senate Bills Nos. 188 and 452 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1a of article VI of the



constitution, relating to the exchange of judges by request—and reports that the same has been correctly engrossed.

WEST, Vice Chairman.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NUMBER THIRTEEN.

Senator Swing asked for and was granted unanimous consent to consider at this time Senate Constitutional Amendment No. 13 for purpose of amending.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1a of article VI of the constitution, relating to the exchange of judges by request.

AMENDMENT FROM FLOOR.

During the reading of the constitutional amendment, the following amendment was offered, and its adoption moved by Senator Swing:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 15 to 22, both inclusive, and insert in lieu thereof the following: "The Legislature shall have power to provide extra compensation for any judge while sitting in a county other than that in which he regularly sits, and for paying his expenses for travel, board, and lodging while so sitting."

Amendment adopted.

Constitutional Amendment No. 13, as amended, ordered to print, and re-engrossment.

INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following resolution was offered:

Senate Joint Resolution No. 10—Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California.

Resolution referred to Committee on Federal Relations.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Monday, March 25, 1929.

HAROLD J. POWERS, Minute Clerk

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, March 25, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan—President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—33.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 22, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. S. K. Burke of Berkeley, Miss Barbara and Miss Katherine Burke of San Francisco.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Russell and Donald Wolden of San Francisco.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Charleville, city manager of Glendale.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor and Mrs. Carrol M. Powers and Professor and Mrs. V. A. Greene, Modesto Junior College.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mayme Brother, Miss Hazel Collins, Miss Sybil Van Gelder, Mrs. Herman Sandkuhle and Miss Ruth Sandkuhle, teachers of Danville Grammar School, Danville, California, and pupils as follows: Arlen Scott, Vivian Kraft, Florence Goularte, Manuel Camacho, Wilson Close, Amil Dendero, Norman Harper, Adalaide Squire, Julia Camacho, Clara Holmes, Ruth Monroe, Mary Pimentel, Boris Todoroff, Dorothy Sandkuhle, Herman Sandkuhle, Phyllis Spence, June Ajari, Merle Johnson and Emily Lugo.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frances E. McLean, Pasadena; Miss Edith Latham, Oakland; Miss Caroline Foulke, Altadena; William T. Paulin, Oakland; Mrs. R. Rae Wright, Los Angeles, and Mrs. Irma Hildebrand, Berkeley—Southern California Woman's Humane Club.

## MOTION.

Senator Slater moved when adjournment for this day should be had that such adjournment be out of respect to the memory of the late Job Wood, who for twenty-five years was connected with the State Department of Education, and who was instrumental in the passage of much needed legislation along such lines.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 585—An act to amend section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such

fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Senate Bill No. 585 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 903—An act to add a new section to the Reclamation Board Act, as amended, to be numbered 5a, relating to the Reclamation Board;

Also: Assembly Bill No. 746—An act to add a new section to the Penal Code, to be known as section 1046a, relating to jury panels;

Also: Assembly Bill No. 787—An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens;

Also: Assembly Bill No. 789—An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens;

Also: Assembly Bill No. 791—An act to amend section 701 of the Code of Civil Procedure, relating to who may redeem real property from sale under a lien;

Also: Assembly Bill No. 442—An act to add a new section to the Political Code to be numbered 367h, relating to the acceptance and expenditures of gifts and bequests offered or made to the State Department of Social Welfare for the aid and benefit of the needy aged or needy blind residents of this State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bill No. 903 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 746 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 787, 789 and 791 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 442 read first time, and referred to Committee on Public Charities and Corrections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to the Department of Finance and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893;

Also: Assembly Bill No. 294—An act creating the Department of Agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund;

Also: Assembly Bill No. 713—An act authorizing the Director of Finance and the Director of Public Works to investigate available sites in the city of Sacramento for the erection of a new residence for the Governor of the State, and providing for the acquisition of such site or making a report with reference to the same to the forty-ninth session of the Legislature;

Also: Assembly Bill No. 398—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county waterworks districts: for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining waterworks;

Also: Assembly Bill No. 949—An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

ARTHUR A. OHNIMUS, Chief Clerk.  
By R. W. GLOSS, Assistant Clerk.

Assembly Bills Nos. 293, 294 and 713 read first time, and referred to Committee on Governmental Efficiency.



Assembly Bill No. 398 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 949 read first time, and referred to Committee on Judiciary.

#### REPORT OF STANDING COMMITTEES.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator West to introduce a bill entitled "An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances," has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassady, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Follam, Garrison, Gray, Harbo, Harbo, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Peddeth, Rochester, Sharkey, Slater, Wagy, Weller, and West—31.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator West:

Senate Bill No. 848—An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances.

Bill read first time, and referred to Committee on Public Morals.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 22, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by repealing section 36 and by amending section 42 thereof;

Also: Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-Pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments;

Also: Senate Bill No. 306—An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

MCCORMACK, Chairman.

Senate Bills Nos. 761, 762 and 306 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent 1.

McCORMACK, Chairman.

Senate Bill No. 843 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto to be numbered 37 and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and chapter \_\_\_\_\_, California Statutes of 1929—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, the bill do pass, and be re-referred to Committee on Finance.

Committee membership—5; committee vote: Ayes—4; absent—1.

McCORMACK, Chairman.

Senate Bill No. 763 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election of directors and the levy and collection of taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

McCORMACK, Chairman.

Assembly Bill No. 544 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts;

Also: Senate Bill No. 56—An act to amend the Code of Civil Procedure by adding thereto a new section to title XII of part II thereof, to be numbered 934, relating to police courts;

Also: Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts;

Also: Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure to be numbered 927g, relating to costs in small claims courts;

Also: Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof;

Also: Senate Bill No. 71—An act to add a new section to the Political Code to be numbered 4185a, relating to qualifications and eligibility to the office of justice of the peace;

Also: Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof;

Also: Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California;

Also: Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act;

Also: Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it;

Also: Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance Fund;

Also: Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State, known as the Norwalk State Hospital grounds;

Also: Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers;

Also: Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the proper care and treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons; and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Senate Bill No. 829—An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a freeholders' charter;

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 25a of article IV of the constitution of said State, relating to officers, employees, and attaches;

Also: Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependance, and empowering county boards of supervisors to levy a special tax;

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers;

Also: Senate Bill No. 358—An act to amend sections 2, 3 and 4 and to add a new section to be numbered 4a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly Amendment to Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED EIGHTY-ONE.

#### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 17 to 21, both inclusive, and the words "State of California" in line 22, and insert in lieu thereof the following: "any municipality, county or political subdivision within the state, or to or for the use or benefit of any institution belonging to the state, or any municipality, county or political subdivision within the state, or to any educational institution which is



exempt from taxation under section 1a of article thirteen or section 10 of article nine of the constitution of the State of California and statutes of this State enacted thereunder."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 781?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 781 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, and Young—34.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIk, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland.

#### AMENDMENT FROM FLOOR.

During the second reading of the bill, the following amendment was offered and its adoption moved by Senator Hurley:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, following the word "plot", insert the following: "In the Mountain View cemetery in the city of Oakland."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before

the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this state; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked and prima facie proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 8, of the amended printed bill, strike out the comma after the word "meals", and insert in lieu thereof the following: "; provided".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 14, of the amended printed bill, at the end of section 1 thereof, add a new paragraph reading as follows:

"The limitation of time in this section is to be construed as referring to the time when men are actually engaged in work, not when they are going to or from their work or changing shifts: *provided, however*, that such periods shall not exceed thirty minutes for any one person in twenty-four hours."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Labor and Capital.

Senate Bill No. 741—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 816—An act to add a new section to the Political Code, to be numbered 2333a, relating to powers of the State Department of Social Welfare with respect to jails and detention homes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 13—An act to amend section 2210½ of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 2, of the printed bill, after the word hospitals, add the following sentence: "It shall be the duty of all juvenile and adult probation officers to make monthly and annual reports to the department, containing such information as may be required by the department, such reports to be on forms to be furnished by said department."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 10—An act providing for the protection and assistance of aged persons under certain conditions in the State of California and prescribing penalties for violation of the provisions hereof and making an appropriation for the carrying out of its purposes.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 7, and all of the remainder of the bill, and insert in lieu thereof the following:

"Sec. 2. There is hereby created in the state department of social welfare a division to be known as the "division of old age pensions." The duties and powers of this said division shall be to supervise, direct and control, the operation of this act in accordance with its provisions and subject to its limitations, as herein contained:

(a) The division of old age pensions shall be administered by a "chief," who shall be a person with training and experience in relief work and familiar with the social and economic conditions in California;

(b) The director of the state department of social welfare, with the approval of the governor and the members of the state department of social welfare, shall appoint and fix the compensation of the chief of the division of old age pensions;

(c) The chief of the said division, with the approval of the director of social welfare, may appoint in each county, and city and county, an advisory board of citizens whose duty it shall be to cooperate with the proper state and county, and city and county authorities, in the investigation and supervision of aid given to the aged under this act, and to make report upon the same with recommendations to the board of supervisors



of each county, and city and county, and to the department of social welfare. In counties or in any city and county where there is an existing county or city and county department of public welfare, or board with similar functions, in public relief, such body shall be appointed as such advisory board;

(d) The chief of the said division shall be responsible for the investigation, determination and supervision, of state and given under this act, and for the performance of such other duties as may be assigned to such division by the director of social welfare;

(e) The state department of social welfare shall have power to and shall prescribe the form of application, the manner and form of all reports, and such additional rules and regulations as are necessary for the carrying out of the provisions of this act.

SEC. 3. The board of supervisors of each county, and city and county, in this state, in addition to their other powers and duties relating to the care and support of the aged indigents of their respective counties, or city and county, as provided by law shall have the power and it shall be their duty to provide funds in the treasury of their respective counties, or city and county for the purpose of carrying out the provisions of this act.

#### ALLOWANCE OF PENSION

SEC. 4. Subject to the provisions and under the restrictions contained in this act, every person while residing in the State of California shall be entitled to a pension in old age.

The amount of pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one (1) dollar a day.

#### QUALIFICATIONS OF CLAIMANTS

SEC. 5. An old age pension shall be granted to an applicant who:

(a) Has attained the age of seventy years or upwards.

(b) Has been a resident of the United States for at least fifteen (15) years before making application for a pension.

(c) Resides in the State of California, and

1. Has so resided continuously for at least fifteen (15) years immediately preceding the date of application, but continuous residence in the state shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three (3) years, or

2. Has so resided forty (40) years, at least five (5) of which have immediately preceded the application;

3. Resides in the county, or city and county, in which the application is made and has so resided continuously for at least two (2) years immediately preceding the date of application; *provided*, that absence in the service of the State of California, or of the United States, shall not be deemed to interrupt residence in the state if a domicile be not acquired outside the state;

(d) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, county or district poorhouse, or any other public reform or correctional institution;

(e) During the period of ten years immediately preceding such date of application has not been imprisoned as a result of his conviction and sentence for the commission of a felony or indictable misdemeanor;

(f) If married, has not, during the fifteen years preceding the date of such application deserted the other spouse or without just cause failed to provide legal support for such other spouse and the minor children, if any, of such applicant;

(g) Has not within one year preceding such application for pension, been a professional tramp or beggar;

(h) Has no children or other person responsible under the law of this state for his support and able to support him;

SEC. 6. An old age pension shall not be granted or paid to any persons the value of whose property, if he or she is single, or if he or she is married, the value of the combined property of such person and his or her spouse, at the time of making such application, exceeds three thousand dollars. The applicant must not have deprived himself directly or indirectly of any property for the purpose of qualifying for old age relief.

SEC. 7. The income of the applicant shall be computed on the basis of an average income during the twelve months next preceding the date of his application; the annual income of any property of applicant, which does not produce a reasonable income, shall be computed at five per cent of its value.

SEC. 8. At the death of a person pensioned under this act, or the survivor of a married couple, both of whom are so pensioned, the total amount paid as pension together with simple interest at three per cent annually shall be allowed and deducted as a preferred claim from the estate of such person by the court having jurisdiction to settle such estate, and paid into the treasury of the State of California.

SEC. 9. If the state department of social welfare deems it necessary to protect the interests of the State of California, it may require as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to said department of social welfare. Such property shall be



(b) During the continuance of the pension no pensioner shall receive any other relief from the State of California or from any political subdivision thereof except for medical and surgical or other remedial care.

(c) If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the said board may direct the payment of the installments of the pension to any responsible person or corporation for his benefit.

(d) It shall be within the power of the said department to suspend payment for such period as the board may recommend.

SEC. 17. All pensions shall be absolutely inalienable by any assignment, sale, execution or otherwise, and in case of bankruptcy, the pension shall not pass through any trustees or other persons acting on behalf of creditors.

#### FINES, PUNISHMENTS AND CRIMINAL PROCEDURE.

SEC. 18. If at any time the said department has reason to believe that a pension certificate has been improperly obtained, it shall cause special inquiry to be made by the said board and may suspend payment of any installment pending the inquiry. It shall also notify the board of such suspension. If on inquiry it appears that the certificate was improperly obtained, it shall be canceled by the said department, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

SEC. 19. Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain:

(a) A pension certificate to which he is not entitled;

(b) A larger pension than that to which he is justly entitled;

(c) Payment of any forfeited installment grant;

(d) Or aids or abets in buying or in any way disposing of the property of a pensioner without the consent of the said department; shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

SEC. 20. (a) Any person who violates any provision of this act for which no penalty is specifically provided shall be subject to a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment not exceeding one year or both, in the discretion of the court.

(b) Where a pensioner is convicted of an offense under this section the said department may cancel the certificate.

SEC. 21. If any pensioner is convicted of any crime, misdemeanor, felony, or other offense, punishable by imprisonment for one month or longer the board shall direct that payments shall not be made during the period of imprisonment.

#### FUNDS AND EXPENSES.

SEC. 22. The funds for the payment of old age pensions shall be furnished by the State of California, and there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five hundred thousand (\$500,000) dollars, to be known as the "old age pension fund," for the purpose of the payment of pensions during the next two years as herein provided.

SEC. 23. (a) All expenses incurred by the said department in administration, investigation and salaries, shall be borne by the State of California, and the sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for this purpose during the next two years;

(b) All expenses incurred by the county, or city and county, boards in administration, investigation and salaries, shall be paid by the county or city and county treasurer from the moneys in the treasury of such county, or city and county, in the same way as other expenses of the county, or city and county are paid.

#### ANNUAL REPORT AND HEARING.

SEC. 24. Within ninety (90) days after the close of each calendar year, the said department shall make a report for the proceeding year stating:

(a) The total number of recipients;

(b) The amount paid in cash;

(c) The total number of applications;

(d) The number granted, the number denied, the number canceled during that year, and such other information as the said department shall deem advisable.

SEC. 25. All methods of procedure in hearings, recording, registration and accounting, pertaining to the old age pensions, under this act, shall be in accordance with the rules and regulations as laid down from time to time by the said department.

SEC. 26. Every pension granted under the provisions of this act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing act that may hereafter be passed, and no recipient under this act shall have any



claim for compensation or otherwise by reason of this pension being affected in any way by any such amending or repealing act.

SEC. 27. This act may be cited as the old age pension act of the State of California.

SEC. 28. Nothing in this act shall be construed as repealing any other act or part of an act for the support of the poor except in so far as necessarily inconsistent therewith, but the provisions of this act shall be construed as an additional method of supporting the aged poor, and to effect such purpose this act shall be liberally construed. If any portion of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such judgment shall not effect, impair, or invalidate the remainder of this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 420—An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, following the comma, strike out everything down to and including the comma after the word "vote" in line 14, and insert in lieu thereof the following: "any and all elections".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 20, of the printed bill, strike out the word "county", and insert in lieu thereof the word "country".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 38, of the printed bill, after the word "her" in said line, strike out everything down to and including the comma after the word "any" in line 39, and insert in lieu thereof the following: "own usual signature, and".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 45, of the printed bill, after the word "county" and before the word "shall", insert the following: ", and city and county," and also in the same line, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 7, line 41, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 8, line 21, of the printed bill, following the comma after the words "tally list", strike out everything down to and including the word "clerk" in line 26, and insert in lieu thereof the following: "the roster of voters, the challenge list, the death and removal list, one list of assisted voters, one copy of the printed index to the precinct register or affidavits of registration showing names of electors voted as kept by the election clerk, and all affidavits of election officers assisting voters; in one package shall be enclosed one tally list,".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 8, line 47, of the printed bill, strike out the word "repealed", and insert in lieu thereof the following: "amended to read as follows: 1262. One tally list, and

one list of assisted voters must be sent to the county clerk or registrar of voters, and be retained by him open to the inspection of all electors for at least six months."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out all of said line 1, and insert in lieu thereof the following :

"SECTION 1. The provisions of sections 5,890 and 5,890 1 of this act shall supersede the provisions of sections 5,890 and 5,890 1 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter three of part four of division five of said School Code.

As used in sections 5,890 and 5,890 1 of this act the term "this part" means part four of division four of said School Code.

Sec. 5,890. Every public school teacher who shall have complied with all the requirements of this part, and who shall have served under a legal certificate as a legally qualified teacher in public day or evening schools or partly as such teacher and partly as superintendent or supervising executive or educational administrator or as secondary registrar or, secondary librarian holding valid unrevoked teaching credentials issued by the state board of education for at least thirty five school years, at least twenty of which shall have been in the public schools of this state including the last ten years of service immediately preceding retirement, shall, except as otherwise provided, be entitled to retire: or if physically or mentally incapacitated for the proper performance of the duties of teacher, may be compelled to retire by the board of education, school trustees, or other school authorities employing such teacher.

Sec. 5,890 1. Any such teacher may, at his option, retire after thirty years of such service and before the completion of the thirty fifth year of such service and receive a retirement salary equal to sixty five per cent of the retirement salary he would have received had he retired under the provisions of this part after completing thirty-five years of such service, plus seven per cent of the last mentioned retirement salary for each year he shall have served after the thirtieth year of his service and before the completion of the thirty-fifth year of such service by him.

SEC. 2. The provisions of section 5,894 of this act shall".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, after the first word "of", insert the word "section".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 16, of the printed bill, strike out the numeral "2", and insert in lieu thereof the numeral "3".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 1, line 13, of the printed bill, beginning in said line 13, strike out the words "two hundred", and insert in lieu thereof the word "eighty".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 4, of the printed bill, strike out the words "two hundred", and insert in lieu thereof the word "eighty".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 5, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "thirty-five".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 6, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 12, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 21, of the printed bill, beginning in said line 21, strike out the words "twelve thousand dollars", and insert in lieu thereof the following: "sixty-five per cent of the retirement salary he would have received had he retired under the provisions of this part after completing thirty-five years of such service".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 30, of the printed bill, strike out the words "two hundred", and insert in lieu thereof the word "eighty".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 31, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "thirty-five".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 32, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 37, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 1, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "6".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 3, line 1, of the printed bill, after the numerals "5.1003", insert the following: "and 5.1003-1".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 3, line 13, of the printed bill, after the said line 13, insert the following: "Sec. 5.1003-1. On or before the ----- day ----- in the year ----- and on or before the ----- day of ----- in each succeeding calendar year, the state controller shall transfer from the general fund of the state, to the public school teachers permanent fund, an amount equal to the total contributions made by teachers under the provisions of this part during the preceding fiscal year."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 3, line 14, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numeral "7".

Amendment adopted.



## AMENDMENT NUMBER NINETEEN.

On page 3, line 15, of the printed bill, after said line 15, strike out the following: "5.1043, 5.1044, 5.1047 and 5.1048", and insert in lieu thereof the following: "5.1047 5.1048 and 5.1049".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 3, line 32, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 3, line 34, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "thirty-five".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 3, line 35, of the printed bill, strike out the word "twenty four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 3, line 37, of the printed bill, after said line 37, insert the following: "Sec. 5.1042. The teacher must pay four dollars each month not later than the last day of said month"

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 3, line 38, of the printed bill, strike out all of lines 38 to 46, inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 3, line 49, of the printed bill, beginning in said line 49, strike out the word "twenty-four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 3, line 51, of the printed bill, strike out the following: "five per cent per annum on the twenty-four", and insert in lieu thereof the following: "ten per cent per annum on the forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 4, line 9, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 4, line 12, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 4, line 19, of the printed bill, after said line 19, insert the following: "Sec. 5.1048. Any teacher subject to the burdens and entitled to the benefits of this part who shall withdraw from public school service shall forfeit all of the contributions paid under the provisions of this part."

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 4, line 20, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "8".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 4, line 38, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "forty-two".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 4, line 39, of the printed bill, strike out the word "thirtieth", and insert in lieu thereof the word "thirty-fifth".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 4, line 44, of the printed bill, beginning in said line 44, strike out the words "seven hundred twenty", and insert in lieu thereof the words "one thousand six hundred eighty".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 5, line 9, of the printed bill, beginning in said line 9, strike out the words "seven hundred twenty", and insert in lieu thereof the words "one thousand six hundred eighty".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 5, line 12, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "9".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 5, line 30, of the printed bill, strike out the words "two hundred", and insert in lieu thereof the word "eighty".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Education.

Senate Bill No. 333—An act relating to pupils in the public schools.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in the title of the act, strike out the word "public", and insert in lieu thereof the word "elementary".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, strike out the words "upon being admitted to and enrolled in", and insert in lieu thereof the words "prior to graduation from".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, strike out the word "public", and insert in lieu thereof the word "elementary".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, following the word "shall", strike out the following: "and from time to time thereafter may".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, lines 10 and 11, of the printed bill, strike out the following: "the rate or grade shown", and insert in lieu thereof the following: "and grade ability and aptitude".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 335—An act relating to pupils in public high schools.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out the following "the rate or grade shown", and insert in lieu thereof the following: "and grade ability and aptitude".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 426—An act providing for the membership of public schools in organizations for the promotion and advancement of education.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, strike out the word "county".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 188—An act to add a new section to the Political Code, to be numbered 3236, relating to preference on public contracts and furnishing supplies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 452—An act to add a new section to the Political Code, to be numbered 4052c, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes.

Bill read second time, ordered engrossed, and on file for third reading.



CONSIDERATION OF DAILY FILE.  
THIRD READING OF SENATE BILLS.

SENATE CONSTITUTIONAL AMENDMENT No. 6.

A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 1½, relating to the taxation of hospitals and sanatoriums conducted not for private profit.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its regular session commencing on the seventh day of January, A. D. 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the constitution of said State be amended by adding to article XIII thereof, a new section to be numbered 1½ and to read as follows:

Sec. 1½. Any hospital or sanatorium, charitable or otherwise, within the State of California, not organized or conducted for private profit, shall take and hold exempt from taxation, its property and income, when such property and income are used exclusively for hospital or sanatorium purposes. The Legislature shall prescribe the method of determining from time to time the tax exempt status of all hospitals and sanatoriums.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Constitutional Amendment No. 6 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—Senators Jones, Ray; and West—2.

Title read and approved.

Senate Constitutional Amendment No. 6 ordered transmitted to the Assembly.

Senate Bill No. 207—An act to add a new section, numbered 1027, to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, and West—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125—An act to add a new section to the Penal Code, to be numbered 1308, relating to bail bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 125 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 127 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—29.

NOES—Senators Allen, Cassidy, and Hurley—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 138—An act to add a new section to the Penal Code, to be numbered 1127c, relating to instructions on evidence of flight.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 138 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Evans, Handy, Hurley, Inman, Lyon, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—27.

NOES—Senators Allen, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, and West—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 140—An act to add a new section to the Penal Code, to be numbered 1127b, relating to instructions to the jury with reference to the opinions of expert witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 140 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagdy, Weller, and Young—31.

NOES—Senators Allen, Fellom, Garrison, Jones, Ray; and West—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE JOINT RESOLUTION No. 5.

Relating to the control of motor vehicles for hire, engaged in interstate commerce.

WHEREAS, In the absence of control, there has grown up a class of interstate motor stage operation which is entirely unregulated and altogether irresponsible and subject to the regulation of no state or federal authority whatever, and

WHEREAS, The traveling public is being constantly victimized by such operators crossing state lines between California and neighboring states, and who resort to all sorts of illegitimate and unscrupulous activities at the expense of travelers who are unable to obtain redress, and

WHEREAS, The regularly certificated stage lines operating within the State Railroad Commission; are a source of large revenue to the State, and now constitute one of the State's major public utilities, and

WHEREAS, The activities of the unregulated interstate "wildcat" operators subject both the legitimate stage lines and other forms of transportation to unfair, injurious and unscrupulous competition, and

WHEREAS, The present condition is highly detrimental to the interests of the State of California, to the legitimate transportation interests, to the traveling public and to the public generally, and

WHEREAS, Such conditions present an urgent need for adequate federal regulation, at least as to proper certification and control, now therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California recommend to the Congress of the United States and to the Interstate Commerce Commission that legislation providing for such federal regulation be immediately enacted.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagdy, Weller, West and Young—35.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 5 ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following amendment was introduced:

By Senators Swing and Nelson: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article thereto to be known as article XIII<sup>1</sup>, relating to revenue and taxation.

Amendment referred to Committee on Constitutional Amendments.

#### RE REFERENCE OF ASSEMBLY BILL.

Senator Tubbs asked unanimous consent to withdraw Assembly Bill No. 319 from Committee on Judiciary, and re-refer to Committee on Revision of Criminal Law and Procedure.

Unanimous consent granted, and such was the order.



## RECESS.

At one o'clock and five minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of two o'clock p.m.

## RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beck at the desk.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 20—An act to amend section 1936 of the Political Code, relating to the powers of the Adjutant General.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 41—An act to repeal section 9, amended by Statutes of 1907, chapter 472, and amended by Statutes of 1927, chapter 212, of an act entitled "An act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 958—An act amending sections 2 and 14 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers, and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and adding a new section to said act to be numbered section 32, relating to the appointment of the State Civil Service Commission and its powers and duties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 653—An act relating to the compensation of election officers of school elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 608—An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing and the blind.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 616—An act relating to the attendance of pupils attending school in a district other than the district in which they reside.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 604—An act relating to the publication of textbooks and teachers' manuals of the studies prescribed for elementary schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 605—An act relating to the composition of boards of education of consolidated school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 552—An act relating to the issuance of vacation permits to work to certain minors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 551—An act providing for annual conventions of secondary school principals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 879—An act to amend sections 4256, 4256a and 4256b of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-seventh class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 9, of the printed bill, strike out lines 9 and 10, and insert in lieu thereof the following: "two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum;"

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 41, of the printed bill, strike out lines 42 to 47, inclusive, and insert in lieu thereof the following: "auditor shall be allowed two deputies, at a salary of one thousand eight hundred dollars each per annum; said deputies to be".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 3, line 39, of the printed bill, strike out lines 39 to 41, inclusive, and insert in lieu thereof the following: "who shall receive a salary of one thousand six hundred twenty dollars per annum; one copyist for a period not to exceed eight months in any one year at a salary of one hundred twenty-five dollars per month; such additional deputies as may be".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 540—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 4 of the printed bill, as amended in Assembly February 27, 1929, strike out all of lines 26 to 28, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4, line 29, of the printed bill, as amended in Assembly February 27, 1929, strike out the numerals "17", and insert in lieu thereof the numerals "16".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, line 34, of the printed bill, as amended in Assembly February 27, 1929, strike out the numerals "18", and insert in lieu thereof the numerals "17".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 39, of the printed bill, as amended in Assembly February 27, 1929, strike out the numerals "19", and insert in lieu thereof the numerals "18".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 542—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, strike out the words "two thousand five hundred", and insert in lieu thereof the words "three thousand".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 6, of the printed bill, strike out the words "five hundred", and insert in lieu thereof "three thousand".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, line 7, of the printed bill, strike out lines 7 to 13, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## SENATOR BAKER IN THE CHAIR.

At two o'clock and fifteen minutes p.m., Senator Baker of the Seventeenth District was called to the chair.

Assembly Bill No. 273—An act to amend section 4282 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-third class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, strike out all of lines 13 and 14, and insert in lieu thereof the following: "istered by him."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 6, of the printed bill, strike out the word "four", and insert in lieu thereof the word "five".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 18, of the printed bill, strike out the word "two", and insert in lieu thereof the word "eight".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 36, of the printed bill, strike out the word "three", and insert in lieu thereof the word "five".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 868—An act to amend section 4267 of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 556—An act to amend section 2322x27 of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies, and employees in counties of the twenty-seventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 45—An act to amend section 4254 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 90—An act to amend section 19x25 of the Juvenile Court Law, relating to probation officers in counties of the twenty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 651—An act to amend section 2322x18 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1085—An act to amend section 2322x24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class.

Bill read second time, and ordered on file for third reading.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON REVISION OF CRIMINAL LAW AND PROCEDURE

SENATE CHAMBER, SACRAMENTO, March 19, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts—has had the same under consideration, and respectfully reports the same with amendments and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote, Ayes—8; absent—1.

BAKER, Chairman.

Senate Bill No. 392 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a police officer—has had the same under consideration, and respectfully reports the same with amendments and recommends that it do pass.

Committee membership—9; committee vote, Ayes—8; absent—1.

BAKER, Chairman.

Senate Bill No. 674 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed Assembly Bill No. 480—An act to amend an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento

and San Joaquin Drainage District to the Department of Public Works, and providing that the cost thereof shall be paid by the State for a limited period and relieving said district and the Reclamation Board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the Reclamation Board to levy a supplementary assessment and to order called assessments levied in connection with Project No. 6; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of Project No. 6 of said district; authorizing the validation of said bonds; authorizing the State Board of Control to purchase and invest in warrants and bonds of said district; authorizing landowners within said Project No. 6 to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the Reclamation Board Act, approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, by adding a new section thereto to be numbered section 17, relating to warrants held by reclamation, levee or drainage districts;

Also: Assembly Bill No. 589—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty fifth class;

Also: Assembly Bill No. 971—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended;

Also: Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 380 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 589 read first time, and referred to Committee on County Government.

Assembly Bill No. 971 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 1009 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 55—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions;

Also: Assembly Bill No. 93—An act to add a new section to be numbered section 3a, to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishments, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to the keeping of records of hours worked and prima facie evidence of violation of the act;

Also: Assembly Bill No. 209—An act to add a new section to the Code of Civil Procedure, to be numbered 1752½, relating to property of minors;

Also: Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537f, 537g and 537h, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 55 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 93 read first time, and referred to Committee on Labor and Capital.

Assembly Bills Nos. 209 and 319 read first time, and referred to Committee on Judiciary.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senator Weller: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article II of said constitution, relative to elections and eligibility of voters, disabilities and absent voters.

Amendment referred to Committee on Constitutional Amendments.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Carter:

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to add a new section to be numbered section 6 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, as amended, relating to the annexation to any incorporated city or town of new unincorporated territory situated within the drainage basin of any stream supplying water to such city or town.

Request referred to Committee on Rules.

By Senator Sharkey:

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act making an appropriation to pay the claim of Fred F. Freitas against the State of California.

Request referred to Committee on Rules.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 95—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of article IV of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922.

Bill read third time.

URGENCY CLAUSE.

SEC. 8. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State shall, under the provisions of section 1, of article IV of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 95 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

Also: Senate Bill No. 105—An act to amend sections 3, 12 and 14 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands: to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 821 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At two o'clock and forty-five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Gray, Handy, Inman, Lyon, Maloney, McCormack,

McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—29.

NOES—Senators Cleveland, Cobb, Garrison, Jones, Ray; and West—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BAKER IN THE CHAIR.

At three o'clock and two minutes p.m., Senator Baker of the Seventeenth District was called to the chair.

Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Senate Bill No. 105 to Senator Boggs, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 5, line 13, of the printed bill, as amended March 19, strike out the comma after the word "office", and insert in lieu thereof a period, and strike out all of said line 13 beginning with the word "except" and all of line 14, and on line 15 the syllables "lary" and the period following the same.

DEMAND FOR PREVIOUS QUESTION.

Senators Cleveland and Christian demanded the previous question. The question being put: Shall the main question be now put?

AYES AND NOES DEMANDED.

A roll call was demanded by Senators West, Christian and Tubbs. The roll was called, and demand sustained by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Handy, Hurley, McKinley, Murphy, Swing, Tubbs, Wagy, Weller, West, and Young—19.

NOES—Senators Canepa, Carter, Edwards, Evans, Fellom, Garrison, Gray, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Sharkey, and Slater—17.

POINT OF ORDER.

Senator Garrison raised the point of order that Senator Nelson did not have the right under the rules of the Senate to ask Senator Crowley questions concerning Senate Bill No. 105 as Senator Carter was closing the debate.

UNANIMOUS CONSENT ASKED.

Senator Nelson asked unanimous consent to ask Senator Crowley questions pertaining to Senate Bill No. 105.

MOTION.

Senator Tubbs moved that Senator Nelson be permitted to ask Senator Crowley questions pertaining to Senate Bill No. 105.

Motion carried.

Motion to refer to Special Committee of One carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 105, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Crowley, Murphy, and Inman.

The question being on the adoption of the report of the Special Committee of One.

The roll was called, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, McCormack, McKinley, Nelson, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—26.

NOES—Senators Breed, Canepa, Crowley, Gray, Hurley, Lyon, Maloney, Merriam, Murphy, Pedrotti, Swing, and Tubbs—12.

Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Carter to introduce a bill entitled—An act to add a new section to be numbered section 6 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, as amended, relating to the annexation to any incorporated city or town of new unincorporated territory situated within the drainage basin of any stream supplying water to such city or town—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—34.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Sharkey to introduce a bill entitled—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray;



Lyon, Maloney, McKinley, Merriam, Mueller, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and Young—30.  
 NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS—(RESUMED).

The following bills were introduced:

By Senator Carter: Senate Bill No. 849—An act to add a new section to be numbered section 6 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, as amended, relating to the annexation to any incorporated city or town of new unincorporated territory situated within the drainage basin of any stream supplying water to such city or town.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sharkey: Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California.

Bill read first time, and referred to Committee on Finance.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, March 25, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that since the adjournment of the forty-seventh session of the Legislature was taken on the twenty-ninth day of April, 1927, I have made the following appointments, and request your concurrence thereof and consent thereto:

July 29, 1927, Henry Eickhoff of San Francisco, a member of the State Board of Prison Directors, vice Bert B. Meek, resigned.

January 12, 1928, C. E. McLaughlin of Sacramento, a member of the State Board of Prison Directors, vice self, term expired.

February 28, 1929, Gerrard T. January of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia, vice H. Z. Howard, deceased.

Respectfully submitted.

C. C. YOUNG, Governor.

Governor's message referred to Committee on Rules.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 20 ordered to unfinished business.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 21, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 435—An act to promote safety of employees and provide assistance

in case of injury from electric current in the doing of repair work or construction work on electric poles, wires, cables, machinery, appliances or equipment: providing for the employment of a crew of not less than two journeymen in the doing of such work; and providing a penalty for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

(Signed out)

MURPHY, Chairman.

ALLEN.

INMAN.

MALONEY.

CLEVELAND.

Senate Bill No. 435 ordered on file for second reading.

#### ADJOURNMENT.

At four o'clock and forty-five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned out of respect to the memory of the late Job Wood, formerly connected with the State Department of Education, until eleven o'clock a.m., Tuesday, March 26, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 26, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

Quorum present.

#### PRAYER.

Upon invitation of the President, prayer was offered by Rev. W. C. Whitaker.

#### READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 25, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### LEAVE OF ABSENCE.

Senator Lyon was, on motion of Senator Pedrotti, granted leave of absence for this day.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thomas A. Maloney and Barbara June, wife and daughter of Senator Maloney; Corporal Peter R. Maloney of the San Francisco Police Department, founder of the South of Market Boys, and Detective Sergeant Leo Bunner of the San Francisco Police Department.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. M. Cleland, Mrs.

T. M. Cleland, Mrs. Marguerite Cleland, Thomas F. Cleland and William H. Cleland of Ukiah, California.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. P. J. Gray and Miss Shirley Gray, wife and daughter of Senator P. J. Gray of San Francisco, California.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl Warren, district attorney, Alameda County.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. H. Peters, city attorney of El Cerrito, California.

On request of Senator West, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Blinn of Alameda County.

#### PRESENTATION OF PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Merriam:

#### RESOLUTION.

The city council of the city of Long Beach resolves as follows:

WHEREAS, Senate Bill No. 818, now pending in the Legislature of the State of California, proposes to increase the salary of the board of supervisors of Los Angeles County by paying each of them an additional sum of \$5,000 per year out of the tax funds of the Los Angeles County Flood Control District; and

WHEREAS, The Los Angeles County charter fixes the salary of said board of supervisors at \$5,000 per year each, and also provides they shall devote all of their time to the duties of such office, and it would, therefore, be inconsistent with such charter to pay them such proposed increased salary without amending such charter to that effect, in the manner provided by law; and

WHEREAS, Such expenditure for salary from flood control tax funds would reduce to the extent of \$25,000 per year the amount available for needed flood protection and maintenance work; now, therefore, be it

*Resolved by the city council of the city of Long Beach, That it hereby opposes such proposed increase of salary of said board of supervisors; and be it further*

*Resolved, That we hereby request Senators Merriam and Carter and Assemblymen Harry F. Sewell, Morgan Keaton and Frank McGinley to oppose the passage of said Senate Bill No. 818; and be it further*

*Resolved, That the city clerk be and he is hereby instructed to send a certified copy of this resolution to each of said Senators and Assemblymen above named.*

Adopted and approved this nineteenth day of March, 1929.

Also:

#### RESOLUTION.

The city council of the city of Long Beach resolves as follows:

WHEREAS, There is now pending in the Legislature of the State of California a certain bill designated Assembly Bill No. 1055, purporting to amend section 2 of the "Los Angeles County Flood Control Act," as amended, by vesting the power in the board of supervisors of the Los Angeles County Flood Control District to sell or dispose of any property of said district, or any interest therein, not acquired by condemnation, whenever in the judgment of said board of supervisors said property is no longer required for the purposes of said district; and

WHEREAS, Such power so given may be deemed or construed to apply to and include water and water rights and interests therein, as well as to storage rights and space for storage of water in the reservoirs and dams belonging to said district, and also to waters claimed to be unappropriated or surplus waters impounded or stored by the reservoirs and dams constructed by said district; and

WHEREAS, There is no procedure provided by said bill for said board of supervisors to determine whether there are any such unappropriated or surplus waters, or requiring any notice to owners or users of water that may be affected by such sale or lease, or any hearing required as to existing water rights, but the power of sale or lease of any such waters or storage is left by the terms of said bill to the sole judgment and discretion of said board of supervisors by their ex parte determination; now, therefore, be it



*Resolved*, That the city council of the city of Long Beach hereby opposes the passage of said bill, and hereby requests Senators Frank C. Morriam and Henry E. Carter and also Assemblymen Harry F. Sewell of Whittier, Morgan Keaton of Long Beach, and Frank McGinley of Seventy-first Assembly District to actively oppose the passage of said Assembly Bill No. 1055 to the end that the same may not become a law; be it further

*Resolved*, That the city clerk be and he is hereby instructed to send a certified copy of this resolution to each of said Senators and Assemblymen above named.

Adopted and approved this nineteenth day of March, 1929.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 526. An act to add a new section to the Political Code to be numbered 2087, relating to exhibitions by the Adjutant General of equipment, animals and property of the National Guard.

Also: Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States; and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the Direct Primary Law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, and amended and approved May 29, 1917; and amended and approved April 8, 1919, and amended and approved May 31, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 526 and 542 ordered to enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 8—Relative to reports of the department encampment and the annual convention of the United Spanish American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Concurrent Resolution No. 8 ordered to enrollment.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

#### SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions:

Also: Senate Bill No. 42—An act to add a new section to be numbered section 74 to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to State highways:

Also: Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class:

Also: Senate Bill No. 416—An act providing for the licensing of aircraft, air-men, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921:

Also: Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and

sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 603—An act to amend section 361, Workmen's Compensation, Insurance and Safety Act, chapter 589, laws of 1927, relating to insurance by State compensation insurance fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act;

Also: Senate Bill No. 616—An act to be known as the "Pure Milk Law of California," to define "market milk"; to protect the wholesomeness, purity and identity of market milk; to classify and grade market milk; to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, as amended, and all acts or parts of acts inconsistent with the provisions of this act;

Also: Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof;

Also: Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations;

Also: Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies;

Also: Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California;

Also: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1a of article VI of the constitution, relating to the exchange of judges by request;

Also: Senate Bill No. 462—An act to amend section 9a34 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, and to add thereto a new section to be numbered 9a22, relating to the salaries of county librarians in counties of the twenty-second and thirty-fourth classes;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 484—An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters;

Also: Senate Bill No. 740—An act to amend the title and section 1 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, and providing for the burial of soldiers, sailors, marines and nurses who shall have served in or with the Army or Navy of the United States and the burial of widows of such soldiers, sailors or nurses;

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the Executive Branch of the State government;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 148—An act to amend sections 1 and 3 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927—has had the same under consideration, and respectfully reports the same back with amendments,

and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 148 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 162—An act to amend sections 61 and 131 of the Civil Code, and to repeal section 132 of the Civil Code, relating to interlocutory decrees for divorce—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—7; noes—5; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 162 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 163—An act to amend section 963 of the Code of Civil Procedure, relative to interlocutory decrees of divorce—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—4; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 163 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 254—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State:

Also: Assembly Bill No. 539—An act to amend section 1986 of the Code of Civil Procedure, relating to issuance of subpoenas and subpoenas to take depositions.

Also: Assembly Bill No. 925—An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings in which a county, city and county or city is a party:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 254, 539 and 925 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 34—An act to add a new section to the Political Code to be numbered 3651, relating to the Department of Public Works:

Also: Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor:

Also: Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—11; absent—6.

INMAN, Chairman.

Senate Bills Nos. 34, 48 and 278 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect:

Also: Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—11; absent—6.

INMAN, Chairman.

Senate Bills Nos. 35 and 665 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your committee on Judiciary, to which was referred Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806 and 882 thereof, relating to the jurisdiction of courts;

Also: Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters;

Also: Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure to be numbered 900b, relating to new trials in justices' courts;

Also: Senate Bill No. 61—An act to add a new section to the Code of Civil Procedure to be numbered 831h, relating to practice and procedure in the justices' courts;

Also: Senate Bill No. 62—An act to add a new section to the Code of Civil Procedure, to be numbered 982a, relating to appeals to superior courts;

Also: Senate Bill No. 64—An act to amend section 112 of the Code of Civil Procedure, relating to jurisdiction of justices' courts;

Also: Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts;

Also: Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts;

Also: Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to justices of the peace;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 53, 59, 60, 61, 62, 64, 68, 69 and 72 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 317 ordered on unfinished business file.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred the following resolution by Senator Weller:

WHEREAS, The impeachment proceedings now pending before the Senate of the State of California constitute a matter of nation-wide public interest; and

WHEREAS, The Senate is going to great pains to conduct these proceedings in a highly orderly and judicial manner; and

WHEREAS, The record of these proceedings will be in great demand by the judiciary of this State and other states; therefore, be it

*Resolved*, That the Secretary of the Senate be and he is hereby directed to preserve, compile and edit all records of such impeachment proceedings and at the conclusion thereof to have the same published in a binding separate and apart from the Journal of the forty-eighth session of the Senate.

Has had the same under consideration, and respectfully reports the same back with an amendment, and recommends that the amendment be adopted, and that the resolution be adopted as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

#### CONSIDERATION OF RESOLUTION.

The Senate took up for consideration the resolution by Senator Weller, relating to records of impeachment proceedings this day reported upon by the Judiciary Committee.

#### CONSIDERATION OF AMENDMENT.

The following committee amendment to the resolution was considered:

##### AMENDMENT NUMBER ONE.

In the last paragraph of the resolution after the word "proceedings", insert a comma and the following: "as he may deem advisable."

Amendment adopted.

#### RESOLUTION.

The following resolution was offered:

By Senator Weller:

WHEREAS, The impeachment proceedings now pending before the Senate of the State of California constitute a matter of nation wide public interest; and

WHEREAS, The Senate is going to great pains to conduct these proceedings in a highly orderly and judicial manner; and

WHEREAS, The record of these proceedings will be in great demand by the judiciary of this State and other states; therefore, be it

*Resolved*, That the Secretary of the Senate be and he is hereby directed to preserve, compile and edit all records of such impeachment proceedings, as he may deem advisable, and at the conclusion thereof to have the same published in a binding separate and apart from the Journal of the forty-eighth session of the Senate.

Resolution read, and on motion of Senator Weller adopted.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 56—An act to amend the Code of Civil Procedure by adding thereto a new section to title XII of part II thereof, to be numbered 934, relating to police courts.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 56 to Senator Weller, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of lines 1 to 3, inclusive, and insert in lieu thereof the following: "An act to add a new section to be numbered 934 to title twelve of part two of the Code of Civil Procedure, relating to police courts."

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 934 is hereby added to title twelve of part two of the Code of Civil Procedure, to read as follows:"

##### AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, after the word "in", in said line, insert the word "counties,".

##### AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of line 6, and insert in lieu thereof the following. "provisions of sections 74, 74a or 8 of article".

## AMENDMENT NUMBER FIVE.

On page 1, line 7, of the printed bill, strike out the period in said line, and insert in lieu thereof a comma and the following: "of the State of California."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 56, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure, to be numbered 927*g*, relating to costs in small claims courts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 63 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"An act to add a new section, to be numbered 927*g*, to chapter twelve of title eleven of part two of the Code of Civil Procedure, relating to costs in small claims courts and executions upon judgments thereof."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 927*g*, is hereby added to chapter twelve of title eleven of part two of the Code of Civil Procedure, to read as follows:"

## AMENDMENT NUMBER THREE.

On page 1, line 4, of the printed bill, strike out the last word "cost", in said line and insert in lieu thereof the word "costs".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 63, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 71—An act to add a new section to the Political Code, to be numbered 4185*a*, relating to qualifications and eligibility to the office of justice of the peace.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 71 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the words "to the Political Code".

## AMENDMENT NUMBER TWO.

In the title of the printed bill, strike out all of line 2 and insert in lieu thereof the following: "bered 4185*a*, to the Political Code, relating to qualifications and eligibility for".



## AMENDMENT NUMBER THREE.

On page 1, line 3, of the printed bill, beginning in said line 3, strike out the words "city or township".

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of line 8 and insert in lieu thereof the following: "section shall not be applied to any person now holding such office during such time as he shall continuously hold the same either during his present term of office or any future term."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 71, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mount Diablo State Park fund;

Also: Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3

EVANS, Chairman.

Senate Bills Nos. 811 and 812 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by repealing section 36 and by amending section 42 thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, commencing in said line 5, strike out the words "by repealing section 36 and".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 6 of the title of the printed bill, strike out the figures "42", and insert in lieu thereof the following: "34, providing for the disposition of proceeds of bond sales, section 36, abolishing the bond interest fund, and section 42, relating to installments to pay the interest and principal on bonds."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, strike out the figures "36", and insert in lieu thereof the figures "34".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 5, of the printed bill, strike out the word "repealed.", and insert in lieu thereof the following: "amended to read as follows:

Sec. 34. The money derived from the sale of any of said bonds shall be received by the state treasurer and shall be by him kept and placed to the credit of the following funds, in the manner as follows, to wit:

(1) An amount equal to the accrued interest on said bonds so sold to the date of sale shall be by the said state treasurer placed to the credit of the bond fund of the assessment upon which such bonds are based.

(2) All other money derived from the sale of any of said bonds shall be placed to the credit of the Sacramento and San Joaquin drainage district in a fund designated as the "construction fund of (giving the name and number of the assessment upon which the bonds are based).," and may be drawn and expended upon warrants drawn by the state controller at the request of the reclamation board upon and payable out of the construction fund in the same manner as provided by section 15 of the said reclamation board act with reference to the expenditure of moneys collected upon assessments as in said reclamation board act provided.

SEC. 2. Section 36 of said act is hereby amended to read as follows:

Sec. 36. The bond interest fund of any assessment (or any fund of such assessment of similar designation which the state controller has heretofore or may hereafter set up to receive moneys retained from the sale of bonds to pay the interest thereon as required by this section prior to this amendment thereto) is hereby abolished, and any and all moneys which the state treasurer has heretofore retained, or may hereafter retain prior to the date this act becomes a law, from the first money received from the sale of any of such bonds to pay the interest which will fall due during the period of one year thereafter upon all such bonds which have been sold, as required by this section prior to this amendment thereto, shall be by the said state treasurer, upon the request of the state controller immediately transferred into the construction fund of the assessment upon which such bonds are based to be used for the retirement of warrants."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 6, of the printed bill after the word "Sec.", strike out the figure "2", and insert in lieu thereof the figure "3".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District and Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "eight".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, after the word "act", insert the following "as amended".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2 of the printed bill, beginning in line 47, strike out the following: "and it shall be the duty of said reclamation board", and insert in lieu thereof the following: "in its discretion".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 4, of the printed bill, after the word "and", strike out the word "to", and insert in lieu thereof the following: "said reclamation board may in its discretion".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 7, of the printed bill, after the word "to", insert the following "not less than".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3 of the printed bill, commencing in line 9, strike out the following: "Said semiannual installments shall continue without diminution of the principal amount by reason of such installments until such time as the principal and accrued interest on said assessment are paid in full", and insert in lieu thereof the following: "Each of such semiannual installments upon each tract shall be based upon the original principal amount of the assessment on such tract less any deduction therebefore made by reason of any credits made upon such tract pursuant to the provisions of chapter five hundred fifty-six of the statutes of California, 1919, and shall continue to be so based until such time as the principal and interest of said assessments on such tract are paid in full: *provided, however*, that said reclamation board may in its discretion, by order entered in its minutes, postpone or discontinue from time to time the calling of said semiannual installments or any of them for such periods of time as it deems advisable."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, line 28, of the printed bill, after the period following the word "interest", insert the following: "All warrants when received by any officer authorized by law to receive same shall be by him transmitted to the state controller who is hereby authorized and directed to give said officer a receipt for said warrants. It shall be the duty of the state controller, upon demand of the reclamation board, to cancel said warrants and to credit the face value thereof, plus the accrued interest thereon to the date of the tender of said warrants in payment of assessments, to the fund upon which said warrants were originally drawn and to charge said fund with said accrued interest. Thereupon it shall be the duty of the state controller to notify the state treasurer of such cancellation and the state treasurer shall make the proper entry in his books."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 33, of the printed bill, strike out the following: "Such partial payment shall not be used to reduce the amount of future installment collections until such time as the principal and accrued interest of such assessment shall have been paid in full upon said tract."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 306—An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 4 of the printed bill, strike out the words "state board of reclamation", and insert in lieu thereof the following: "department of public works".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 6 of the printed bill, after the word "Monterey", add the following: "providing that the counties of Santa Cruz and Monterey shall each contribute and make available a like amount; and provided, further, that the counties of Santa Cruz and Monterey shall each pay said amounts, or such portions of said amounts, as may be agreed upon, to the department of public works".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described, hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto, to be numbered 37, and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925, and chapter --, California Statutes of 1929.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the figures "14", insert a comma and the figures "15".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 3 of the title of the printed bill, strike out the words "a new section thereto to be numbered 37 and", and insert in lieu thereof the following: "two new sections thereto to be numbered 15a and 37, respectively".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 3 of the title of the printed bill, after the word "to", following the word "relating", insert the following: "the crediting of canceled warrants and providing for".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 4 of the title of the printed bill, strike out the words "to be".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

In line 6 of the title of the printed bill, beginning in said line 6, strike out the words "Chapter\_\_\_\_, California Statutes of 1929", and insert in lieu thereof the following: "and the war department appropriations act of congress of the United States for the fiscal year 1930, being public law number eight hundred forty three, seventieth congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 21, of the printed bill, strike out the word "the", and insert in lieu thereof the word "any".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 22, of the printed bill, beginning in said line 22, strike out the following: "and if prior to payment of such delinquent assessment the publication of the notice hereinafter provided shall have commenced, a penalty of one dollar for each tract so delinquent plus interest shall be added thereto and collected to defray the expense of such publication;"

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 42, of the printed bill, after the word "list", insert a comma and the following: "by reference number as set forth in said assessment list".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 5, line 7, of the printed bill, after the period insert the following:

"SEC. 2. Section 15 of said act is hereby amended to read as follows:

Sec. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the state treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin drainage district fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the fund of said drainage district; *provided*, that all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any of the lands embraced in said drainage district, shall be expended only for works of reclamation or other expenses, beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors therefor. In case there are not sufficient funds applicable thereto for the payment of such warrants when presented to the state treasurer, he shall endorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration. All such warrants, whether heretofore or hereafter issued, shall be considered as contracts in writing for the payment of money, and the period described for the commencement of an action based upon any such warrants, or connected therewith, is and shall be four years from the date of the first publication of the notice specifying such warrants published by the state treasurer pursuant to the provisions of this section; and no statute of limitations shall be deemed to have run against any action upon or affecting any warrant heretofore or hereafter drawn against any assessment under this act by reason of the lapse of time during which funds adequate for the payment of the outstanding warrants against such assessment were not available. Said warrants shall, at any time

within said period of four years, he received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time before payment of any warrant renew the same upon application of the owner or holder thereof by an endorsement thereof of the fact and date of such renewal and notice thereof to the state treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the state treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest. The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands in said drainage district, including assessments which have been bonded pursuant to the provisions of chapter five hundred twenty, statutes of 1919, is greater than required to meet all obligations incurred or to be incurred for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes, order the release of the lien of and abandonment of any part of the charges against any tract so assessed not required to be collected, as aforesaid; *provided, however*, that the portions of said assessment to be first abandoned and released shall be such portions of the charges on each tract as are based upon flood control benefits or by-pass severance as those terms are defined in, and have been determined by the assessors appointed by the reclamation board, pursuant to the provisions of section 32 of this act; and a copy of such resolution certified by the secretary of said board and attested with its seal shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when a payment has been made upon the part of such assessment upon any tract of land so abandoned and released, in whole or in part, the reclamation board may cause such warrants to be issued, in the manner as provided in this section, as may be necessary to secure a just, fair and equitable readjustment of said assessment so paid. Likewise, the reclamation board may also in its discretion abandon any assessment in whole or in part at any time prior to the time when the lien of such assessment has accrued to the extent that said assessment shall be greater than required to meet the obligations incurred or to be incurred thereon. In case of any change of county boundary lines or creation of any new county, all acts and proceedings in this act provided for in the manner of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessments.

SEC. 3. A new section is hereby added to said act to be numbered 15a and to read as follows:

Sec. 15a. All warrants of the Sacramento and San Joaquin drainage district when received by the reclamation board, department of finance, the respective county treasurers or any other officer authorized by law to accept same, for the cancellation or retirement thereof or in payment of assessments, shall be by said board, department, or officer transmitted to the state controller who is hereby directed to give said board, department, or officer a receipt for said warrants. It shall thereupon be the duty of said state controller, upon demand by the reclamation board, to cancel said warrants and credit the face thereof, plus accrued interest thereon to the date of the tender of said warrants to the board, department or officer receiving same, to the fund upon which said warrants were originally drawn and to charge said fund with said accrued interest. Thereupon it shall be the duty of the state controller to notify the state treasurer of such cancellation and the said state treasurer shall thereupon make the proper entries in his books.

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 5, line 8, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "4".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 5, line 19, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "5".

Amendment adopted.



## AMENDMENT NUMBER TWELVE.

On page 5, line 33, of the printed bill, strike out the figure "16", and insert in lieu thereof the figure "15".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 5, line 34, of the printed bill, strike out the word "shall", and insert in lieu thereof the following: "have heretofore or shall hereafter".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 5, line 34, of the printed bill, after the word "reimburse", insert a comma and the word "paid".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 5, line 36, of the printed bill, after the word "to" insert the following: "the war department appropriations act of congress for the fiscal year 1929, being public law number eight hundred forty three, seventieth congress, approved February 28, 1929, and any and all acts of similar import adopted by the United States under and pursuant to".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 5, line 37, of the printed bill, strike out the word "and", and insert in lieu thereof the following: "are hereby appropriated for the uses and purposes hereinafter set forth, and all said money or funds together with".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 5, line 37, of the printed bill, after the word "to", insert a comma and the following: "or has been".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 5, line 38, of the printed bill, after the word "California", insert the following: "for expenditure".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 5, line 41, of the printed bill, beginning in said line 41, strike out the following: "be disbursed and applied for the uses and purposes following, to wit:

(1) All moneys appropriated or set aside for new construction, land, rights of way or easements under said plan or project shall".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 5, line 48, of the printed bill, strike out the words "construction fund of joint", and insert in lieu thereof the following: "Joint".

Amendment adopted.

## AMENDMENT NUMBER TWENTY ONE.

On page 5, line 49, of the printed bill, beginning in line 49, strike out the following: "adopted by United States and State of California", and insert in lieu thereof the following: "fund".

Amendment adopted.

## AMENDMENT NUMBER TWENTY TWO.

On page 6, line 1, of the printed bill, beginning in said line 1, strike out the following: "to be done for the prosecution and completion of said modified report of the California debris commission in accordance with its terms".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 6, line 4, of the printed bill, strike out the word "draft", and insert in lieu thereof the word "order".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FOUR.

On page 6, line 6, of the printed bill, after the period following the word "same", insert the following: "Said money shall be disbursed and applied for the following uses and purposes, to wit:

(1) For new construction, lands, rights of way, or easements required to be done or acquired by the State of California, pursuant to said plan or project in such amounts as the Reclamation Board shall determine, but subject to the limitation on expenditure hereinafter in subdivision (2) hereof contained."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FIVE.

On page 6, line 9, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-SIX.

On page 6, line 19, of the printed bill, strike out the word "undertaking", and insert in lieu thereof the word "undertaken".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 6, line 20, of the printed bill, at the beginning of said line before the word "The", insert the following: "(2)".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 6, line 26, of the printed bill, strike out the period and insert in lieu thereof the following: "; *provided, further*, that not more than two hundred thousand dollars (\$200,000.00) during the eighty-first fiscal year and not more than two hundred thousand dollars (\$200,000.00) during the eighty-second fiscal year shall be so expended for the purposes as in subdivisions (1) and (2) of this section set forth."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-NINE.

On page 6, line 27, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "3".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY.

On page 6, line 27, of the printed bill, commencing on said line 27 strike out the following: "by the State of California for the eighty-first and eighty-second fiscal years to carry out and further said legislation contained in statutes 1925, chapter one hundred seventy-six, together with all of the said money reimbursed to the State of California by the United States as aforesaid," and insert in lieu thereof the following: "reappropriated or provided,".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-ONE.

On page 6, line 38, of the printed bill, strike out the words "to be".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-TWO.

On page 6, line 43, of the printed bill, after the word "available", insert the following: "for the purchase of warrants".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-THREE.

On page 6, line 44, of the printed bill, beginning on said line 44, strike out the following: "together with such money as was heretofore set aside for the purchase of warrants or bonds by statutes of California 1929, chapter----- thereof."

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-FOUR.

On page 7, line 12, of the printed bill, after the word "benefits", insert the following: "as distinguished from private and reclamation benefits".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 7, line 12, of the printed bill, commencing on said line 12, strike out the following: "heretofore made and to be made".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 7, line 15, of the printed bill, commencing on said line 15, strike out all of lines 15 to 52, inclusive, and insert in lieu thereof the following:

"All other acts or parts of acts in so far as they are in conflict with this act are hereby repealed."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 8, line 1, of the printed bill, commencing on said line 1, strike out all of lines 1 to 13, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out line 5 thereof, and insert in lieu thereof the following: "the employment of a crew of not less than two men who have had sufficient experience to do the work properly and understand necessary safety measures in protecting each other in case of accident in".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On pages 1 and 2 of the printed bill, strike out lines 8 to 18, inclusive, of page 1; and strike out lines 1 to 8, inclusive, of page 2, and insert in lieu thereof the following: "electrical equipment is installed or in use, to provide a crew of not less than two men who have had sufficient experience to do the work properly and understand necessary safety measures in protecting each other in case of accident: in every case of either day or night work where the repairs or construction work involves the handling, contact with or doing work on wires or conductors when charged with electricity at a potential in excess of seven hundred fifty (750) volts.

(a) The provisions of this act are not intended to apply to work on low potential wires or conductors, telephone, telegraph or signal wires, where the clearances maintained from high potential wires or conductors are in accordance with the regulations of the railroad commission of the State of California.

(b) The provisions of this act are not intended to apply to station or power house operators or trouble men in their regular routine duties."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Labor and Capital.

Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a public officer.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals, and to provide compensation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "bank", strike out the comma, and after the word "or", strike out the word "other".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the word "bank", strike out the comma, and after the word "or", strike out the word "other".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, after the comma following the word "order", insert the words "in full upon its presentation".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out lines 17 to 23, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 1, line 24, of the printed bill, following the comma after the word "protested", insert the following words: "on the ground of insufficiency of funds or credit".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 1 of the printed bill, at the end of line 26, after the word "evidence", insert the words "of knowledge".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 1, in line 27, of the printed bill, after the word "funds", strike out the word "in", and the comma; and after the word "bank" strike out the comma, and strike out the word "other", the last word in line 27.

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 2, line 3, of the printed bill, after the word "depository", insert the following words: "or person or firm or corporation".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 740—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, and Young—34.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred message from the Governor as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, March 25, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that since the adjournment of the forty-seventh session of the Legislature was taken on the twenty-ninth day of April, 1927, I have made the following appointments, and request your continuance thereof and consent thereto:

July 29, 1927, Henry Eickhoff of San Francisco, a member of the State Board of Prison Directors, vice Bert B. Meek, resigned.

January 12, 1928, C. E. McLaughlin of Sacramento, a member of the State Board of Prison Directors, vice self, term expired.

February 28, 1929, Gerard T. January of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia, vice H. Z. Howard, deceased.

Respectfully submitted.

C. C. YOUNG, Governor.

Has had the same under consideration, and respectfully reports the same back, and recommends that said appointments be confirmed.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

#### MOTION CONFIRMING APPOINTMENTS OF GOVERNOR.

Senator Breed moved that the Senate advise and consent to the several appointments by the Governor.

The President put the question, "Will the Senate advise and consent to the appointment of Henry Eickhoff of San Francisco, as a member of the State Board of Prison Directors, vice Bert B. Meek, resigned?"

The roll was called, with the following result:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, and Young—33.

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Henry Eickhoff of San Francisco, as a member of the State Board of Prison Directors, vice Bert Meek, resigned.

The President put the question, "Will the Senate advise and consent to the appointment of C. E. McLaughlin of Sacramento, as a member of the State Board of Prison Directors, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, and Young—33.

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of C. E. McLaughlin of Sacramento, as a member of the State Board of Prison Directors, vice self, term expired.

The President put the question, "Will the Senate advise and consent to the appointment of Gerrard T. January of San Francisco as a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia, vice H. Z. Howard, deceased?"

The roll was called, with the following result:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, and Young—30.

NOES—None.

Whereupon the President announced that the Senate had advised and consented to the appointment of Gerrard T. January of San Francisco, as a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia, vice H. Z. Howard, deceased.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution and attachment—reports that it has met a like committee of the Assembly, consisting of Assemblymen Williamson, Craig and Young, and that the Committee on Free Conference has agreed to recommend the following amendments:

#### AMENPMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

#### AMENDMENT NUMBER TWO.

On page 4, line 14, of the printed bill, after the word "government", insert the following: "or as a pension or retirement salary from the state, or any county, city, or city and county, or any public board or boards".

INMAN,  
MUELLER,  
ROCHESTER,

Senate Committee on Free Conference.

WILLIAMSON,  
YOUNG,  
CRAIG,

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 465 and report of Committee on Free Conference ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and



providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702 and 703, relating to the Division of Exhibits within the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 397 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 203 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones,

Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 112—An act to prohibit the employment of aliens by contractors and subcontractors on public work and providing penalties for violations of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Crowley, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—26.

NOES—Senators Carter, Cleveland, Cobb, Duval, Edwards, Evans, and Weller—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186—An act to amend section 2 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913, relating to wages earned in seasonal labor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 186 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and

county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 368 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484—An act to amend section 1359 of the Political Code, relating to absent voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 484 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 834—An act to amend section 19x24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 834 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Senator Inman:

WHEREAS, The Senate of the State of California in sitting as a High Court of Impeachment in the proceeding of the State of California vs. Carlos S. Hardy, must necessarily expend certain moneys in addition to its ordinary expenses while sitting as the Senate of the State of California; and

WHEREAS, It is estimated that an amount in the sum of two thousand five hundred dollars (\$2,500) be made immediately available for payment of the cost of service of process, witness fees, and the cost of providing additional accommodations for representatives of the press and for any incidental expenses in connection with the completion of the work of this Senate, sitting as a Court of Impeachment; and



WHEREAS, Said sum is properly payable from the contingent fund of the Senate, which contains ample moneys therefor; now, therefore, be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate, in a sum not to exceed two thousand five hundred dollars (\$2,500) in favor of Joseph A. Beek, Secretary of the Senate, and the Treasurer is hereby directed to pay the same for the cost of service of process, witness fees, and the cost of providing additional accommodations for representatives of the press and for any incidental expenses in connection with such proceeding; and, therefore, be it further

*Resolved*, That said Joseph A. Beek furnish to the Controller vouchers and receipts for all expenditures made by him in connection with such proceeding.

Resolution read.

Senator Inman moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 711—An act to add a new section to the Civil Code, to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 711 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Weller moved to refer Senate Bill No. 827 to Senator Young, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 7, line 44, of the printed bill, after the word "medical", add the words "or other remedial".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 827, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 616—An act to be known as the "Pure Milk Law of California," to define "market milk"; to protect the wholesomeness, purity and identity of market milk; to classify and grade market milk, to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk scoring contests; to provide for rules and regulations for enforcing the provisions of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, as amended, and all acts or parts of acts inconsistent with the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 616 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray;

Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 746 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 42—An act to add a new section to be numbered 7½ to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violation of the provisions of the act," approved May 20, 1915, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 42 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman,



Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

HOOR OF RECESS EXTENDED.

At one o'clock p.m., the hour of recess was extended until one o'clock and thirty minutes p.m.

Senate Bill No. 603—An act to amend section 36½, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance Fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 603 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 601 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—Senator Rochester—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416—An act concerning the licensing of aircraft, airmen, air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the

registration, numbering, and use of aircraft, and the licensing of operators thereof." approved June 3, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tabbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government  
Amendment read.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During reading of the amendment, Senator Breed moved to refer Senate Constitutional Amendment No. 11 to Senator Swing, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed amendment as amended March 22, 1929, strike out all of lines 14 and 15, and insert in lieu thereof the following: "and to".

#### AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed amendment as amended March 22, 1929, after said line 17, insert the following: "that this section shall not apply to the University of California or to the regents of the University of California and members of the railroad commission, and provided,".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

SWING, Special Committee.

Report read, and on motion of Senator Breed adopted.

Senate Constitutional Amendment No. 11 ordered to print and re-engrossment.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

WHEREAS, The practice among Christians of setting apart the hours from twelve to three o'clock on Good Friday for devotion having obtained so largely in California that it would seem but right not only to favor such hallowed practice, but also to give opportunity to all who desire to recall during these hours the mystery which Christians celebrate;

WHEREAS, The merchants and business men, in recognition of the ever increasing observance by all peoples of the three hours devotion on Good Friday, have signified their intention of closing their doors to business during these hours; now, therefore, be it

Resolved, That it is the sense of the Senate of the State of California that recess be taken from twelve to three o'clock p.m. on Friday, March 29, to enable all who wish to participate in the exercises which mark these hours so notable in the world's history.

Resolution read, and on motion of Senator Crowley adopted.



## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919; and providing that the State Board of Nurse Examiners shall succeed to the powers, duties and responsibilities of the said Board of Public Health should such State Board of Nurse Examiners be created, and providing that the Department of Professional and Vocational Standards shall succeed to the powers, duties and responsibilities of the State Board of Public Health should such a department be created and in that event creating a State Board of Practical Nurse Examiners, and defining the powers and duties of said board and said department under this act;

Also: Senate Bill No. 618—An act to add a new section to be numbered 54 to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bills Nos. 143 and 618 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 33 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants

of the Board of Regents of the University of California, and to provide penalties for violation thereof," approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Vocational Standards, should such a department be created, and in that event defining the powers and duties of said department under this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 104 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 199 ordered on file for second reading.

#### ON AGRICULTURE AND LIVE STOCK

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 25—An act to restrict the running of dogs at large; providing for the issuance of dog and kennel licenses by the State and the disposition of fees received therefrom; creating a live stock preservation fund; providing for the compensation of owners of live stock for damage thereto caused by dogs; and providing penalties for violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 25 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 12—An act regulating the sale of agricultural seed and providing for a State Seed Arbitration Committee to investigate and make recommendations relative to disputes arising from violations of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to the Committee on Finance.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 12 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 1079 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 73, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48,

52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151, 154 and 159, and by adding thereto new sections to be numbered 84, 224, 234, 284, 304, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1464, 1504, 1524, 1534, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Senate Bill No. 714 ordered on file for second reading.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Bill No. 1071—An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

McKINLEY, Chairman.

Assembly Bill No. 1071 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 793—An act to amend sections 296, 362 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill, as amended, be re-referred to the committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

McKINLEY, Chairman.

Senate Bill No. 793 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 1414, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Senate Bill No. 23 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Senate Bill No. 511 ordered on file for second reading.



## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 25, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Bill No. 204—An act to amend section 307 of the Civil Code, relating to corporations;

Also: Assembly Bill No. 1073—An act to amend section 401 of the Civil Code, relating to extension of corporate existence;

Also: Senate Bill No. 611—An act to add a new section to be numbered 1279a to the Code of Civil Procedure, relating to the changing of names of corporations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

McKINLEY, Chairman.

Assembly Bills Nos. 204 and 1073 ordered on file for second reading.

Senate Bill No. 611 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

McKINLEY, Chairman.

Senate Bill No. 323 ordered on file for second reading.

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 728—An act to amend section 628c of the Penal Code, relative to the protection of fish and game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Senate Bill No. 728 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 287—An act to add a new section to the Penal Code to be numbered 637½a, relating to trapping of game;

Also: Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Senate Bills Nos. 270 and 287 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election of directors and the levy and collection of taxes.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 3, line 37, of the printed bill, strike out the period in said line, and insert in lieu thereof a comma and the following: "except that all of said taxes shall be collected at one time and in one installment, at the same time as the first installment of state and county taxes are collected."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 44, of the printed bill, strike out the period in said line, and insert in lieu thereof a comma and the following: "except when they are inconsistent with the provisions of this section. On the first Monday of December of each year at six o'clock p.m. all taxes then unpaid, are delinquent and thereafter the tax collector must collect for the use of the district, an additional ten per cent thereon, and if they are not paid before the last Monday in April next succeeding, at six o'clock p.m. he shall collect an additional five per cent thereon."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 30, of the printed bill, after the period in said line, insert the following:

"Any member of the board of directors of said levee district may be removed or recalled at any time by the electors of the district who are owners of record of real estate situate in the district, and in the manner, insofar as applicable, prescribed by the provisions of section 4021a of the Political Code."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## ADJOURNMENT.

At one o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Wednesday, March 27, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, March 27, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 26, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Lyon was, on motion of Senator West, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph P. Sproul, judge of the superior court of Los Angeles; John L. Fleming and Geo. H. C. Baker of Los Angeles.

On request of Senator Ray Jones, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Meridian District Grammar School, Butte County, Mrs. Lottie M. Sisk, Josephine Herbert, Mrs. Flint, Mrs. J. Herbert and Mrs. G. Hancock, teachers, and the following pupils: Forrest Flint, Neva Flint, Naomi Cross, Harriett O'Farrell, Madelena Quadros, Catman Dearing, Tom Herbert, John Hancock, Tony Carlos and Walter Clasen.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. H. P. Purviance, Miss Marie Whiteside, city auditor of Richmond, B. K. Young of Sacramento, and John Galvin, Jr., of the Richmond Daily Independent, Richmond, California.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy Fry and Miss Virginia Candage of San Francisco.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to V. S. Nelson, instructor of the class in Civil Government of the Lodi Academy and Normal School, Lodi, California, and pupils as follows: Minerva Bishop, Ethelwyn Specht, Verna Purdy, Mildred Hay, Ida Miller, Lucille Wissner, Hazel McVicker, Elsie Miller, Sarah Sandborn, Hazel Griffiths, Norman Wheeler, Ernest Rogers, Fulton Horning, Edward Ramsey, Verne Smith, Chester Wheeler, Valentine Leer, Elwyn Shephard, Arthur Steck, Vaneta Osborne, Mary Brehmer and Vivian Morrison.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. J. F. Engle of Auburn.

On request of Senator Gray, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. Yost of Oakland.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Berkeley League of Women Voters: Mrs. George A. Legg, Mrs. F. G. Athearn, Mrs. Andrew H. Irving, Miss A. Maud Cornwall, Mrs. M. M. Haynes, Mrs. W. H. Hamilton and Mrs. C. E. Parsons.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bert Sheldon, auditor of Solano County.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Warren Ayer of Los Gatos.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bruce Painter of Petaluma.



On request of Senator West, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following: Edward Bowles, Mrs. Suzanne Bowles, Mr. and Mrs. Harry Richardson, Constance Roberta Dean and Florence Stone, all of San Francisco.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. L. Kerl Weniger, Miss Louise Langenbach and Karl O. Bayless, teachers of the Lincoln Union Grammar School, Lincoln, Placer County, and eighth grade pupils as follows: Temple Allen, Keazuo Asazawa, Claudine Bayless, Catherine Beauleau, Alice Boyden, Grace Bundschuh, Alfred Briggs, Frederick Christensen, Geraldine Cox, Aldo Crestetto, Linda Crestetto, Austin Grey, Melvin Grey, Fred Haley, Jean Haley, Berthamae Howcroft, John Moore, Clara Murch, Esther Pardee, Alfred Pritchard, Adeline Rivas, George Roberts, Flora Shane, Mary Souza, Marie Scheiber, Delbert Vogt, Winifred Wieger, Eunice Wilson, Carl Bohnisch, Eugene Clark, Floyd Spence, Margaret Williams, Carmen Madsen, Mary Rielli, Shiochi Asazawa, Algelo Chiaratte, Lupe DeArcos, Jose Gallardo, Alfredo Gomez, Jessie Gomez, Wilma Howcroft, Raphael Lopez, Frank Mazzoni, Martha Melendrez, Mike Rivera, Julian Serna, Simon Serna, Earl Sovenski, Marvin Streeter, Tony Terra, Joseph Vargas, Manuel Venegas, George Whaley, Doyle McFarland, Rosa Proicissi, Theodora Vassian, Shigru Yuburnato, Ayaka Nakata and Lawrence Airo, and Lester F. Beauleau, bus driver.

#### PRESENTATION OF PETITIONS.

The following petition was presented, and ordered printed in the Journal:

By Senator McKinley:

#### RESOLUTION.

WHEREAS, The Los Angeles Bar Association has adopted an amendment to the California statutory criminal law which will make confessions made to a peace officer, or anyone under his direction and control, by a person in custody, inadmissible in evidence; and

WHEREAS, That proposed change which is now before the Legislature, is designed to eliminate as much as possible the so-called third degree methods of police in forcing confessions from innocent as well as guilty persons in their custody; and

WHEREAS, This city council has repeatedly placed itself on record as being unanimously opposed to any and all phases of police brutality, and has, without result, sought the aid of the police commission and the chief of police of Los Angeles to punish officers accused of specific cases of brutality; now therefore, be it

*Resolved*, That this council, by the adoption hereof, places itself again on the side of those who are attempting to end brutality under guise of authority, and herewith petitions the representatives of Los Angeles in Sacramento to lend their assistance to the end that the proposed amendment be immediately placed in the laws of the State; and be it further

*Resolved*, That a copy of this resolution be transmitted to each member of the Legislature; to the Constitutional Law Committee of the Los Angeles Bar Association; to the mayor, the police commission, and the chief of police of Los Angeles.

I hereby certify that the foregoing resolution was adopted by the council of the city of Los Angeles, at its meeting held March 22, 1929.

ROBERT DOMINGUEZ, City Clerk.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, with titles amended, Assembly Bill No. 160—An act to amend section 19c28 of the Juvenile Court Law approved June 5, 1916, as amended, relating to salary of the probation officer in counties of the twenty-eighth class;

Also: Assembly Bill No. 819—An act relating to the use of school buses owned by school districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 160 read first time, and referred to Committee on County Government.

Assembly Bill No. 819 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 761—An act relating to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State;

Also: Assembly Bill No. 790—An act to amend section 561 of the Code of Civil Procedure, relating to the appointment of receivers.

Also: Assembly Bill No. 1021—An act to amend section 2322½14 of the Political Code, relating to the salaries of the county horticultural commissioner and inspectors in counties of the fourteenth class;

Also: Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class;

Also: Assembly Bill No. 1037—An act to amend "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, by adding to said act a new section to be numbered 15a, relating to standards and standard containers for apples; to add a new section to said act to be numbered 38a, relating to a fund for the enforcement of said act, and to repeal "The California Standard Apple Act," approved June 3, 1921, as amended;

Also: Assembly Bill No. 1101—An act providing for the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof, and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 761 read first time, and referred to Committee on Education.

Assembly Bill No. 790 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 1021 and 1028 read first time, and referred to Committee on County Government.

Assembly Bill No. 1037 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1101 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 227—An act to amend section 7 of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitos, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, relating to mosquito abatement districts;

Also: Assembly Bill No. 497—An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriage;

Also: Assembly Bill No. 565—An act to amend section 4 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved March 10, 1919, as amended, relating to prohibited occupations;

Also: Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement dis-

tricts in any part of the State, to facilitate the extermination of mosquitos, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein." approved May 29, 1915, amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said districts embraced in territory in more than one county, and adding territory to districts already formed;

Also: Assembly Bill No. 590—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class;

Also: Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 227 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 497 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 565 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 568 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 590 and 667 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 781 --An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses and appointed Assemblymen Miller, DeYoe, and Young, as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Breed, Nelson and Edwards as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 781.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 325—An act to create a game refuge for quail in Marin County—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Assembly Bill No. 325 ordered on file for second reading.

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 105—An act to amend sections 3, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.



Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 13—An act to amend section 2210b of the Political Code, relating to the Woman's Relief Corps Home of California;

Also: Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 188—An act to add a new section to the Political Code to be numbered 2336, relating to preference on public contracts and furnishing supplies;

Also: Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors;

Also: Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes;

Also: Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act;

Also: Senate Bill No. 452—An act to add a new section to the Political Code to be numbered 4052c, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes;

Also: Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts;

Also: Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended;

Also: Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927;

Also: Senate Bill No. 816—An act to add a new section to the Political Code to be numbered 2333a, relating powers of the State Department of Social Welfare with respect to jails and detention homes;

Also: Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626u, relating to the protection of game.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED SEVENTEEN.

AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, following the word "who", insert the following: "in fish and game districts numbers four, four and three-fourths, four "A", four "E", nineteen, twenty, twenty "A", twenty-one and twenty-two."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 317?

The roll was called, and Assembly amendment to Senate Bill No. 317 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 317 ordered to enrollment.

RE-REFERENCE OF SENATE BILL.

Senator Cleveland asked unanimous consent to have Senate Bill No. 729 withdrawn from Committee on Roads and Highways, and re-referred to Committee on County Government.

Unanimous consent granted, and such was the order.

APPROVAL OF JOURNALS.

On motion of Senator Breed, the Senate Journals of Monday, February 18; Tuesday, February 19; Wednesday, February 20; Thursday, February 21; Monday, February 25; Tuesday, February 26; Wednesday, February 27; Thursday, February 28; Friday, March 1; Monday, March 4; Tuesday, March 5; Wednesday, March 6; Thursday, March 7; Friday, March 8; Monday, March 11; Tuesday, March 12; Wednesday, March 13; Thursday, March 14, and Friday, March 15, were approved as corrected.

CONSIDERATION OF DAILY FILE.

SECOND READING OF SENATE BILLS.

Senate Bill No. 148—An act to amend sections 1 and 3 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in the first line of the title, after the word "sections", strike out "and 3", and substitute in lieu thereof a comma, and the following: "2, 3, 8 and 10".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2 of the printed bill, between lines 4 and 5, insert the following: "SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. Any person, firm, partnership, association or corporation who shall engage in the business or shall accept employment for hire, fee or reward, or hire and reward; to furnish or supply information as to the personal character or actions of any person or firm or as to the character or kind of the business or occupation of any person, firm or corporation or own or conduct a bureau or agency for the above

mentioned purposes or who shall furnish or act as police, guards or watchmen (other than private watchmen regularly employed), shall be termed and considered a "private detective" for the purposes of this act."

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "3".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 37, of the printed bill, strike out the word "two" after the word "least", and insert in lieu thereof the word "one"; also strike out the word "certificates", and insert in lieu thereof the word "certificate".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 45, of the printed bill, after the comma following the word "patrolman", insert the following: "or an operator of a private patrol".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3 of the printed bill, following line 37, add the following:

"SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sec. 8. The state board of prison directors shall appoint a person or persons to be regularly employed who shall have the authority of police officers whose duty it shall be to investigate all alleged violations of this act and prosecute violators thereof; and such other duties as the board may prescribe; and the state board of prison directors are hereby authorized and directed to expend annually any necessary moneys received as license fees in the employment of such agents and the defraying of expenses incurred in the performance of their duties.

Sec. 5. Section 10 of said act is hereby amended to read as follows:

Sec. 10. Nothing in this act shall apply to any detective or officer belonging to the police force of the state, or of any county, city and county, city or town thereof, appointed or elected by due authority of law, or to any person in the employ of any police force, or of any police department of this state, or in any county, city and county, city or town thereof, while engaged in the performance of their official duties. Nor to any person, firm or corporation engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons, firms or corporations, nor to any charitable philanthropic society or association duly incorporated under the laws of this state and which is organized and maintained for the public good and not for private profit."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 162—An act to amend sections 61 and 131 of the Civil Code, and to repeal section 132 of the Civil Code, relating to interlocutory decrees for divorce.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 163—An act to amend section 963 of the Code of Civil Procedure, relative to interlocutory decrees of divorce.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 34—An act to add a new section to the Political Code, to be numbered 363j, relating to the Department of Public Works.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000; as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, after the word "balance", insert the following: "in the sum of five hundred thousand dollars (\$500,000.00)".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, after the colon following the word "to-wit", insert the following: "'For improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter three hundred three, page four hundred ninety-eight, statutes of 1925, four hundred thousand dollars (\$400,000.00)" and".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 11, of the printed bill, strike out the words "shall be expended", and insert in lieu thereof the following: "is hereby reappropriated and shall be expended as hereinafter more specifically set forth, being".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 15, of the printed bill, beginning in said line 15, strike out the following: "as a plan for controlling the flood water of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of lands that are susceptible to overflow from said rivers and their tributaries,".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 3, of the printed bill, strike out the words "recognized, acted upon and".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 7, of the printed bill, strike out the figures "16", and insert in lieu thereof the figures "15".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 7, of the printed bill, after the words "May 16, 1928.", insert a new paragraph, as follows:

"Sec. 2. Said money shall be deposited in the "joint navigation and flood control project fund" and shall be disbursed for the uses and purposes set forth in and in accordance with the provisions of section 37 of the reclamation board act."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 8, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "3".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

On page 1 of the printed bill, strike out all of lines 6 and 7, and insert in lieu thereof the following: "struction and the equipment of a building on the campus of the University of".

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 1 of the printed bill, strike out all of lines 14 to 23, both inclusive; also strike out all of page 2, and insert in lieu thereof the following:

"SEC. 2. The John M. Eshleman memorial shall be used to house the publishing, literary and related activities of the associated students of the University of California and such other activities as shall be designated, subject to the approval of the board of regents by the person or persons contributing said additional sum of one hundred twenty five thousand dollars for the construction and equipment of the memorial. The building shall be appropriately adorned and equipped so as to serve the purpose of commemorating and honoring the services to California of John M. Eshleman."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806 and 882 thereof, relating to the jurisdiction of courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

In line 5 of the title of the printed bill, strike out the period in said line, and insert in lieu thereof a comma and the following: "in municipal corporations of fourth, fifth and sixth classes."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out the first numeral "3", and insert in lieu thereof the numeral "2".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 17, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "3".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 31, of the printed bill, strike out the word "practices", and insert in lieu thereof the word "practice".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 37, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2 of the printed bill, strike out all of line 42, and insert in lieu thereof the following: "with the justice's court, of all criminal actions".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 45, of the printed bill, strike out the word "practices", and insert in lieu thereof the word "practice".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the words "of record," and insert in lieu thereof the following: "in cities, cities and counties, towns and judicial townships, having a population of fifty thousand or more,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure, to be numbered 900b, relating to new trials in justices' courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 3, and insert in lieu thereof the following:

"900b. Sections 656 to 663a, of the Code of Civil Procedure, both".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 61—An act to add a new section to the Code of Civil Procedure, to be numbered 831h, relating to practice and procedure in the justices' courts.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of line 1 of the title of the printed bill, and insert in lieu thereof the following: "An act to add new sections to be numbered 831*h* and 835*a*, to chapter one of title eleven of part two of the Code of Civil Procedure,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, strike out the words "to be numbered 831*h*."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 831*h* is hereby added to chapter one of title eleven of part two of the Code of Civil Procedure, to read as follows:

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 3, of the printed bill, strike out the following: "(1)".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 5, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1 of the printed bill, strike out all of line 13, and insert in lieu thereof the following:

"SEC. 2. A new section to be numbered 835*a* is hereby added to chapter one of title eleven of part two of the Code of Civil Procedure, to read as follows:  
835*a*. When a justice's court in a city, city and county, town".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1, line 14, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 62—An act to add a new section to the Code of Civil Procedure to be numbered 982*a*, relating to appeals to superior courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to add a new section to be numbered 982*a*, to chapter three of title thirteen of part two of the Code of Civil Procedure,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, strike out the words "to be numbered 982*a*,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 982a, is hereby added to chapter three of title thirteen of part two of the Code of Civil Procedure, to read as follows:"

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 5, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 64—An act to amend section 112 of the Code of Civil Procedure, relating to jurisdiction of justices' courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of line 1 of the title of the printed bill, and insert in lieu thereof the following: "An act to amend the Code of Civil Procedure, by amending section 112 thereof, and to repeal sections 113 and 114 of the same code,"

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifty".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 16 to 18, inclusive, and insert in lieu thereof the following: "less; and in cases in equity, when pleaded as defensive matter or by way of cross complaint in any case at law commencing in said courts, of which they have jurisdiction;"

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of lines 19 to 28, inclusive; on page 2 of the printed bill, also strike out lines 1 to 3, inclusive.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of line 4, and insert in lieu thereof the following:

"2. In those having a population of less than fifty thou-".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, of the printed bill, strike out all of lines 14 to 17, inclusive, and insert in lieu thereof the following: "lars or less."

SEC. 2. Sections 113 and 114 of the Code of Civil Procedure are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the word "original".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 7, and insert in lieu thereof the following: "have jurisdiction concurrent with that of justices' courts in all criminal cases amounting to".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 12 to 30, inclusive, and insert in lieu thereof the following: "courts of cities are given exclusive jurisdiction by other law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 37, of the printed bill, after the period following the word "jurisdiction", in said line, insert the following paragraph:

"Each municipal court shall have jurisdiction in all actions to enforce and foreclose liens of mechanics, materialmen, artisans and laborers, where the amount of such liens is two thousand dollars, or less; *provided*, that where an action is pending in the superior court and affects property, which is also affected by an action pending in the municipal court to foreclose such a lien, or where the total amounts of such liens sought to be foreclosed against the same property aggregate an amount in excess of two thousand dollars, the municipal court, upon motion of any interested party, shall order such action pending therein to be transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided under section 399 of this code, with respect to the change of place of trial."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to justices of the peace.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of line 2 of the title of the printed bill, and insert in lieu thereof the following: "to judicial townships, the population and the officers thereof."

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 3, and insert in lieu thereof the following:

"4014. The officers of a judicial township shall consist of one or".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, after the word "in", in said line, insert the word "judicial".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of line 8, and insert in lieu thereof the following: "constable. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide for more than one justice of the peace in any judicial township having a population of more than ten thousand, and any such additional justices shall be elected at the next ensuing general election at which a governor is to be elected.

For the purpose of determining the population of judicial townships within each county, the board of supervisors thereof, shall, within ninety days after this act shall take effect, determine, by a resolution in writing, spread upon the minutes of the board, the population of each judicial township of said county, by multiplying by three the numbers of voters registered for the general election of 1928 in each of said judicial townships.

Thereafter, within the first ninety days of each year in which a governor is to be elected, the board of supervisors of each county shall determine by resolution, spread upon the minutes of the board, the population of each judicial township in their respective counties by multiplying by three the number of voters registered for the last preceding general election in each of said judicial townships. In all cases such determination of the population of judicial townships shall become effective upon the expiration of thirty days after entry of said resolution upon the minutes of the board of supervisors.

This method of determining population of judicial townships shall be exclusive for the purposes of this section and for the purpose of classifying judicial townships under the provisions of section 112 of the Code of Civil Procedure.

Nothing herein shall be construed to affect the power of the board of supervisors of each county to divide their respective counties into judicial townships as public convenience may require, as provided for in section 4015 of the Political Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mt. Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mt. Diablo State Park fund.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, immediately following the period after the word "fund", insert the following: "Whenever there shall be deposited in the said Mount Diablo state park fund any sum of money other than the appropriation made hereunder the controller shall transfer from the general fund to the said Mount Diablo state park fund an amount equal to the amount so deposited in said Mount Diablo state park fund."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamal-

pais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, immediately following the period after the word "fund", insert the following: "Whenever there shall be deposited in the said Tamalpais state park fund any sum of money other than the appropriation made hereunder the controller shall transfer from the general fund to the said Tamalpais state park fund an amount equal to the amount so deposited in said Tamalpais state park fund."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 38, of the printed bill, strike out the words "board of nurse examiners", and insert in lieu thereof the following: "state board of public health".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 49, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "4".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 18, of the printed bill, strike out all of lines 17 and 18, and insert in lieu thereof the following: "the year of expiration, upon payment to the state board of public health of a fee of one dollar for each such renewal; *pro*".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 8, of the printed bill, strike out "board of nurse examiners", and insert in lieu thereof the following: "state board of public health".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 15, of the printed bill, in said line 15, strike out the period and insert in lieu thereof a comma and the following: "together with actual and necessary traveling expenses incurred in the discharge of official duties, which said compensation and traveling expenses shall be paid from the fund hereinafter created."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 30, of the printed bill, strike out the words "nurses fund", and insert in lieu thereof the following: "fund for the examination and registration of nurses".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 5, line 14, of the printed bill, strike out all of said line 14 and all of line 15, and insert in lieu thereof the following: "treasury to the credit of the fund for the examination and registration of nurses are hereby transferred and".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 5, line 22, of the printed bill, strike out the period, and insert in lieu thereof a colon.

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 6, line 16, of the printed bill, strike out the word "city", and insert in lieu thereof the word "cities".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 6, line 21, of the printed bill, strike out the word "member", and insert in lieu thereof the word "members".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 618—An act to add a new section, to be numbered 8*h*, to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"An act to add a new section 347½ to the Penal Code, relating to the sale and use of poisons and providing a penalty for the violation thereof."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 347½ is hereby added to the Penal Code to read as follows:

347½. It shall be unlawful for any person, firm, or cor-".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the word "composed", and insert in lieu thereof the following: "containing more than forty grains to the ounce".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 15, of the printed bill, strike out the period therein and insert in lieu thereof a semicolon and the following: "provided, however, that the provisions of this section shall be inapplicable to sale at wholesale by jobbers, wholesalers and manufacturers selling direct to pharmacies. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding



two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics, to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, strike out the words "who shall", and insert in lieu thereof the word "for", and strike out the words "the amount of the" in said line, and insert in lieu thereof the following words: "to the general fund of the state".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out all of line 21, and strike out the following words in line 22 of said page: "and contingent expenses of the state board of health".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof,'" approved June 12, 1913, as amended, and providing that the State Board of Nurse

Examiners shall become a part of the Department of Vocational Standards, should such a department be created and in that event defining the powers and duties of said department under this act.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 24 of the title of the printed bill, following the words "department of", insert the words "professional and".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 42, of the printed bill, strike out the period after the word "months", and insert in lieu thereof a semicolon and the following: "*provided, however*, that the requirements of citizenship contained herein shall not apply to alien students in universities in the State of California during their course of study."

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, line 32, of the printed bill, strike out all of lines 32 to 39, inclusive, and insert in lieu thereof the words:

"SEC. 6. Every".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, strike out all of lines 41 and 42, and insert in lieu thereof the following: "experience in nursing."

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 6, line 44, of the printed bill, strike out the period after the word "family", and insert in lieu thereof a comma and the following: "or to any person nursing the sick for hire who does not in any manner assume to be or practise as a registered nurse."

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 7, line 16, of the printed bill, strike out all of lines 16 to 51, inclusive; also strike out all of page 8 and page 9, and insert in lieu thereof the following:

"SEC. 23. If a state department of professional and vocational standards is created by a statute adopted by the legislature of California at the forty-eighth session thereof, said department shall succeed to and become vested with all the duties, powers, purposes, responsibilities, and jurisdictions of the State board of nurse examiners hereinbefore proposed and described and of the several officers, deputies, and employees of said board which duties, powers, purposes, responsibilities, and jurisdiction shall be administered by said department through the director thereof; *provided, however*, that nothing herein contained shall be construed as abolishing said board of nurse examiners, which said board shall be established and continued as hereinbefore provided for and shall retain the functions of setting standards, holding meetings, issuing certificates, passing upon the qualifications of applicants, conducting investigations, issuing citations, holding hearings for the revocation of certificates and imposing penalties as hereinbefore proposed and described, and the decisions of said board with respect thereto shall not be subject to review by the director of the department of professional and vocational standards. Said board shall be included in division one of said department. Except as to said powers, duties, and functions so expressly reserved to said board, the director of the department of professional and vocational standards shall have full authority to employ and appoint all employees necessary to properly administer the work of the board and the work of the department in accordance with civil service regulations, and upon recommendation of said board, with the approval of the director of the department of finance, the director of the department of professional and vocational standards shall employ investigators and attorneys to assist said board in prosecuting violations of this act. All moneys collected by the department of professional and vocational standards for and on behalf of the activities of the board of nurse examiners shall be remitted to the state treasurer in accordance with law and credited to the nurses fund, herein created; *provided, however*, that with the approval of the director of the department of finance a charge not exceeding the amount of the available balance in the nurses fund may at any time be levied by the director of the department of professional and vocational standards in advance against said fund to cover the ~~said~~ said board's pro rata share of the estimated administration expenses of the department

of professional and vocational standards; *provided, further*, that none of the moneys in said fund shall be used to pay the general expenses of any other board in the department. Upon proper presentation of claims by said department to the State controller, the latter shall draw his warrant or warrants against said fund to cover such estimated administration expenses."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

#### COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 2, line 19, of the printed bill, after the semicolon, insert the following: "*provided*, that the word '*waving*' as herein used does not include permanent waving."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4 of the printed bill, strike out lines 49, 50, 51 and 52 and the word "duties" in line 1, page 5, and insert the following: "Each member of the board shall receive a compensation of three thousand six hundred dollars per annum."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5 of the printed bill, strike out lines 35 and 36 and insert in lieu thereof: "To use upon one patron a towel that has been used upon another patron unless and until the towel has been relaundered."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, between lines 3 and 4, insert the following:

"Section 17 of said act is hereby amended to read as follows:

A duplicate certificate or permit will be issued upon the filing of a statement covering the loss of a certificate or permit, verified by the oath of the applicant, and submitting one signed photograph, and the payment of a fee of one dollar (\$1.00) for the issuance of same. Each duplicate certificate or permit shall have the word "Duplicate" stamped across the face thereof, and will bear the same number as the certificate or permit that it was issued in lieu of."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 7, line 38, of the printed bill, as amended, after the word "dog", insert the following: "over the age of three months".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 7, line 41, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or a metal license tag issued by the authority of a county, city and county, or other municipal corporation for the purpose of identifying such dog and designating the owner thereof."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 7, line 42, of the printed bill, as amended, strike out the following: "person to seize or kill", and insert in lieu thereof the following: "peace officer to seize and impound".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 7, line 45, of the printed bill, as amended, strike out the word "person", and insert in lieu thereof the following: "peace officer".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 8, line 1, of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following: "found in the act of killing, wounding or persistently pursuing or worrying any live stock or poultry, or if he shall have such proof as conclusively shows that such dog has been recently engaged in killing or wounding live stock or poultry, and".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 8, line 25, of the printed bill, as amended, after the word "owner", insert the following: "or person in charge".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 8, line 27, of the printed bill, as amended, after the word "owner", insert the following: "or person in charge".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 8, line 34, of the printed bill, as amended, after the word "mail", insert the following: "to the last known address of said owner or person in charge".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 8, line 40, of the printed bill, as amended, after the word "owner", insert the following: "or person in charge".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 8, line 41, of the printed bill, as amended, after the word "owner", insert the following: "or person in charge".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 4, line 8, of the printed bill, after the word "cereals", insert the following: "except wheat, oats, rye and barley".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7 $\frac{1}{2}$ , 8 $\frac{1}{2}$ , 22 $\frac{1}{2}$ , 23 $\frac{1}{2}$ , 28 $\frac{1}{2}$ , 30 $\frac{1}{2}$ , 31 $\frac{1}{2}$ , 45 $\frac{1}{2}$ , 52 $\frac{1}{2}$ , 72 $\frac{1}{2}$ , 76 $\frac{1}{2}$ , 83 $\frac{1}{2}$ , 98 $\frac{1}{2}$ , 100 $\frac{1}{2}$ , 111 $\frac{1}{2}$ , 114 $\frac{1}{2}$ , 134 $\frac{1}{2}$ , 141 $\frac{1}{2}$ , 146 $\frac{1}{2}$ , 150 $\frac{1}{2}$ , 152 $\frac{1}{2}$ , 153 $\frac{1}{2}$ , and 154 $\frac{1}{2}$ , relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, in the title of the printed bill, in line 5, after the figures "80", insert "82", and after the figures "95", insert the figures "96", and in line 7, strike out the figures "151", and in line 10 strike out the figures "146 $\frac{1}{2}$ ".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 30, of the printed bill, as amended March 21, 1929, after the word "calls", strike out the period and insert the following: "and emergency repair vehicles of public utility corporations, only when responding to emergency, accident or fire calls."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, lines 38, 39, 40 and 48, of the printed bill, strike out the word "traffic", wherever appearing therein, and insert in lieu thereof in each instance the word "highway".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 6, line 7, of the printed bill, strike out the word "traffic", and insert in lieu thereof the word "highway", and in line 8 strike out the word "he".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 6, at the end of line 46, of the printed bill, after said line, insert the following:

"(k) The chief of the division shall make adequate provision for the patrol of the state highways during the night."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 6, line 50, of the printed bill, after the words "motor vehicles", strike out the semicolon, and insert the following: ", and the branch manager".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 7, line 33, of the printed bill, strike out the period, and insert the following: "; and shall not apply to service rendered by a person, agency or bureau to individuals, companies or corporations, where such individuals, companies or corporations have previously in writing informed the chief of the division of their desire to be represented by such person, agency or bureau and the chief of the division has granted permission to said person, agency or bureau to act as such representative."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 8, line 2, of the printed bill, after the word "Cal.", insert the following: "and the year number for which it is issued. Number plates issued for motor vehicles, other than motorcycles, shall be rectangular in shape thirteen and seven-eighths inches in length and six and one-eighth inches in width."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 11 of the printed bill, at the end of line 15, after the word "purpose", insert the following: ", except as between the parties,".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 11 of the printed bill, strike out all of lines 20 to 29, both inclusive.

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 15, line 2, of the printed bill, strike out the period after the word "vehicle", and insert in lieu thereof a comma and the following: "*provided, however,* that such registration certificate shall be attached in a clearly discernible position."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 16 of the printed bill, at the end of line 35, insert the following:

"(c) Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in the application for, or the operator's or chauffeur's license certificate issued, he shall within ten days thereafter notify the division in writing of such change and of his new address."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 18, line 40, of the printed bill, after the word "primarily", insert the following: "for the transportation of passengers for hire,".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 19, line 4, of the printed bill, after the word "primarily", insert the following: "for the transportation of passengers for hire, or".

Amendment adopted.



## AMENDMENT NUMBER FIFTEEN.

On page 19, line 13, of the printed bill, strike out the figures "\$15.00", and insert in lieu thereof the figures "\$8.00".

**Amendment adopted.**

## AMENDMENT NUMBER SIXTEEN.

On page 20 of the printed bill, strike out all of lines 36 to 38, both inclusive, and insert in lieu thereof the following: ", by an owner or legal owner other than in the event stated in subdivision (c) of section 45 of the California vehicle act, there shall be paid the following fees:".

**Amendment adopted.**

## AMENDMENT NUMBER SEVENTEEN.

On page 20, at the end of line 52, of the printed bill, insert the following: "Sec. 284. Section 82 of the California vehicle act is hereby amended to read as follows:

Sec. 82. Fees for chauffeurs' licenses and duplicate operators' and chauffeurs' certificate. The following fees shall be paid to the division upon application for and before the issuance of a duplicate operator's or chauffeur's certificate or chauffeur's badge:

For a chauffeur's license with chauffeur's badge.....	\$1.00
For a duplicate chauffeur's badge.....	1.00
For a duplicate operator's or chauffeur's license certificate.....	.50"

**Amendment adopted.**

## AMENDMENT NUMBER EIGHTEEN.

On page 21, line 6, of the printed bill, after the word "inches", insert the following: "except that the maximum width from the outside of one wheel to the outside of the opposite wheel, where equipped with pneumatic tires, shall not exceed one hundred inches".

**Amendment adopted.**

## AMENDMENT NUMBER NINETEEN.

On page 24, line 2, of the printed bill, strike out the word "the pro.", and strike out all of lines 3 to 5, both inclusive, and in line 6, strike out the words "periphery of such movable tracks", and in line 9, after the word "California", insert a period and strike out the remainder of said line, and strike out all of line 10.

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY.

On page 25 of the printed bill, at the end of line 29, insert the following:

"Sec. 374. Section 96 of said act is hereby amended to read as follows:

Sec. 96. Prevention of noise, smoke, etc.

(a) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway unless there is attached thereto a silencer or muffler in constant operation to prevent any excessive or unusual noise.

(b) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway if such vehicle is equipped with a muffler cut-out or similar device which is capable of being operated by the driver or occupant thereof. All exhaust pipes shall be directed parallel to the ground or slightly upward."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-ONE.

On page 25, line 42, of the printed bill, as amended March 21, 1929, after the word "drive", insert the following: "and provided further, that the provisions of this section shall not apply to direction, destination or termini signs upon common carrier vehicles."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-TWO.

On page 31, line 37, of the printed bill, strike out the words "Any person arrested", and strike out lines 38, 39, 40 and 41.

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-THREE.

On page 34, line 9, of the printed bill, strike out the word "grossly".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FOUR.

On page 40, of the printed bill, strike out all of lines 45 to 52, both inclusive, and on page 41 strike out all of lines 1 to 4, both inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 41, line 5, of the printed bill, strike out "Sec. 67", and insert in lieu thereof "Sec. 66".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 41 of the printed bill, strike out all of lines 12 to 27, both inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 41, line 28, of the printed bill, strike out "Sec. 69", and insert in lieu thereof "Sec. 67".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 41, line 34, of the printed bill, strike out the word "authorize," and after the word "require", strike out " , or knowingly permit".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 41, line 39, of the printed bill, strike out "Sec. 70", and insert in lieu thereof "Sec. 68", and in line 50, strike out "Sec. 71", and insert in lieu thereof "Sec. 69".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 42, of the printed bill, strike out all of lines 21 to 30, both inclusive, and insert in lieu thereof the following:

"(c) Whenever any person is arrested upon a misdemeanor charge under this act and receives a notice to appear before a magistrate as provided in section 154, which magistrate is other than a justice of the peace or magistrate of a municipal court the person so arrested may, at any time prior to or at the time of arraignment, apply for a transfer of said case for trial to the county seat of the county in which the alleged offense was committed by filing with the magistrate before whom said person is cited to appear an affidavit that the defendant believes that he cannot obtain a fair trial without excessive penalties before such magistrate and thereupon said magistrate must transfer all papers in said case and must transfer said cause for further proceedings to a justice of the peace or municipal court judge at the county seat and any fine collected upon a final determination of said case or any forfeiture of bail shall immediately be transmitted by the justice of the peace or magistrate of the municipal court to the city employing the officer who made such arrest."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 42, line 31, of the printed bill, strike out "Sec. 72", and insert "Sec. 70".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 42, line 48, of the printed bill, strike out the period, and insert in lieu thereof the following: " , subject to the approval of the department of finance. In the event the bids received for the license number plates are unreasonable and excessive in the opinion of the chief of the division, such bids shall be rejected and the division is hereby authorized to purchase equipment and manufacture such license number plates and pay the costs thereof out of the funds mentioned in this subdivision."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 793—An act to amend sections 296, 365 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of the title and in lieu thereof insert the following:

"An act to amend sections 290, 290b, 296, 297, 301, 308, 309, 343, 354, 359, 362 and 593 of the Civil Code, to add two new sections to said code numbered 296a and 326a, respectively, and to repeal sections 290c, 290e, 290f, 290g, 290h, 291, 293, 294, 295, 321a, 344, 361, 403 and 604a, all relating to corporations.

#### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 26, inclusive, and all of pages 2, 3, 4 and 5, and insert in lieu thereof the following:

"SECTION 1. Section 290 of the Civil Code is hereby amended to read as follows:

290. Articles of incorporation shall state:

1. The name of the corporation.
2. The purposes for which it is formed.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The number of its directors, not less than three, and the names and residences of the persons who are appointed to act until the first annual meeting of shareholders or until the selection and qualification of their successors.
5. The total number of shares actually subscribed, the names of the subscribers and the number of shares, respectively, for which they have subscribed and the amount to be paid by them for such shares.
6. The number of shares which may be issued and, if the shares are to have a par value, the par value of each share and the aggregate par value of all shares; if the shares are to be without par value, it shall be so stated.
7. If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class, and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock, and, except as to the matters and things so stated, no distinction shall exist between said classes of stock or the holders thereof.

8. The articles of incorporation may also contain provisions:

(a) Prescribing special qualifications of persons who may be shareholders, or restricting the right to transfer or hypothecate shares;

(b) Divesting the directors of the power to levy assessments upon the shares or any class thereof, or restricting such power;

(c) Divesting shareholders of preemptive rights to subscribe to any or all issues of shares or placing limitations upon such rights.

SEC. 2. Section 290b of the Civil Code is hereby amended to read as follows:

290b. (1) Subject to any limitations in the articles of incorporation, or any amendment thereof, any corporation having shares without par value may issue such shares for such amount of consideration as may be determined from time to time by the board of directors, with due regard to the interests of existing shareholders and for a fair value, and when such consideration has been received by the corporation, such shares shall be deemed fully paid. Every person to whom shares without par value are issued, except as a share dividend, shall be obligated to pay the corporation a definite price or value in property or services for each share to be determined as provided in this section.

(2) If, upon issue of shares having no par value, any part of the consideration received by the corporation is to be treated as paid-in surplus rather than as capital, the directors or shareholders as the case may be, who determine the amount of the consideration, shall at that time specify what proportion of such consideration is to be considered as surplus and what proportion thereof is to be considered as capital. In the absence of such designation all consideration for shares without par value shall be credited to capital. Amounts of surplus paid in by shareholders shall be shown on the books of the corporation as a separate item designated "paid-in surplus."

(3) The provisions of section 309 and section 309½ as to "capital stock" shall apply to the capital of corporations which issue shares without par value. Subject to preferences granted in the articles, each share without par value shall be equal to every other share.



SEC. 3. Section 296 of the Civil Code is hereby amended to read as follows:

296. If the articles of incorporation conform to law, the secretary of state shall file them in his office and put an indorsement of filing thereon. The corporate existence shall begin upon the filing of the articles of incorporation and shall continue for an indefinite term, unless it be in this code otherwise expressly provided.

A copy of the articles of incorporation, certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

The secretary of state shall not file articles of incorporation which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive,

(1) The name of a domestic corporation, or

(2) The name of a foreign corporation which is authorized to transact intrastate business in this state, or

(3) A name which is under reservation, as provided in section 296a of this code, unless the certificate of reservation is presented at the time of filing such articles or it is established to the satisfaction of the secretary of state that said name was reserved for such use.

The use by a corporation of a name in violation of this section may be enjoined notwithstanding that its articles may have been filed by the secretary of state.

The secretary of state shall not file articles of incorporation setting forth a name in which the words "trust" or "trustee" appear, unless the certificate of approval of the superintendent of banks is attached thereto.

SEC. 4. A new section is hereby added to the Civil Code to be numbered 296a, and to read as follows:

296a. Any applicant therefor may, upon payment of a fee of two dollars, obtain from the secretary of state a certificate of reservation of any name which is not the same as, or which does not resemble, so closely as to tend to deceive, that of a corporation formed under the laws of this state or that of a corporation formed under the laws of another state, territory or foreign country and authorized to transact intrastate business in this state, and which is not already under reservation, as herein provided, and upon the issuance of such certificate the name stated therein shall be reserved for a period of thirty days.

SEC. 5. Section 297 of the Civil Code is hereby amended to read as follows:

297. Proof of corporate existence. A copy, certified by the secretary of state, of any articles filed or of any certificate of incorporation heretofore issued by the secretary of state shall have the same force and effect in evidence as the originals, and except as against the state, either the original or a copy thereof so certified shall be conclusive evidence of the creation of the corporation and of a sufficient compliance with the conditions prescribed by law as precedent to incorporation, and shall be prima facie evidence of the facts stated in such instrument and that the corporation is in existence.

SEC. 6. Section 301 of the Civil Code is hereby amended so as to read as follows:

301. A corporation may adopt by-laws consistent with its articles and with the laws of the state at a shareholders' meeting, by the vote of shareholders entitled to exercise a majority of the voting power, or by the written assent of holders of shares representing two-thirds of the voting power, without a meeting for that purpose; *provided*, that the signatures of two-thirds of the incorporators of a corporation which has accepted no subscriptions for shares other than the subscriptions set forth in its articles of incorporation shall be sufficient for the adoption of by-laws.

SEC. 7. Section 308 of the Civil Code is hereby amended to read as follows:

308. Immediately after their election the directors shall meet and organize by the election of a president, a secretary and a treasurer. They may also appoint a chairman of the board, one or more vice presidents, assistant secretaries and assistant treasurers. Any two or more of such offices, except those of president and secretary, may be held by the same person. Any vice president, assistant treasurer or assistant secretary respectively may exercise any of the powers of the president, the treasurer or the secretary as provided in the by-laws or directed by the board of directors, and shall perform such other duties as may be imposed upon him.

The by-laws may provide for the appointment by the board of directors of an executive committee, and may authorize the board to delegate to such committee any of the powers and authority of the board except the power to declare dividends and to make any changes in the by-laws. Such committee shall be composed of members of the board and shall act only in the intervals between meetings of the board and shall be subject at all times to the control of the board of directors.

A majority of the prescribed number of directors shall be necessary to constitute a quorum for the transaction of business unless the by-laws provide that a different number shall constitute a quorum, which in no case shall be less than one-third the total number of directors, nor less than two.

Every act or decision of a majority of the directors present at a meeting at which a quorum is present, made or done when duly assembled, shall be valid as the act of the board of directors, unless a greater number is required by this code or by the articles or by-laws; *provided*, that a minority of the directors in the absence of a quorum, may adjourn from day to day but may not transact any business.

SEC. 8. Section 309 of the Civil Code is hereby amended to read as follows:

309. Unless they shall have been first permitted or authorized so to do by the commissioner of corporations, directors of corporations must not make dividends except from the surplus profits arising from the business thereof; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock, except as hereinafter provided. Nothing herein prohibits a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence.

In case of any wilful or negligent violation of the provisions of this section, the directors under whose administration the same shall have happened, except those who cause their dissent therefrom to be entered on the minutes of such directors at the time, or were not present at that time, shall be jointly and severally liable to the shareholders of such corporation to the full amount of any loss sustained by such shareholders, or in case of the insolvency of the corporation to the corporation or its receiver, liquidator or trustee in bankruptcy to the full amount in either case of any loss sustained by the shareholders or creditors by reason of such unauthorized dividend, withdrawal or distribution.

Any director against whom a claim is asserted under or pursuant to this section, or who is held liable under or pursuant hereto, shall be entitled to contribution from other directors who are liable pro rata according to the number of such directors, and also from the shareholders who knowingly accepted or received any dividend or distribution not authorized by this title to be made, and such shareholders shall contribute in proportion to the amounts received by them respectively. Any one or more directors and stockholders may be sued in the same action.

SEC. 9. A new section is hereby added to the Civil Code, to be numbered 326a, and to read as follows:

326a. Whenever shares of a corporation are, or have been, issued or transferred to a person as trustee, whether or not the certificate representing such shares describes the trust or identifies any beneficiary, it shall be conclusively presumed in favor of such corporation and its transfer agent that such person as trustee has the power to accept and transfer title to such shares, and there shall be no duty upon the corporation or its transfer agent to inquire into or determine the existence or validity of any trust or the terms thereof, nor to recognize any equitable interest in or claim to such shares on the part of any other person, whether disclosed by such certificate or otherwise, unless enjoined by a court of competent jurisdiction.

SEC. 10. Section 343 of the Civil Code is hereby amended so as to read as follows:

343. If, at the sale of stock, no bidder offers the amount of the assessments and costs and charges due, the same may be bid in and purchased by the corporation, through the secretary, president, or any director thereof, at the amount of the assessments, costs, and charges due; and the amount of the assessments, costs, and charges must be credited as paid in full on the books of the corporation. The shares so purchased shall have the status of authorized, but unissued shares, and they may be reissued as though not previously issued.

SEC. 11. Section 354 of the Civil Code is hereby amended to read as follows:

354. Every corporation, as such, has power:

1. Of succession, by its corporate name, for the period limited; and when no period is limited, perpetually;

2. To sue and be sued, in any court;

3. To make and use a common seal, and alter the same at pleasure;

4. To purchase, hold, and convey such real and personal estate as the purposes of the corporation may require, not exceeding the amount limited in this part;

5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;

6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock;

7. To admit stockholders or members, and to sell their stock or shares for the payment of assessments or installments; *provided*, that a corporation shall not, in issuing shares or taking subscriptions therefor, agree to repurchase such shares, or give to the subscriber a right to surrender or resell the same to the corporation;

8. To purchase and cancel upon its books and restore to the status of authorized but unissued shares any of its outstanding shares as follows:

(a) To collect or compromise in good faith a debt, claim or controversy with any shareholder;

(b) From surplus available for cash dividends when authorized by vote or written consent of the holders of two-thirds of each class of shares outstanding exclusive of the shares to be purchased;

(c) From one who as an employee has purchased such shares from the corporation under an agreement giving the corporation the right to repurchase;

(d) To eliminate fractional shares;

(e) To carry out provisions of its articles or amended articles of incorporation authorizing the redemption of such shares;

9. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation.

SEC. 12. Section 359 of the Civil Code is hereby amended to read as follows:

359. No corporation shall issue bonds except for money paid, labor done, or property actually received, and all fictitious increase of indebtedness shall be void.

By complying with the following provisions, any corporation formed under the laws of this state may create a bonded indebtedness or increase the same, and two or more corporations formed under the laws of this state may create or increase a consolidated bonded indebtedness:

(1) A resolution authorizing such creation or increase of bonded indebtedness and stating the amount of the bonded indebtedness to be created, or the amount to which the bonded indebtedness is to be increased, shall be adopted by the affirmative vote of at least a majority of the directors or trustees of such corporation, at a regular or special meeting, which resolution must be approved by the vote or written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or of a majority of the members of a corporation without shares of stock; if approved by the vote of stockholders or members, such vote may be had at a regular or a special meeting, and a resolution, containing a copy of the resolution adopted by the board of directors and setting forth the fact of the approval thereof by the stockholders or members, must be adopted by the votes of stockholders either present in person or represented by proxy at said meeting and representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or, except as hereinafter provided, by the votes of a majority of the members of a corporation without shares of stock; in lieu of the approval of such resolution at a meeting of stockholders or members, such resolution may be approved by the written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation or, except as hereinafter provided, by the written assent or assents of a majority of the members of a corporation without shares of stock, which assent or assents shall contain a copy of such resolution and shall state the fact of the approval thereof by the stockholders or members and shall be filed with the secretary of the corporation; *provided*, that such assent may be executed and filed by the attorney-in-fact of any stockholder or member with the same effect as if executed and filed by his principal; *provided*, that if, pursuant to the articles of incorporation or amended articles of incorporation of any corporation without shares of stock, the respective members thereof have unequal voting power, the affirmative vote or written assent of members representing a majority of the votes in such corporation shall be sufficient to approve the resolution passed by the directors or trustees; *provided*, further, that if the by-laws of a corporation without shares of stock fix the number of members constituting a quorum, the affirmative vote or written assent of members equal in number to two-thirds of such number shall be sufficient to approve the resolution passed by the directors or trustees; *and provided*, further, that a corporation without shares of stock, whose articles of incorporation, or any amendment thereto, authorize its board of directors or trustees to create a bonded indebtedness or increase the same without the approval of its members, shall not be subject to the provisions of this section requiring approval of the resolution of such board by such members.

(2) Any two or more corporations formed under the laws of this state may, by complying separately with the provisions of this section relating to the creation or increase of bonded indebtedness, create or increase a consolidated bonded indebtedness which shall be binding jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations acquired or to be acquired.

SEC. 13. Section 362 of the Civil Code is hereby amended to read as follows:

362. By complying with the following provisions, any domestic corporation may amend its articles of incorporation to include or omit any provision authorized by this code, including any or all of the following purposes:

(1) To change its name to any name not likely to mislead the public, or which is not the same as, and does not resemble, so closely as to tend to deceive,

(a) The name of a domestic corporation, or

(b) The name of a foreign corporation which is authorized to transact intrastate business in this state, or

(c) A name which is under reservation, as provided in section 296a of this code, unless the certificate of reservation is presented at the time of filing of the certificate of such amendment or it is established to the satisfaction of the secretary of state that such name was reserved for such use.

(2) To change or add to its powers and purposes; or to set forth different or additional powers or purposes;

(3) To change the location of its principal office or place of business to any other county within the state; *provided*, that no amendment need be made to change the principal office from one location to another in the same county or city and county;

(4) To state, if it so desires, the period of its existence as extended;

(5) To increase or diminish the number of its directors;

(6) To increase or decrease the authorized number of its shares or the aggregate par value thereof;



(7) To provide for the classification of its shares of stock, in which event there must be set forth a statement of the number of shares of each kind or class, and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock, and, except as to the matters and things so stated, no distinction shall exist between said classes of stock or the holders thereof;

(8) To change the statement of such classification or the nature and extent of such preferences, rights, privileges or restrictions of the shares issued or unissued, or to repeal such statement and eliminate such classification of the shares;

(9) To change shares having par value into the same or a different number of shares without par value; to increase or reduce the par value of shares; to change shares without par value into the same or a different number of shares with or without any par value;

(10) Generally, to alter its articles in any other respect, lawful at the time of making the amendment.

A resolution providing for any such amendment must be adopted by the affirmative vote of a majority of the directors or trustees of the corporation, and must be approved by the vote or written assent of shareholders holding at least a majority of the issued and outstanding shares, or by the vote or written assent of the members representing a majority of the voting power, if the corporation has no shares of stock. If any proposed amendment provides for an increase in the aggregate par value of the shares of a corporation or would make any change in the preferences, rights, privileges, or restrictions of any class of issued and outstanding shares, the vote or written assent of the holders of two-thirds of the issued and outstanding shares of each class of stock shall be necessary to the approval thereof, or such larger majority as the articles of incorporation or any amendment thereto may require. The resolution or assents of such shareholders or members must contain a copy of the resolution of the directors or trustees and state the fact of approval thereof.

After such amendment has been approved, the president or a vice president and the secretary or an assistant secretary shall execute a certificate, under the seal of the corporation, which shall be verified by their oath and shall set forth:

(1) The time and place of the meeting of the board of directors or trustees;

(2) A copy of resolution adopted thereat;

(3) The vote in favor of such resolution;

(4) The time and place of the meeting of the shareholders or members and the total vote by which such resolution was approved, or, if the approval was by written assent, the number of shares or members represented by the assents filed with the secretary of the corporation;

(5) The fact that the resolution or assents of the shareholders or members contained a copy of the resolution of the board of directors or trustees and expressed their approval of said resolution;

(6) The number of issued and outstanding shares, and number of each class of such shares, if classified, or the number of members of the corporation;

*Provided*, that two-thirds of the incorporators of any corporation which has not accepted subscriptions for shares other than those set forth in its articles of incorporation, may adopt any such amendment by executing a certificate stating that no subscriptions for shares other than those set forth in the articles of incorporation have been accepted by the corporation and that the signers thereof thereby adopt the amendment therein set forth, which certificate shall be verified by the oath of each signer thereof.

Any certificate of amendment may contain a copy of the articles of incorporation, as amended.

The certificate shall be submitted to the secretary of state, who shall file the same and put an indorsement of filing thereon if he finds that it shows a compliance with the provisions of this section. Thereupon, the articles of incorporation shall be deemed amended in accordance with such certificate and a copy of such amendment and the certificate thereto, certified by the secretary of state, shall be *prima facie* evidence of the performance of the conditions necessary to the adoption thereof.

The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated, which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every other county in which such corporation has or holds real property. Any corporation which shall amend its articles of incorporation and shall fail to file certified copies, as required by the preceding sentence, shall be subject to the penalties and liabilities provided for in section 299 of this code for a failure of corporations to file copies of their articles of incorporation in the office of the county clerks of the counties in which they shall purchase, hold, or locate real property.

Nothing appearing herein shall be construed to permit a corporation to extend or reduce the term of its existence by amending its articles of incorporation.

Sec. 14. Section 593 of the Civil Code is hereby amended to read as follows:

593. Any church, diocese, synod, district or other religious organization and any other unincorporated association, society, club or organization not for profit and any number of persons, not less than three, may incorporate under this title.

The articles of incorporation shall state that the corporation is formed under this title for purposes other than pecuniary profit and shall set forth:

1. The name of the corporation.
2. The purposes for which it is formed.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The names and residences of three or more persons who are to act in a capacity equivalent to that of directors until the selection and qualification of their successors, and who may be styled directors, trustees, governors, or members of the executive board or may be given such equivalent titles as may be deemed appropriate, but who shall be subject to all laws of this state relating to directors or trustees of such corporations, except as otherwise in this title provided. The number of persons so named shall constitute the number of directors of the corporation until changed in the manner provided by law or by this title.

5. The articles of incorporation may fix the voting power, property rights and interests of the members and may provide for different classes of membership, but unless otherwise provided therein there shall be but one class of members, whose voting power, property rights and interests shall be equal.

The persons who are to act in the capacity of directors must subscribe to the articles of incorporation and the signatures of any other persons desiring to associate with said persons for the purpose of forming such corporation shall also be subscribed thereto, and such execution shall be acknowledged as provided in section 292 of this code; *provided*, that the articles of incorporation of any church, diocese, synod, district or other religious organization or any other association, society or club which has a presiding officer, president or other head and an acting secretary, clerk, scribe or other similar officer, need be subscribed and acknowledged only by such officers, but there shall be attached thereto an affidavit by said officers that such association has at a meeting duly voted to authorize its incorporation, and that they executed the articles by authority of the association.

Upon the filing of the articles of incorporation with the secretary of state, the corporation shall be formed and shall continue to exist as a corporation until dissolved, with the capacity possessed by a natural person to contract, convey, take gifts of real and personal property, sue and defend, borrow money, give promissory notes or bonds therefor and secure the payment thereof by mortgage or deed of trust upon property real or personal and perform all other acts within or without the state to the same extent as a natural person, and to receive bequests and devise by will for its own use or upon trusts, to the same extent as a natural person, subject however to the provisions of section 1313 of the Civil Code of the State of California. The limitations of section 595 of the Civil Code shall not apply to such corporations heretofore organized or formed or hereafter organized under this section.

The directors of such corporation may be elected and by-laws for its government may be made and amended in accordance with the constitution, by-laws, discipline, rules and regulations of such church, society, or other organization, or in accordance with the by-laws adopted by it.

SEC. 15. Sections 290c, 290e, 290f, 290g, 290j, 291, 293, 294, 295, 321a, 344, 361, 403 and 604a of the Civil Code are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in line 3 of the title, strike out the figures "141½", and insert in lieu thereof the figures "141¼".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out the figures "141¼", and insert in lieu thereof the figures "141½".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 4, of the printed bill, strike out the figures "141½", and insert in lieu thereof the figures "141¾".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 5, of the printed bill, strike out the word "motor".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 8, of the printed bill, strike out the words "of such motor", and insert in lieu thereof the words "or person responsible for the operation of such".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 11, of the printed bill, after the word "representatives", add the words "or heirs".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1, line 13, of the printed bill, strike out the word "motor".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 1, line 17, of the printed bill, after the word "representatives", add the words "or heirs".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 1, line 19, of the printed bill, strike out the words "of said motor", and insert in lieu thereof the words "or person responsible for the operation of said".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 1, line 22, of the printed bill, strike out the words "of a motor", and insert in lieu thereof the words "or person responsible for the operation of a".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 1, line 26, of the printed bill, after the word "vehicle", insert a comma and the words "or person responsible for the control or operation of such vehicle".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 1, line 25, of the printed bill, strike out the word "motor".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 1, of the printed bill, strike out the words "of such motor", and insert in lieu thereof the words "or person responsible for the operation of such".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 2, of the printed bill, strike out the word "motor".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 2, line 4, of the printed bill, strike out the word "motor".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 2, line 6, of the printed bill, strike out the word "motor".

Amendment adopted.



## AMENDMENT NUMBER SEVENTEEN.

On page 1 of the printed bill, in line 4 of the title, following the word "driver" insert the words "or person responsible for the operation".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 1 of the printed bill, in line 4 of the title, strike out the word "motor".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 3 to 28, both inclusive, and on page 2 strike out all of lines 1 to 24, both inclusive, and insert in lieu thereof the following:

"SEC. 44. Renewal of registration. (a) Every vehicle registration under this act shall expire at midnight on the thirty-first day of December of each year, and shall be renewed annually upon application by the registered owner by presentation of the certification of registration for the current year and by payment of the same fees as provided for original registration, and such renewal shall take effect on the first day of January of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal whenever the legal owner of a vehicle is other than the registered owner the division shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle within fifteen days after annual expiration of license, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle until midnight of January thirty-first without displaying the registration certificate of the current year, on condition that such owner shall, during said time display upon such vehicle the number plates or plate assigned thereto for the previous year.

(c) No motor vehicle shall be registered as provided in this act, or certificate of registration issued by the motor vehicle department, unless application therefor shall be accompanied by a certificate in such form as the division of motor vehicles shall prescribe, issued by the county assessor of the county or city and county in which such applicant may reside, showing that such motor vehicle is or has been assessed for personal property taxes thereon which accrued or became due and payable on the last preceding first Monday in March prior to making such application; and it is hereby declared to be the duty of the assessor of each such county or city and county to issue such certificate showing such assessment; *provided further*, that the presentation of such a certificate from the county assessor shall not be necessary in applying for the original or renewal of registration of a motor vehicle, which, as shown by evidence of title satisfactory to such division, was not subject to such personal property tax on said last preceding first Monday in March."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 611—An act to add a new section to be numbered 1279a to the Code of Civil Procedure, relating to the changing of names of corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

In line 7 of the printed bill, strike out the word "amendment", and insert in lieu thereof the word "section".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 728—An act to amend section 628*c* of the Penal Code, relative to the protection of fish and game.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, strike out "ing less than six pounds, is guilty of a misdemeanor.", and insert in lieu thereof the following: "ing less than ten pounds, or any yellow-fin tuna weighing less than ten pounds, or any striped tuna or skipjack weighing less than six pounds, is guilty of a misdemeanor. Every person who brings ashore any southern or bastard or chicken halibut (*Paralichthys californicus*) or any barracuda, in such condition that their individual weights can not be determined, is guilty of a misdemeanor. *Provided, however,* that not to exceed ten pounds of barracuda weighing less than three pounds each may be taken and had in possession when such barracuda have been taken with hook and line, but such barracuda must not be bought or sold or offered for sale."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 287—An act to add a new section to the Penal Code, to be numbered 637½*a*, relating to trapping of game.

Bill read second time, ordered engrossed, and on file for third reading.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At eleven o'clock and forty minutes a.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 54 of the said

Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 27.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section to be known as and numbered section 19 be added to article XIII of the constitution of this State and to read as follows:

19. Notwithstanding any other provision of this constitution the Legislature shall biennially set aside and provide for the distribution among the various firemen's pension, relief, health, life and accident insurance funds of any county, city and county, municipality or other political subdivision of a sum not to exceed one-half the revenues accruing from the taxation of premiums of fire insurance companies and associations for fire insurance premiums under the provision of subdivision (b) of section 14 of this article. The manner and amount of the moneys distributed under this section shall be determined by the Legislature but must be based upon the proportion that each particular pension, relief, health, life and accident insurance fund bears to the aggregate of all such funds existing in the state at the time the biennial distribution is made; *provided, however,* that the Legislature may provide for the distribution of a portion of such fund to counties, cities and counties, municipalities or other political subdivisions maintaining a paid or volunteer fire department where no provision has been made for the creation of a pension, relief, health, life or accident insurance fund in such political subdivision.

The Legislature shall enact all laws necessary to carry out the provisions of this section and may grant authority to local boards and commissions to use and apply any moneys distributed under the provisions of this section for the procuring of firemen's relief, health, life and accident insurance and for the payment of pensions of firemen.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 27 adopted by the following vote:

AYES—Senators Allen, Canepa, Carter, Cassidy, Christian, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—Senators Baker, Breed, Cleveland, Cobb, Duval, Garrison, Jones, Ray; Nelson, and Swing—9.

Title read and approved.

Senate Constitutional Amendment No. 27 ordered transmitted to the Assembly.

Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 150 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 683 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 30.

A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees, and attaches.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23a of article IV of the constitution of said State be amended to read as follows:

Sec. 23a. The Legislature may provide for additional help; but in no case shall the total expense for officers, employees and attaches exceed the sum of \$500 per day for either house, at any regular or biennial session, nor the sum of \$200 per day for both houses at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The Legislature shall provide for the selection of all officers, employees and attaches of both houses.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 30 adopted by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, Wagy, Weller, and West—28.  
NOES—Senators Allen, Boggs, Cobb, Handy, Jones, Ray; Nelson, Slater, Tubbs, and Young—9.

Title read and approved.

Senate Constitutional Amendment No. 30 ordered transmitted to the Assembly.

Senate Bill No. 839—An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a free-holders' charter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 839 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 832 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188—An act to add a new section to the Political Code, to be numbered 3236, relating to preference on public contracts and furnishing supplies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RE-REFERENCE OF SENATE BILLS.

Senator Cleveland asked for and was granted unanimous consent to have Senate Bill No. 306 re-referred to Committee on Finance.

Senator Crowley asked for and was granted unanimous consent to have Senate Bill No. 802 re-referred to Committee on Public Health and Quarantine.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 110—An act to amend section 848 of the Code of Civil Procedure, relating to service of summons outside of county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 110 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Murphy, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 207—An act to amend section 4300e of the Political Code, relating to the fees of justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Murphy, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 208—An act to amend section 1581 of the Code of Civil Procedure, relating to powers and duties of executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 208 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley,

Inman, Jones, Ray; Maloney, McKinley, Murphy, Rochester, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 210—An act to amend section 1386 of the Code of Civil Procedure, relating to the administration of decedent's estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212—An act to amend section 1492 of the Code of Civil Procedure, relating to notice to creditors.

Bill read third time.

The question being on the passage of the bill

The roll was called and Assembly Bill No. 212 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Murphy, Rochester, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 213 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Murphy, Rochester, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—Senator Nelson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At one o'clock and five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of two o'clock p.m.

RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 539—An act to amend section 1986 of the Code of Civil Procedure, relating to the issuance of subpoenas and subpoenas to take deposition.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 925—An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county, or city is a party.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 254—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of line 1 and lines 2 to 4, inclusive, and insert in lieu thereof the following:

"An act to add a new section to the Political Code to be numbered 2321, relating to the office of county agricultural commissioner."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning in said line 1, strike out all of lines 1 to 26, inclusive, also strike out all of pages 2 to 4, inclusive, and insert in lieu thereof the following:

"SEC. 1. A new section is hereby added to the Political Code to be numbered 2321 and to read as follows:

2321. On and after the effective date of this act, the office of county horticultural commissioner, heretofore created, shall be known as the office of county agricultural commissioner, and whenever in this chapter the term "commissioner" is used, the same shall be taken to mean and refer to county agricultural commissioner; and whenever by the terms of any statute or law now enforced, or that may hereafter be enacted, the term "county horticultural commissioner" or similar designation is used, the same shall be deemed to refer to the county agricultural commissioner, the same as though the term "county agricultural commissioner" or similar designation had been specifically set forth and named therein. Nothing in this section shall be construed as divesting any incumbent of title to the office of the county horticultural commissioner. This section is intended only to change the designation of said office as aforesaid."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 1071—An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations.



## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE

In line 23 of the printed bill, before the word "Every", insert the words "Before it becomes effective".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 204—An act to amend section 307 of the Civil Code, relating to corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1073—An act to amend section 401 of the Civil Code, relating to extension of corporate existence.

Bill read second time, and ordered on file for third reading.

## SENATOR INMAN IN THE CHAIR.

At two o'clock and twenty minutes p.m., Senator Inman of the Seventh District was called to the chair.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 4, 17, 18, 19, 21, 32, 35, 40, 51, 64*b*, 64*c*, 64*d*, 64*e*, 64*f*, 64*g* and 64*h* of said act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

GARRISON, Chairman.

Senate Bill No. 266 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 100—An act to amend the California Irrigation District Act, approved March 31, 1897, by amending sections 7, 26, 27*b*, 84 and 90 thereof, relating to directors of irrigation districts;

Also: Assembly Bill No. 420—An act confirming and validating the formation or organization and existence of irrigation districts;

Also: Assembly Bill No. 712—An act to provide for the change of name of irrigation districts;

Also: Assembly Bill No. 784—An act to amend the California Irrigation District Act, approved March 31, 1897, by adding thereto a new section to be numbered 35*a*, defining the term "assessment book," and by amending section 42 thereof, relating to the publication of the delinquent list;

Also: Assembly Bill No. 820—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by adding a new section thereto numbered section 10, relating to contracts of irrigation districts for construction of public works;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

GARRISON, Chairman.

Assembly Bills Nos. 100, 420, 712, 784 and 820 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 316—An act dedicating the northerly 30 feet of Channel street in the city and county of San Francisco, between the southwesterly line of Seventh street and the westerly line of Carolina street, exclusively as a right of way for vehicular and pedestrian traffic; and repealing all acts in conflict herewith—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; noes—2 (one not voting).

FELLOM, Chairman.

Assembly Bill No. 316 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 752—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—4.

FELLOM, Chairman.

Assembly Bill No. 752 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 285—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," approved March 24, 1909;

Also: Assembly Bill No. 286—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said fund; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913;

Also: Assembly Bill No. 1004—An act to add a new section to the Political Code, to be numbered 2524b, relating to the property over which the Board of State Harbor Commissioners have possession and control and relating to the powers of said board; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Assembly Bills Nos. 285, 286 and 1004 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 490, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect;

Also: Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; and to make an appropriation of \$5,000 for the expense of printing said bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Senate Bills Nos. 372 and 441 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on March 25, 1929, passed as amended, Senate Bill No. 167.—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1882, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 167 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 25, 1929, passed Assembly Bill No. 739.—An act to add a new article to chapter 3 of title 1 of part 111 of the Political Code, to be numbered title 11a, embracing sections 376 to 376n, inclusive, relating to a Department of Professional and Vocational Standards.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 739 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 465.—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution and attachment.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1088.—An act to amend sections 3682, 3732, 3746, 3748, 3756 and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes;

Also: Assembly Bill No. 1104.—An act to amend section 1229 of the Penal Code, relating to execution of judgments of death.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1088 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1104 read first time, and referred to Committee on Revision of Criminal Law and Procedure.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 771—An act to amend section 1 of an act entitled "An act declaring and establishing a State highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura State Highway," approved June 16, 1913, relating to State highways;

Also: Assembly Bill No. 799—An act to amend the California Irrigation District Act by amending section 18 thereof, relating to the distribution of water, so as to provide for the sale or lease of surplus water;

Also: Assembly Bill No. 941—An act to amend section 2322a54 of the Political Code, relating to the horticultural commissioner of counties of the fifty-fourth class;

Also: Assembly Bill No. 968—An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, as amended;

Also: Assembly Bill No. 1048—An act to add 11 new sections to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, the ascertainment of their indebtedness and the distribution of their assets.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bill No. 771 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 799 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 941 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 968 and 1048 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 203—An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; to provide penalties for the violations of any of the provisions thereof; and to make an appropriation for the purposes thereof;

Also: Assembly Bill No. 288—An act to add a new section to the Civil Code to be numbered 2016, defining the liability of the master to his servant when requiring such servant to wear a uniform or special dress in performing the duties of the employment;

Also: Assembly Bill No. 495—An act to amend section 7 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, relating to appointees;

Also: Assembly Bill No. 499—An act to add a new section to the Civil Code, to be numbered 2178, limiting the liability of steam and electric railroad common carriers and sleeping car companies of property carried in trunks, valises, suit cases, traveling bags, boxes, bundles or packages, in the event of loss of or injury to the same;

Also: Assembly Bill No. 511—An act to validate and legalize all proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street Opening Act of 1903," as amended, approved March 24, 1903;

Also: Assembly Bill No. 581—An act to amend section 487 of the Penal Code, relating to grand theft;

Also: Assembly Bill No. 632—An act to add a new section to the Political Code, to be numbered 361j, relating to the Department of Agriculture;

Also: Assembly Bill No. 760—An act relating to the employment of librarians in the elementary or secondary schools of this State.

ARTHUR A. O'HANIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bill No. 203 read first time, and referred to Committee on Public Charities and Corrections.

Assembly Bill No. 288 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 495 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 499 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 511 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 581 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 632 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 760 read first time, and referred to Committee on Education.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 742—An act to amend section 137 of the Civil Code, relating to alimony, support and maintenance and cost of suit in actions for divorce and permanent support and maintenance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 742 passed by the following vote:

AYES—Senators Baker, Boggs, Cassidy, Christian, Cobb, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No 743—An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 743 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Cobb, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 753—An act to add a new section to the Political Code to be numbered 539*d*, relating to the printing of legislative bills and constitutional amendments prior to the convening of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 753 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Cleveland, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 450—An act to amend sections 4236*b*, 4236*c*, 4236*d*, 4236*f*, 4236*g*, 4236*h*, 4236*j*, 4236*l*, inclusive, of the Political Code, relating to county and township officers of the seventh class, the assistants, deputies, and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies, and other employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 450 passed by the following vote:

AYES—Senators Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and West—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### NOTICE OF MOTION TO RECONSIDER.

Senator McKinley gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 213 was passed.

Assembly Bill No. 859—An act to amend section 19*f* of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the probation officer and assistants in counties of the seventh class and the salaries thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 859 passed by the following vote:

AYES—Senators Breed, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334—An act to amend section 4268 of the Political Code, relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 334 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, and West—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 645—An act to add a new section to the Political Code to be numbered 4041*q*, relating to advertising by boards of supervisors of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 645 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—25.

NOES—Senators Cleveland, and Jones, Ray—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 931—An act to validate the Golden Gate Bridge and Highway District, confirm its boundaries and all proceedings relative to the formation and incorporation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Inman, Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Wag, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 508—An act to amend section 1469 of the Code of Civil Procedure, relating to setting aside estates not exceeding \$2,500 in value.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Pedrotti, Sharkey, Slater, Wag, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91—An act to amend section 1576 of the Penal Code, relating to salaries of prison employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 passed by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Iuman, Jones, Ray; Maloney, McCormack, McKinley, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Relative to reports of the proceedings of the Annual Convention of the Veterans of Foreign Wars of the United States, Department of California.

*Resolved by the Assembly, the Senate concurring.* That there shall be printed as a public document, 500 copies of the Report of the Proceedings of the Annual Convention of the Veterans of Foreign Wars of the United States, Department of California, for the year 1929 and of each succeeding annual convention together with illustrations, copies of general orders enacted at such conventions and of the official roll, 250 copies for the use of the Assembly and 250 copies for the use of the Senate, the annual cost thereof, not exceeding \$600, to be payable from the appropriation for legislative printing.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Iuman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

Assembly Bill No. 684—An act to amend section 1592 of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 684 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Iuman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 885—An act to amend section 1587 of the Political Code, relating to the treatment of prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 885 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley,

Inman, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—30.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1016—An act relating to certain funds of inmates of State prisons and reformatories and the expenditures thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1016 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, West and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 616—An act relating to the attendance of pupils attending school in a district other than the district in which they reside.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 616 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An act relating to the publication of textbooks and teachers' manuals of the studies prescribed for elementary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 605—An act relating to the composition of boards of education of consolidated school districts.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 605 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 552—An act relating to the issuance of vacation permits to work to certain minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 551—An act providing for annual conventions of secondary school principals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 551 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 879—An act to amend sections 4256, 4256a and 4256b of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 879 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 273—An act to amend section 4282 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 556—An act to amend section 2322, 227 of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies and employees in counties of the twenty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 556 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90—An act to amend section 19, 25 of the Juvenile Court Law, relating to probation officers in counties of the twenty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Tubbs, and Wagy—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 651—An act to amend section 2322, of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 958—An act amending sections 2 and 14 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers, and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and adding a new section to said act to be numbered section 32, relating to the appointment of the State Civil Service Commission and its powers and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 958 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 653—An act relating to the compensation of election officers of school elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cleveland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

The Secretary announced the absentees.

Time, three o'clock and twenty-two minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cleveland.

The Secretary was directed to call the roll on the passage of Assembly Bill No. 653.



The roll was called, and Assembly Bill No. 653 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, Nelson, Sharkey, Slater, Tubbs, Weller, and Young—21.

NOES—Senators Breed, Carter, Cassidy, Duval, Jones, Ray, McCormack, McKinley, Merriam, Wagy, and West—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 608—An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing and the blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 608 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### — THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 801 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McKinley, Nelson, Sharkey, Slater, Tubbs, Wagy, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses—reports that it has met a like committee of the Assembly, consisting of Assemblymen Miller, DeYoe and Young, and that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, after the words "devises to", insert "or for the use or benefit of".

#### AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, strike out the word "to", at the end of the line.

#### AMENDMENT NUMBER THREE.

On page 1, lines 23 and 24, of the printed bill, strike out the words "to or for the use or benefit of".

## AMENDMENT NUMBER FOUR.

On page 1, line 24, of the printed bill, after the word "or", insert "belonging to".

## AMENDMENT NUMBER FIVE.

On page 2, line 2, of the printed bill, strike out the comma.

NELSON,  
BREED,  
EDWARDS.

Senate Committee on Free Conference

MILLER, JAMES A.,  
DEYOE,  
YOUNG.

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Nelson, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Senate Bill No. 781 and report of Committee on Free Conference ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance Fund.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Maloney moved to refer Senate Bill No. 604 to Senator Sharkey, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, add the words "state compensation insurance", immediately following the word "said" and preceding the word "fund".

## AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed bill, strike out the word "designed", and insert in lieu thereof the word "allowed".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 604, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Maloney adopted.

Bill ordered to print and re-engrossment.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Manufactures, to which was referred Senate Bill No. 192—An act to prevent unfair discrimination against California manufacturers by making it unlawful for any municipality to levy license taxes or fees

against such manufacturers that are not levied against nonresident manufacturers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

ROCHESTER, Chairman.  
MALONEY.  
PEDROTTI.  
CARLIER.

Senate Bill No. 192 ordered on file for second reading.

#### ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Mines and Mining to which was referred Assembly Bill No. 245—An act to amend section 5 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the appointment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau, and for the purpose of carrying out the provisions of this act and expediting the same," entitled "An act to provide for the establishment, organization and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, and to add a new section to said act to be numbered section 16 defining the term mine and the term mineral as used in said act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5; committee vote: Ayes: 5.

CASSIDY, Chairman.

Assembly Bill No. 245 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 731—An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcasses of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927:

Also: Senate Bill No. 829—An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same:

Also: Senate Bill No. 183—An act to add a new section to the Political Code, to be numbered 43000, relating to fees of interpreters, and to repeal conflicting acts and parts of acts:

Also: Senate Bill No. 8—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of act inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits:

Also: Senate Bill No. 17—An act to amend section 1203 of the Political Code, relating to elections:

Also: Senate Bill No. 22—An act to provide for the establishment, government, maintenance and operation of the public school system of the State of California:

Also: Senate Concurrent Resolution No. 21—Relative to the publication of a new edition of the constitution of the State of California and providing funds to meet the expenses thereof:

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of March, 1929, at one o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 537—An act to amend sections 6, 7, 10, 13, 14, 17, 18, 20,



22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, also to amend section 12 of said act as amended, said last named section referring to the powers of said districts, by amending subdivision 4 thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and ratifying sales and mortgages, by amending subdivision 5 thereof relating to works, property and facilities of said districts, by amending subdivision 6 thereof relating to the power of eminent domain and by amending subdivision 8 thereof relating to the indebtedness of such districts including any such indebtedness heretofore or hereafter incurred and declaring the urgency of the amendments to said section 12;

Also: Senate Bill No. 539—An act repealing an act entitled "An act creating a reclamation district to be called and known as 'Bay Farm Island Reclamation District,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island Reclamation District, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of March, 1929, at one o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### ADJOURNMENT.

At three o'clock and fifty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Thursday, March 28, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, March 28, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

Quorum present.

#### PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 27, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### LEAVES OF ABSENCE.

Senator Lyon was, on motion of Senator Gray, granted leave of absence for this day.

Senator Cobb was, on motion of Senator Allen, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Stanton, wife of Supervisor William P. Stanton of San Francisco.

On request of Senator Gray, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frederick Cooper, Mrs. Marion Gray Ahl, San Francisco; Mrs. George Hart, San Francisco, and Mr. George David Hart of the draying firm of Farnsworth and Ruggles, San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank J. McNamara, Frank Reed, Colonel C. W. Bourne, John Kirkpatrick, Edward Winkler, Charles H. King, Ansell Banks and A. E. Oehlman.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Jones, Healdsburg; Samuel Weeks, Santa Rosa, and Charles Sheriffs, Healdsburg.

On request of Senator Fellom, the privilege of the floor of the Senate Chamber for this day was unanimously extended to sheriff William Traeger of Los Angeles.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Parley Johnson and B. Brown of Los Angeles.

On request of Senator Fellom, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marshal Monahan of San Francisco.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Nola Cox, Mrs. R. W. Konold, Mrs. A. M. Stevenson and Mrs. Harry Nelson, teachers of the Vacaville High School, and the following pupils: Louis Mohr, W. J. Wagner, J. Norman Thomson, Henry Rago, Howard Rogers, Norris Duncan, William Fry, Norma Peabody, Dorothy Donald, Ione Vine, Ernestine "Bobbie" Peabody, Francis "Pat" Hoell, Norman L. Stevenson, Frank Buck, Chas. Sullivan, Henry Schroeder, Mario J. Tautillo, Edwin Fry, Dorothy Mahoney, Josephine Inai, Vera Mayeda, Marie Filardo, Ella Louise Sweaney, Bennelle Rutherford, Dorothy Mathews, Zoemary Konold, Flora Brackett, Effie Traver, Gladys Hanke, Lillian Vierra, Clara Chapman and Florence De Fillippi.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Vines, principal of the Vallejo High School, and students as follows: Lola Newman, Eleanor Braghetta, Maybelle Ludwig, Viola Smith, Galdena Wilcox, Helena Puckett, Rita Case, Villa Wigginn, Babe Nunn, Geo. Butler and Bill Knighton.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Tyler, teacher of the seventh and eighth grades of the Carmichael School, Sacramento County, California, and pupils as follows: William Dillard, Harvey Rhea, Frank Gliko, Mildred Hope, Jack Blakesley, Roger Eastman, Percy Davies, Dave Johnston, Ralph Stickler, Genie Williams, Robert McDougal, Frank Simlinick, Randolph Sullivan, Dorothy Roberts, James Lewis, James Cowan, Laura Thelma MacNeill, Laura Davis,

John Barrett, Paul Feters, Dwight Graves, William Sailing, Frances Gliko, Marguerite Owens, Leland McKeown, Leila Mapel, Lois Ellithorpe, Laverne Gibbons, Muriel Davies, Roberta Gibbons, Charles Lewis, Edward Barrett, Arthur Morrow, Rebecca Kennedy, Anna Hauptman and Mr. Lucas Hauptman.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hubert T. Morrow, Florence Stone and Constance Deen.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. R. O'Brien, Mrs. A. R. O'Brien and Miss O'Brien of Ukiah.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. B. Talbert, Huntington Beach; W. O. Hart, Orange, and J. F. Craemer, Orange.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. F. R. Young of Quincy, wife of Assemblyman Young.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wilson Rogers Ansley and Sophie Parker of Stockton, and to Miss Harriet Jones of Seattle.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to levy of taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

NELSON, Chairman.

Senate Bill No. 398 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property;

Also: Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of article XIII of the constitution;

Also: Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

NELSON, Chairman.

Senate Bills Nos. 327, 562 and 713 ordered on file for second reading.



## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 36—An act to amend an act entitled "An act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools," approved March 13, 1909, by amending sections 1 and 2 thereof and adding a new section thereto, to be numbered section 3, all relating to the existence of secret fraternities in public schools.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 36 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 781 ordered to print, and enrollment.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON PUBLIC MORALS

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation and solicitation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; noes—1; absent—1.

COBB, Chairman.

Senate Bill No. 322 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIk, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs;

Also: Senate Bill No. 333—An act relating to pupils in the elementary schools;

Also: Senate Bill No. 335—An act relating to pupils in public high schools;

Also: Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a public officer;

Also: Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State;

Also: Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor;

Also: Senate Bill No. 426—An act providing for the membership of public schools in organizations for the promotion and advancement of education;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly herewith returns Senate Bill No. 521, in order that the same may receive the proper procedure.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 521—An act to amend sections 2319*a*, 2319*b* and 2319*c* of the Political Code, relating to the duties of the State Commissioner of Horticulture.

Bill read third time previously, and passed.

## URGENCY CLAUSE.

SEC. 4. Inasmuch as this act concerns, and is necessary to the immediate protection of the public health and safety, for the reason that it is important that at the earliest possible date the State Department of Agriculture initiate and carry on the work of destroying injurious agricultural pests, which at present are endangering the agricultural industry in certain sections of the State, this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Waggy, and Weller—28.

NOES—None.

Senate Bill No. 521 ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491*a* of the Code of Civil Procedure, relating to the publication of notice to creditors.

## MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator McKinley moved to reconsider the vote by which Assembly Bill No. 213 was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote by which Assembly Bill No. 213 was passed carried by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

NOES—None.

Assembly Bill No. 213 ordered on unfinished business file.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 266—An act to amend the "California Water Storage District Act." approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in line 4 of the title, after "647", insert a comma and strike out the word "and". In the same line, after "647", insert the word "and" and the figures "68".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 8, line 32, of the printed bill, as amended, strike out the word "The", and insert in lieu thereof the word "any".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 8, line 33, of the printed bill, as amended, after the first word "such", insert the word "proposed".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 8 of the printed bill, as amended, at the beginning of the sentence, insert the words "Except where it is proposed to be acquired by eminent domain proceedings". Strike out the capital letter "N" in the word "No", and insert a lower case "n" in lieu thereof.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 9, line 38, of the printed bill, as amended, strike out the word and figure "six (6)", and insert in lieu thereof the word "ten".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 9, line 50, of the printed bill, as amended, after the word "situated", insert "Nothing herein contained shall affect, impair, modify or invalidate in any way any report which has already been adopted or approved at an election within the district; and the district and the directors thereof may proceed with such report as so originally adopted."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 10, line 37, of the printed bill, as amended, strike out the word "one-third", and insert in lieu thereof "one-half". In line 39, strike out the word "third", and insert in lieu thereof the word "half".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 11, line 15, of the printed bill, as amended, strike out the words "two-thirds or more", and insert in lieu thereof the words "more than one-half".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 11, line 17, of the printed bill, as amended, strike out the word "two-thirds", and insert in lieu thereof the words "more than one-half".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 11, line 47, of the printed bill, as amended, strike out the word "one-third", and insert in lieu thereof "one-half". In line 49, strike out the word "one-third", and insert in lieu thereof "one-half".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 12, line 1, of the printed bill, as amended, strike out the words "two-thirds or more", and insert in lieu thereof "a majority". In line 2, strike out the word "two-thirds", and insert in lieu thereof "a majority".

Amendment adopted.



## AMENDMENT NUMBER TWELVE.

On page 17 of the printed bill, as amended, strike out lines 51 and 52. Also, on page 18, strike out lines 1 and 2.

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 18, line 17, of the printed bill, as amended, after the word "election", insert the word "thereafter". In the same line, after the word "district", insert the words "but not otherwise,".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 21, line 4, of the printed bill, as amended, strike out the words "for at least two weeks", and insert in lieu thereof "once a week for two successive weeks".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 23, line 17, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period. Strike out balance of line 17, also lines 18, 19 and 20.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 192—An act to prevent unfair discrimination against California manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against nonresident manufacturers.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such

boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 145 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An act to add a new section to the Penal Code, to be numbered 146a, relating to falsely representing a public officer.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Rochester moved to refer Senate Bill No. 674 to Senator Christian, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the words "one thousand", and insert in lieu thereof the words "five hundred".

##### AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the words "one year", and insert in lieu thereof the words "six months".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 674, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected or used for the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 709 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones,

Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 840 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canapa, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Pellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 31.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 19 of article V of the constitution be amended to read as follows:

SEC. 19. The Governor and Lieutenant Governor shall, at stated times during their continuance in office, receive for their services a compensation of \$10,000 and \$4,000 per annum, respectively. The Secretary of State, Controller, Treasurer, Attorney General, Surveyor General and Superintendent of Public Instruction shall, at stated times during their continuance in office, severally receive such compensation as is or shall be provided by law. The compensation of the officers herein mentioned shall be in full for all services by them, respectively rendered in any official capacity or employment whatsoever during their respective terms of office, and they shall not receive for their own use any fees or perquisites for the performance of any official duty. The Legislature may, in its discretion, abolish the office of Surveyor General.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 31 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Pellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—33.

NOES—Senator Cleveland—1.

Title read and approved.

Senate Constitutional Amendment No. 31 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation.



## AMENDMENTS FROM FLOOR.

During the reading of the constitutional amendment the following amendments were offered, and their adoption moved by Senator Murphy:

## AMENDMENT NUMBER ONE.

In the title of the printed constitutional amendment, as amended in Senate March 8, 1929, strike out line 4, and insert in lieu thereof the following: "adding to article thirteen thereof a new section to be numbered section 1c relative to".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed constitutional amendment, as amended in Senate March 8, 1929, strike out line 7, and insert in lieu thereof the following: "amended by adding to article thirteen thereof a new section to be numbered section 1c and".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed constitutional amendment, as amended in Senate March 8, 1929, strike out lines 9 to 24, inclusive, and all of page 2, and insert in lieu thereof the following:

"SEC. 1c. The Legislature shall provide for the collection, by the department of the state charged with responsibility of registering motor vehicles, of a tax on motor vehicles and trailers as defined by law, in lieu of all personal property taxes thereon and shall establish the basis and method of fixing the amount of said tax including the establishment of a minimum and maximum tax: *provided, however*, that nothing in this section shall be construed to apply to properties taxed under the provisions of sections 14 and 15 or of subdivision one of section 16 of this article: *provided, further*, that if taxation upon all personal property is subsequently abolished by vote of the people of the State of California the tax authorized by this section shall without further action be abolished.

All moneys collected as taxes on motor vehicles and trailers in lieu of personal property taxes thereon shall be credited to a special fund to be known as the "county motor vehicle tax fund" and no other moneys shall be so credited: not less than ninety-five per cent of the moneys credited to said fund shall be paid at least once each year by the state to the respective county or city and county from which motor vehicles and trailers are registered, under any act providing for the registration of motor vehicles by the state, to be distributed between such county, or city and county, and such political subdivisions as may exist within each county, or city and county, as may be prescribed by law. Nothing in this section shall be construed to apply in any way to or affect the fixing, collection or distribution of any fee for registration now or hereafter fixed, collected and distributed under the provisions of the California vehicle act. The Legislature shall pass all laws necessary to carry out the provisions of this section and the acts of the forty-ninth session of the Legislature passed pursuant to this section shall be effective immediately upon their passage. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change the method or rate of any tax fixed under this section."

Amendment adopted.

Senate Constitutional Amendment No. 18 ordered to print, engrossment, and on file.

Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 783 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCor-

mack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—30.

NOES—Senators Jones, Ray; and Tubbs—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and ten minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 325—An act to create a game refuge for quail in certain parts of Marin County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 100—An act to amend the California Irrigation District Act, approved March 31, 1897, by amending sections 7, 26, 276 and 90 thereof, relating to directors of irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 420—An act confirming and validating the formation or organization and existence of irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 712—An act to provide for the change of name of irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 784—An act to amend the California Irrigation District Act, approved March 31, 1897, by adding thereto a new section to be numbered 35a, defining the term "assessment book," and by amending section 42 thereof, relating to the publication of the delinquent list.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 820—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by adding a new section thereto numbered section 10, relating to contracts of irrigation districts for construction of public works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 316—An act granting to the city and county of San Francisco lands known as "Channel" or "Channel street" southwesterly from the northeasterly line of Seventh street in said city and county; and authorizing said city and county of San Francisco to dispose of portions of said street, or otherwise deal with or improve said

portions of said street as said city and county may deem proper; and repealing all acts in conflict therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 752—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 285—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," approved March 24, 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 286—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said fund; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1004—An act to add a new section to the Political Code to be numbered 2524b, relating to the property over which the Board of State Harbor Commissioners have possession and control and relating to the powers of said board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 245—An act to amend section 5 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March



23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, and to add a new section to said act to be numbered section 16, defining the term mine and the term mineral as used in said act.

Bill read second time, and ordered on file for third reading.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 103—An act creating a commission to select a site for a State Hospital for the Insane;

Also: Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian;

Also: Senate Bill No. 229—An act adding a new section to the Political Code to be numbered 694, relating to the Department of Finance;

Also: Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom;

Also: Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein, and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and vesting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations;

Also: Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California, to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bills Nos. 103, 230, 229, 836, 535 and 158 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to the Department of Finance and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893;

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership: 11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bills Nos. 293 and 723 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 294—An act creating the Department of Agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund;

Also: Assembly Bill No. 19—An act to add a new section to the Political Code to be numbered 462, relating to claims for which a warrant has been issued and

paid and the amount thereof returned to the State treasury for payment by the State Treasurer, and prescribing a time after which said amount shall revert to and become a part of the general fund of the State:

Also: Assembly Bill No. 962—An act to add a new section to the Political Code to be numbered 686, relating to the creation of a Division of Personnel and Organization in the Department of Finance and the transference of the work, affairs and functions of the State Civil Service Commission to said department and providing for the performance and discharge of said duties by said department through the Civil Service Commission;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bills Nos. 294, 19 and 962 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 458—An act to amend section 737*dd* of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange;

Also: Assembly Bill No. 149—An act to amend section 737*n* of the Political Code, relating to the salary of the judge of the superior court of San Benito county; Has had the same under consideration, and respectfully reports the same back, and recommends that they be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bills Nos. 458 and 149 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 712—An act providing for the creation and establishment of the Contractors State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 712 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 301—An act permitting State officers and State employees to attend military training encampments without deduction of pay;

Also: Assembly Bill No. 570—An act to amend section 605 of the Political Code, relating to the fees payable to the Insurance Commissioner;

Also: Assembly Bill No. 201—An act to add new sections to the Political Code to be numbered 363*l*, 363*m*, and 363*n*, creating a Division of Motor Vehicles in the Department of Public Works, and providing for the administration thereof;

Also: Assembly Bill No. 599—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports;

Also: Assembly Bill No. 17—An act to amend section 751 of the Political Code, relating to the Supreme Court and providing for appointment, employment and compensation of the chief deputy clerk and deputy clerks of the Supreme Court of the State of California and for the salaries and expenses incurred by said court under the provisions hereof, and repealing section 756 of said code;

Also: Assembly Bill No. 903—An act to add a new section to the Reclamation Board Act, as amended, to be numbered 5*n*, relating to the Reclamation Board; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bills Nos. 301, 570, 201, 599, 17 and 903 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation:

Also: Senate Bill No. 496—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bills Nos. 250 and 496 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any, and providing for the deposit of funds to meet costs and awards in condemnation suits—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 817 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

MUELLER, Chairman.

Senate Bill No. 842 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 410 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 3—Relating to hours of employment of persons on interstate carriers:



Also: Senate Joint Resolution No. 9—Relative to Duke Lehlbach Retirement Bill:

Also: Senate Joint Resolution No. 10—Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California:

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

EDWARDS, Chairman.

Senate Joint Resolutions Nos. 3, 9 and 10 ordered on file.

#### ON OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 560—An act to amend sections 1, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53 to amend sections 2, 25 and 31, and to add three new sections to be numbered 80, 160 and 170 of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for reclamation of departmental buildings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; and abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

(Signed out)

CANEPA, Chairman  
CROWLEY,  
DUVAL,  
EVANS,  
PEDROTTI,  
SHARKEY,  
WAGY.

Senate Bill No. 560 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 98—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—1; absent—6.

INMAN, Vice Chairman.

Senate Bill No. 98 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail:

Also: Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs;

Also: Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution;

Also: Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers;

Also: Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments;

Also: Senate Bill No. 90—An act to amend section 396 of the Code of Civil Procedure, relating to changing place of trial;

Also: Senate Bill No. 91—An act to amend section 831b of Code of Civil Procedure, relating to changing place of trial in municipal courts;

Also: Senate Bill No. 94—An act to add a new section to Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county;

Also: Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664, of the Code of Civil Procedure, relating to the time within which various acts pertaining to the administration of estates may be done;

Also: Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Senate Bills Nos. 74, 79, 80, 87, 89, 90, 91, 94, 96 and 97 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7:

Also: Senate Bill No. 460—An act to amend section 251 of the Penal Code, relating to libel;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re referred to this committee.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Senate Bills Nos. 459 and 460 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 657—An act to amend section 7371/1, of the Political Code, relating to salaries of judges of the superior court in and for the city and county of San Francisco—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—7; noes—3; absent—5.

INMAN, Vice Chairman.

Assembly Bill No. 657 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 354—An act to amend section 226 of the Civil Code, relating to proceedings on adoption;

Also: Assembly Bill No. 595—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence upon the part of State and subordinate officers, agents and employees;

Also: Assembly Bill No. 598—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Assembly Bills Nos. 354, 595 and 598 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1025—An act to amend section 737v of the Political Code, relating to salaries of superior court judges in the county of Los Angeles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—7; noes—3; absent—5.

INMAN, Vice Chairman.

Assembly Bill No. 1025 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 596—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence, has had the same under consideration, and respectfully reports the same back with an amendment, and recommends that the amendment be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes 10; absent 5.

INMAN, Vice Chairman.

Assembly Bill No. 596 ordered on file for second reading.

RECESS.

At twelve o'clock and twenty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of two o'clock p.m.

RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with extinguishers or receptacles for burning tobacco and other glowing, flaming or inflammable substances;

Also: Assembly Bill No. 981—An act to provide for the protection of certain employees of cities, city and counties, incorporated or unincorporated cities, towns or districts, against personal liability incurred while acting within the course of their duty;

Also: Assembly Bill No. 1096—An act authorizing any municipal corporation to institute suits against the State of California or any county of said State to cancel tax assessments and sales erroneously made against municipal owned property exempt from taxation.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 65 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 981 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1096 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 132—An act to amend section 653c of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works;

Also: Assembly Bill No. 186—An act to amend sections 1 and 2 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, relating to the occupations to which the act applies, the weight of receptacles and the carrying of boxes, trays or other receptacles up or down stairs;

Also: Assembly Bill No. 564—An act to amend section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable



seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to occupations to which act applies;

Also: Assembly Bill No. 702—An act to add a new section to the Political Code, to be numbered 4041r, authorizing counties to expend money for flood protection and conservation of water resources;

Also: Assembly Bill No. 873—An act to amend an act entitled "An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the Department of Agriculture in relation thereto, and penalties for the violation hereof," approved June 3, 1921.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 132, 186 and 564 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 702 read first time, and referred to Committee on Conservation.

Assembly Bill No. 873 read first time, and referred to Committee on Agriculture and Live Stock.

#### LEAVE OF ABSENCE.

Senator Allen was, on motion of Senator Hurley, granted leave of absence for the remainder of this day.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 652—An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel Sanitary District.

Bill read third time.

##### URGENCY CLAUSE.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article IV of the constitution of the State of California and shall take effect immediately.

The facts constituting such an urgency are as follows:

The lands mentioned in section 1 hereof are needed by the Carmel Sanitary District for additions to and development of its disposal plant, to take care of sewage within the thickly populated territory of the district, and if such sewage is not taken care of promptly, the lives and health of the citizens residing therein will be menaced and endangered.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 652 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214—An act to amend section 1304 of the Code of Civil Procedure, relating to notice of application for probate of will.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 214 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 215—An act to amend section 1307 of the Code of Civil Procedure, relating to the contest of a will.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 215 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Crowley moved to refer Assembly Bill No. 690 to Senator Boggs, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, line 37, of the printed bill, as amended, strike out the word "act", and substitute therefor the word "section".

##### AMENDMENT NUMBER TWO.

On page 2, line 38, of the printed bill, as amended, after the word "engaged" insert the words "as a retail dealer".

##### AMENDMENT NUMBER THREE.

On page 2, line 39, of the printed bill, as amended, strike out the word "manufacturing" and the comma.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 690, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Crowley adopted.  
Bill ordered to print.

## ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to veterans and widows of veterans engaged in the civil service of the several counties, cities and other political subdivisions of the State of California.

WHEREAS, The nation's debt to those who have served their country in time of war is recognized by a grateful people; and

WHEREAS, As an expression of such gratitude and in token of such recognition for services valiantly rendered, it is the law of the State of California to accord to veterans and widows of veterans who become eligible for appointment in the civil service of the State by attaining the passing mark established for examination, an additional credit of five points added to the percentages attained by them in such examinations; and

WHEREAS, It appears that there is lack of uniformity of treatment in this respect upon the part of the counties, cities and other political subdivisions of this State, and that the ends of justice will be subserved if substantial uniformity is attained in this respect; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California hereby recommends to the governing authorities of the several counties, cities and other political subdivisions of this State that they respectively consider and adopt the policy of providing and requiring that whenever an examination for entrance to or promotion in the civil service of the county, city or other political subdivision of the State be held, veterans and widows of veterans who become eligible for appointment or promotion by attaining the passing mark established for the examination, be allowed an additional five points to be added to the percentage attained by such persons in the examination.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Mueller, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, West, and Young—27.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

Assembly Bill No. 20—An act to amend section 1936 of the Political Code, relating to the powers of the Adjutant General.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41—An act to repeal the section 9, amended by Statutes of 1907, chapter 472, and amended by Statutes of 1927, chap-



ter 212, of an act entitled "An act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 41 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 539—An act to amend section 1986 of the Code of Civil Procedure, relating to the issuance of subpoenas and subpoenas to take deposition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 539 passed by the following vote:

AYES—Senators Baker, Boggs, Canepa, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and West—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 925—An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county, or city is a party.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 925 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, and West—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 254—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 254 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, and Wagy—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1071—An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1071 passed by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Cleveland, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, and Wagy—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204—An act to amend section 307 of the Civil Code, relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, and West—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 27, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—15.

HANDY, Chairman.

Senate Bill No. 195 ordered on file for second reading.

##### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 726—An act to amend sections 12 and 18 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add a new section to said act to be numbered section 16a, providing an alternate method for procuring funds for the acquisition, construction, completion, or operation by municipal utility districts of any public utility or utilities referred to in said act—has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9.

(Signed out)

BAKER.  
McKINLEY.  
GRAY.  
ROCHESTER.  
CROWLEY.  
FELLOM.

Senate Bill No. 726 ordered on file for second reading.

#### WITHDRAWAL OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 663 from Committee on Public Utilities for purpose of amending.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 663—An act to amend section 2 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 5 of the printed bill, insert after the word "state", in line 15 of paragraph (2) of section 2, the following sentence: "It shall also include every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, engaging for compensation on any dock, wharf, or structure, so used, in the business of car loading or unloading or in the performance of any other service or services ordinarily or customarily performed by wharfingers, as wharfingers are hereinbefore defined, in connection with or to facilitate the receipt or discharge of freight."

Amendment adopted.

##### AMENDMENT NUMBER TWO

On page 5, line 42, of the printed bill, strike out the words "cement corporation".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 6, line 21, of the printed bill, strike out all of lines 21 to 23, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Utilities.

#### RE-REFERENCE OF BILL.

Senator West moved to have Assembly Bill No. 596 withdrawn from Committee on Motor Vehicles and re-referred to Committee on Judiciary.

Motion carried and such was the order.



## ADJOURNMENT.

At three o'clock and five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until ten o'clock and thirty minutes a.m., Friday, March 29, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER,

SACRAMENTO, Friday, March 29, 1929.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Minute Clerk Harold J. Powers at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Duval, Edwards, Evans, Fellon, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—30.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 28, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Lyon was, on motion of Senator West, granted leave of absence for this day.

Senators Christian, Allen and Rochester were, on motion of Senator Hurley, granted leaves of absence for this day.

Senator Weller was, on motion of Senator McKinley, granted leave of absence for this day.

Senators Crowley and Murphy were, on motion of Senator Gray, granted leaves of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mike Maloney, second baseman of the Hollywood Baseball Club and brother of Senator Thomas Maloney.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank S. Boggs, Jr.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter J. Kramer, principal of the Franklin Union Grammar School, and pupils as follows: Johanna Forsch, Edwin Schub, Merton Brinkerhoff, Vivian Schoech, Naomi Christesen, Freida Aldinger, Irwin Smith, Rhynold

Mansch, Andrew Johnson, Esther Kammerer, Paulina Rau, Eva Rau, Freida Backer, Lester Core, Agnes Mansch, Fred Johanson, Sarah Miller, Edwin Lippert, Frances Smith, Ida Frey, Lillian Frey, Violet Schmidt, Anna Kneppel, Barbara Kammerer, Carlisle Kramer, John Engel, Esther Schmidt, William Shapard, Ernest Smith, Henry Aldinger, Jacob Schulz, Alvin Kammerer, Henry Frey, Adolph Derheim, Raymond Schmidt, Howard Martin, Fred Kammerer, Stella Christesen, Freida Rau, Ida Forsch, Kikuno Hamatani, Alice Kneppel, Anna Miller, Irma Frey, Rena C. Kramer and Celia Carlisle.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Padan, principal of the Vaca Valley Union School, Miss Yolo and Mr. Mitchell, teachers, and eighth grade pupils as follows: Yoshiharu Tsujimoto, John Milgar, Irving Crane, Velma Tinney, Carmela Romero, Mariana Silva, Billie Dickie, Carmen Ojida, Ida Gonzales, Helen Pittay, Angelina Luchessi, Jean Howard, Richard Burton, Felix Rodriguez, Frank Yoshimura, Edman Robertson, Elmo Alley, Donald Duren, John Costello, Leland Hunter, William Alonzo and Willard Lloyd.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read

#### ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Also: Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 424 and 622 ordered to enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats. 1915, page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 170 read first time, and referred to Committee on Municipal Corporations.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of

architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 177 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925;

Also: Senate Bill No. 508—An act to amend section 8 of "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903;

Also: Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training control and government of the National Guard of California;

Also: Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended;

Also: Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 152, 508, 529, 541 and 798 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration;

Also: Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved June 23, 1925," approved June 2, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 100, 165 and 421 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 50—An act to amend section 2902 of the Civil Code, relating to attachments of mortgaged personal property:

Also: Assembly Bill No. 58—An act to amend section 2968 of the Civil Code, relating to levying upon mortgaged personal property in possession of the mortgagor.

Also: Assembly Bill No. 1095—An act to create defects in maps or plats filed for record prior to March 1, 1929, and in deeds or conveyances referring to such maps.

Also: Assembly Bill No. 1103—An act to amend section 204 of the Code of Civil Procedure, relating to the selection of trial jurors and grand jurors.

ARTHUR A. OHNIMUS, Chief Clerk.

By R. W. Gross, Assistant Clerk.

Assembly Bills Nos. 50, 58, 1095 and 1103 read first time, and referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of American enclosures, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the reclamation of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said enclosures to be used by the United States in connection with the deepening, widening and reclamation of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President of January 21, 1927:

Also: Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter Butte By-Pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments:

Also: Senate Bill No. 611—An act to add a new section to be numbered 1279g to the Code of Civil Procedure, relating to the changing of names of corporations:

Also: Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals:

Also: Senate Bill No. 163—An act to amend section 963 of the Code of Civil Procedure, relative to interlocutory decrees of divorce:

Also: Senate Bill No. 162—An act to amend sections 61 and 131 of the Civil Code and to repeal section 132 of the Civil Code, relating to interlocutory decrees for divorce:

Also: Senate Bill No. 48—An act to provide for the creation of a Commission for the Study of the Problem of Public Education in California and making an appropriation therefor:

Also: Senate Bill No. 34—An act to add a new section to the Political Code to be numbered 363j, relating to the Department of Public Works:

Also: Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by amending section 34, providing for the disposition of proceeds of bond sales, section 36, abolishing the bond interest fund, and section 42, relating to installments to pay the interest and principal on bonds thereof:

Also: Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts:

Also: Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23,

1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts:

Also: Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to judicial townships, the population and the officers thereof;

Also: Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations;

Also: Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927;

Also: Senate Bill No. 64—An act to amend the Code of Civil Procedure, by amending section 112 thereof, and to repeal sections 113 and 114 of the same code, relating to jurisdiction of justices' courts;

Also: Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Senate Bill No. 56—An act to add a new section to be numbered 9331 to title XII of part II of the Code of Civil Procedure, relating to police courts;

Also: Senate Bill No. 63—An act to add a new section, to be numbered 927g, to chapter 12 of title XI of part II of the Code of Civil Procedure, relating to costs in small claims courts and executions upon judgments thereof;

Also: Senate Bill No. 71—An act to add a new section to be numbered 4185a to the Political Code, relating to qualifications and eligibility for the office of justice of the peace;

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON UNIVERSITIES AND TEACHERS' COLLEGES.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Assembly Bill No. 283—An act granting to The Regents of the University of California for the use of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography the sole and exclusive right of possession, occupation, and use of certain lands bordering on the Pacific Ocean in the county of San Diego, State of California, and State waters adjacent thereto, forbidding entry upon said lands and State waters of any persons other than officers, employees, students of the University of California, and licensees of The Regents of the University of California, making every violation of certain provisions of this act a misdemeanor, and providing for the punishment thereof;

Also: Assembly Bill No. 614—An act relating to the establishment and maintenance of dormitories at State Teachers' Colleges;

Also: Assembly Bill No. 615—An act providing for the establishment and maintenance of cafeterias in State Teachers' Colleges;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

WEST, Chairman.

Assembly Bills Nos. 283, 614 and 615 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 28, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 196—An act to amend section 1151 of the Political Code, relating to boards for municipal elections—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

MERRIAM, Chairman.

Assembly Bill No. 196 ordered on file for second reading.

ON UNIVERSITIES AND TEACHERS COLLEGES.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Assembly Bill No. 660—An act to provide for the assent by the State of California to the provisions of an act passed by the Congress of the United States, known as the Capper Ketchum Act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and approved May 22, 1928;

Also: Assembly Bill No. 843—An act providing for the disposition of profits resulting from the operation of cafeterias and dormitories at State Teachers Colleges. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

WEST, Chairman.

Assembly Bills Nos. 660 and 843 ordered on file for second reading.

ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Concurrent Resolution No. 22—Relating to radio interference by electrical transmission lines and other electrical equipment—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—11; committee vote: Ayes—8; absent—3.

WAGY, Chairman.

Senate Concurrent Resolution No. 22 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables;

Also: Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property;

Also: Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone or electric power corporation;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

WAGY, Chairman.

Senate Bills Nos. 39, 40 and 41 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 637—An act relating to revocation of life diplomas or other teacher's credential or document issued by the State Board of Education;

Also: Assembly Bill No. 547—An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students;

Also: Assembly Bill No. 548—An act relating to holding of school elections in union or joint union school districts;

Also: Assembly Bill No. 549—An act relating to the election of clerks of school districts;



Also: Assembly Bill No. 867—An act relating to the opening and closing of polls at school elections;

Also: Assembly Bill No. 824—An act providing for the employment of home teachers by governing boards of school districts;

Also: Senate Bill No. 825—An act to provide for the government of high schools; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Assembly Bills Nos. 637, 547, 548, 549, 867 and 824 ordered on file for second reading.

Senate Bill No. 825 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Senate Bill No. 654 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be re-referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Senate Bill No. 673 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the purchasing of such textbooks for the use of the pupils of such schools—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

SLATER, Chairman.

Assembly Bill No. 1009 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

MERRIAM, Chairman.

Senate Bill No. 43 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Boggs:

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill during the coming year.

An act to amend the title and sections 9 and 14 of an act known as the "Bovine Tuberculosis Law" of California, approved April 9, 1917, and to add a new section thereto to be numbered 17, relating to the care and feeding of the offspring of certain bovine animals, the tuberculin testing thereof, and the segregation of such offspring, and providing an appropriation to carry into effect the provisions of this act.

Request referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to levy of taxes.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the title and insert in lieu thereof the following:

"An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county and district budgets and to the levy of taxes and prescribing limitations on county expenditures."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 3 to 28, inclusive, and all of pages 2, 3, 4, 5, 6, 7 and 8, and insert in lieu thereof the following:

"3714. On or before the tenth day of July in each year, at such time as the county board of supervisors may direct, each county official, elective or appointive, or person in charge of any office, department, service, institution or district of the county, excepting irrigation and reclamation and any other district where a tax levy for such district is not carried on the regular county, city and county assessment roll. Including township officers and the judges of any court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the county board of supervisors or for which the county board of supervisors in ex officio the governing body, shall file with the county auditor of such county, an itemized estimate showing both the probable revenues from sources other than taxation that will accrue to his department, office, service, institution, or district, during the fiscal year, to which the budget is intended to apply, and all expenditures required by such department, office, service, institution or district, for the same period, together with a brief explanatory statement of the requested increases in expenditures over the current fiscal year, of if such estimate is not presented before the first day of July, such statement should show the increases and expenditures over the last completed fiscal year. The county board of supervisors shall submit to the county auditor a statement showing all new road and bridge construction and grade separation, classified by funds from which the same are to be financed, for the fiscal year to which the budget is intended to apply, together with the estimated cost thereof. The county board of supervisors shall also submit a similar statement showing their road and bridge maintenance or betterment program, as nearly as can be estimated, as well as an estimate of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or other income not yet authorized; *provided*, that not to exceed twenty per cent of the moneys belonging to any road district may be car-

ried in an "unappropriated reserve," and shall be available for the use of said district to cover expenditures that may have been insufficiently provided for or for unforeseen requirements as they may arise.

The estimates required in this section shall be submitted on forms prescribed by the state department of finance, and may only be varied or departed from with the approval of said department; *provided, however*, that any county may without disturbing the uniformity of the forms and data prescribed, add to the information required or show the same in more detail. The county auditor is hereby directed to provide such forms, and it is made his duty to prepare the estimates for interest and debt redemption requirements and any other estimates, the preparation of which properly falls within the duties of his office; *provided*, that in the absence, failure, or disability of any official, or person, required to furnish estimates hereunder, such estimates shall be furnished by the official or employee in charge of such office, department, service, institution, or district, during such absence or disability, or such estimates may be prepared and furnished by the county board of supervisors.

2. From such estimates, the county auditor shall prepare a tabulation showing the complete expenditure program of the county, school districts and special districts for the fiscal year to which the budget is intended to apply, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the estimated revenue from sources other than taxation for each office, department, service, institution, or district, for the fiscal year to which the budget is intended to apply, compared with the corresponding figures of the last completed fiscal year, the estimated unencumbered surplus, after allowing for outstanding orders, contracts or other commitments, at the close of the current fiscal year, if such estimate is presented before July first, or the actual unencumbered surplus at the close of the last completed fiscal year, if such estimate is presented after July first, and the amount proposed to be raised by taxation; the estimated expenditures for each office, department, service, institution, or district, for the fiscal year to which the budget is intended to apply, the actual expenditures for the last completed fiscal year, together with the actual expenditures that have accrued for the current fiscal year and an estimate of the expenditures that will accrue for the remainder of such current fiscal year, if such estimate is presented before July first, and the sums necessary to be provided as "general reserves," or a general reserve as hereinafter provided.

Such estimates of expenditures shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be subclassified by functions and activities at the discretion of the county board of supervisors, but the expenditures for each organization unit shall be classified under the general classes of (1) salaries and wages; (2) maintenance and operation; (3) capital outlay; (4) interest and debt redemption; and, (5) expenditures proposed to be made from bonds or other income not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or designation of the recipient; *provided and excepted*, that in counties empowered by charter to increase or decrease the number of deputies and assistants in any office an unitemized estimate may be made to cover the salaries and wages of such deputies and assistants. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made. Expenditures coming under the general classification of "maintenance and operation" shall show the major subdivisions and objects for which such expenditure is to be made. Expenditures coming under the general classification of "capital outlay" shall show the major subdivisions and objects for which such expenditure is to be made, except that expenditures for structural or nonstructural improvements shall be listed separately as to each project. Under the general class of "interest and debt redemption" shall be set forth separately each series or issue of bonds, together with its individual requirements for interest and redemption. The total amount of emergency appropriations made during the last completed fiscal year shall be set forth separately together with a statement showing the amount issued for each emergency, a list of appropriations canceled showing the amount of each and a list showing each appropriation made from the unappropriated reserves and the amount thereof.

3. The said tabulation shall be submitted by the county auditor to the clerk of the county board of supervisors on or before the thirtieth day of July of each year, at such time as the county board of supervisors may direct. Said county board of supervisors shall, upon receipt thereof, consider the same in detail, and shall on or before the tenth day of August of each year at such time as the county board of supervisors may direct, make any revisions, reductions or additions therein, that it may deem advisable, setting forth thereon such changes as have been made to make said budget conform to the judgment and conclusion of the county board of supervisors as to a proper financial program for the county for the fiscal year to which the budget is intended to apply; *provided, however*, that the estimate submitted by any official, or person, as designated herein shall not be increased or reduced until such official or person shall have first had a hearing thereon before said county board of supervisors; *it is further provided*, that in counties empowered by charter to increase or decrease the compensation and number of deputies and assistants in any office,



the county board of supervisors shall, on or before the thirtieth day of May of each year adopt a salary ordinance. The county board of supervisors may, if it deem advisable, set aside a portion of each fund to be known as "unappropriated reserves" which shall not exceed ten per cent of the total amount levied for said fund, in lieu thereof a general unappropriated reserve which shall not exceed ten per cent of the total budget exclusive of all items for bond interest and redemption. The money in such unappropriated reserves shall be available for appropriation by a four-fifth vote of the members of the county board of supervisors present at any meeting of which all members shall have had reasonable notice, to cover expenditures that have not been provided for or that may have been insufficiently provided for or for unforeseen requirements as they may arise. Said budget shall contain an amount or amounts to be known as a general reserve or "general reserves," if entries in separate fund in such sum or sums as the county board of supervisors shall deem sufficient, for the fiscal year for which the budget is intended to apply, to meet the cash requirements of any fund to which the county's credit may be legally extended for that portion of such fiscal year prior to the receipt of taxes thereon. Sums withdrawn from such "reserves" shall be returned thereto out of the respective appropriations in favor of which they were so withdrawn, and the amount thereof if found excessive, may, at the end of the fiscal year, be reduced by the county board of supervisors by applying such excess to the reduction of the tax levy. It shall be the duty of the county auditor or a deputy designated by him to attend the board's hearings on the matter contained in his tabulation and the preliminary budget, and to furnish said county board of supervisors with any additional data or information it may require. Said tabulation with such revisions, additions, or changes as have been made therein as herein provided, shall constitute the preliminary county budget for the fiscal year to which the budget is intended to apply. Said budget in which shall be set forth the auditor's tabulation and each individual estimate required as per subdivisions one and two hereof shall, on or before the tenth day of August of each year at such time as the county board of supervisors may direct, be printed or mimeographed in full in pamphlet form in quantities sufficient to supply one copy to each taxpayer requesting same, and said county board of supervisors shall on or before such date cause to be published once in a newspaper of general circulation throughout the county, notice that said budget has been prepared and is available for distribution to the taxpayers desiring a copy thereof. Such notice shall also set forth that on a date named therein, which date shall be not less than ten days subsequent to date that said budget is available to taxpayers desiring a copy thereof, the county board of supervisors will meet for the purpose of fixing the final budget designating the time and place of such meeting, and setting forth that any taxpayer may appear thereat and be heard for or against any part of said budget.

On or before the twentieth day of August of each year at such time as the county board of supervisors may direct, said board, shall meet at the time and place designated in the notice, provided in subdivision three hereof, at which time and place any taxpayer may appear and be heard for or against any part of such budget. Such hearing shall be continued from day to day until concluded, but not to exceed a total of ten days; *provided, however*, that such hearing may be concluded before the expiration of ten days if there are no requests or applications on file for hearings. The county board of supervisors shall have power to call in the official or person in charge of any office, department, service, institution, or district, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official or person shall be called by said county board of supervisors upon the request of any taxpayer for questioning upon such estimates.

Upon the conclusion of such hearing but not later than the thirtieth day of August of each year at such time as the county board of supervisors may direct, said board shall by resolution, adopt the budget as so finally determined, which resolution may specify appropriations by general classes for "salaries and wages"; "maintenance and operation," and "interest and debt redemption," and shall specify by items all appropriations for "capital outlays" and shall file in their offices a copy of the completed budget. The several amounts specified in the resolution as finally enacted, shall be and become appropriated for the several offices, departments, services, institutions or districts, for the fiscal year to which the budget is intended to apply; *provided, however*, that if the budget as adopted, for any fund, special or school district, requires a tax levy greater than the legal limit as determined by the equalized valuations as shown on the assessment roll, such budget shall be decreased so as to come within the legal requirements, and this revised amount shall be the amount deemed to be appropriated for such purposes for such fiscal year.

The county board of supervisors shall, not later than the first day of September, fix the rates of county and district taxes designating the number of cents levied for each fund upon each one hundred dollars of assessed value of the county for the current fiscal year to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including available surplus, and such expenditures as are to be made from bond sources, and must levy the state, county and district taxes. All taxes shall be levied, upon the taxable property in the county, as provided by law, in specific sums, and the tax for county and local purposes shall not exceed the amount specified in

the budget, after allowing for delinquency as provided by law; *provided*, that it shall not be lawful for any board of supervisors of any county in the state to levy, nor shall any tax greater than seventy-five cents on each hundred dollars (\$100) of property be levied and collected in any one year, to pay the bonded indebtedness or judgments arising therefrom, of this state, or of any county or municipality in this state.

The clerk of the county board of supervisors shall immediately forward a copy of the completed budget and tax levies to both the state department of finance and the state controller.

The estimates of expenditures, classified as required in subdivision two hereof, and as finally fixed and adopted by said county board of supervisors, shall constitute the appropriations for the county for the fiscal year to which the budget is intended to apply and the county board of supervisors and every other county official, or person, including township officers and judges of any court of record, shall be limited in the making of expenditures or the incurring of liabilities to the amount of such appropriations and classifications respectively; *provided*, that upon a resolution, formally adopted by the county board of supervisors at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general classes of "salaries and wages," "maintenance and operation," and "capital outlay" may be made. Transfers between the general classes provided in subdivision two hereof, shall not be permitted, *provided* that in the case of road and bridge maintenance appropriations, any lawful transfer, deemed necessary, may be made; *and it is further provided*, that the county board of supervisors may by a four-fifths vote of the members present at any meeting of which all members have had reasonable notice cancel any appropriation in whole or in part that is not needed, and return such amount to the "unappropriated reserve" of the fund from which such appropriation was originally made.

Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or obligations therefor incurred, except such preliminary expenditure as may be now provided by law, until such bonds have been duly authorized and sold. Expenditures made, liabilities incurred, or warrants issued in excess of any of the budget appropriations as originally determined, or as thereafter increased from the "unappropriated reserves" or as thereafter revised by transfer, as herein provided, shall not be a liability of the county, but the official making or incurring such expenditure shall be liable therefor personally and upon his official bond. The county board of supervisors shall approve no claim, and the county auditor shall issue no warrant for any expenditure in excess of said budget appropriations, as finally adopted or as thereafter increased from the "unappropriated reserves" or by a transfer as herein provided by said county board of supervisors, or as revised under the provisions herein except upon an order of a court of competent jurisdiction, or for an emergency, as hereinafter provided. Nothing herein contained shall be construed as affecting any authority now granted the county board of supervisors to enter into any contract for governmental services for a period exceeding one year; *provided*, that such contract shall only be considered an encumbrance of the fund from which it is to be liquidated in the amount of indebtedness accruing to June thirtieth of each fiscal year covered by such contract.

6. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community, overtaken by calamity, or the settlement of approved claims for personal injuries, or for property damages, exclusive of claims arising from the operation of any public utilities owned by the county, or to meet mandatory expenditures required by law, the county board of supervisors may upon the adoption, by a four-fifths vote of the members present at any meeting, of the time and place of which all of the members of such board shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon the minutes, make the expenditure necessary to meet such emergency.

All emergency expenditures shall be paid from any moneys on hand in the county treasury, in any fund properly chargeable with such expenditure, and the county treasurer is hereby authorized and directed to pay such warrants out of any moneys in the treasury in such fund. If, at any time, there shall be insufficient moneys on hand in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest, and be called in the manner provided by law for other county warrants.

The unencumbered balance remaining in any fund at the end of the fiscal year shall be carried over to the credit of such fund for the next fiscal year, and shall be deducted from the amount finally determined as necessary to be expended by that fund, for such fiscal year; *provided, however*, that nothing in this act shall be construed as affecting the right of a county to levy, budget, and expend for highway purposes. The maximum tax provided in sections 2653 and 4011 of the Political Code in addition to such unencumbered balance; *provided*, that all balances remaining to the credit of any fund which is not to be continued in the succeeding fiscal

year, shall revert to the general fund, except as to such funds as belong to special districts and are not a part of general county finances.

All contractual services rendered or deliveries made prior to the first day of July of each fiscal year, shall be taken into account as expenditures of the year in progress.

If at the beginning of any fiscal year the appropriations necessary for the support of the various county offices, departments, services, institutions or districts for such fiscal year shall not have been made, the several amounts appropriated in the budget of the preceding year for the objects and purposes therein specified, so far as the same shall relate to the operation and maintenance expenses, shall be deemed to be reappropriated for the several objects and purposes specified in said previous year budget until the county board of supervisors shall complete the budget for the current fiscal year, the county auditor shall approve the payments necessary for the support of the various county offices, departments, services, institutions, or districts on the basis of the appropriations of the preceding fiscal year.

7. On or before the tenth day of each month, or such other date in any month as the county board of supervisors may direct, the county auditor shall submit to the county board of supervisors a statement showing such information with respect to the condition of each separate budget appropriation as the county board of supervisors may require.

8. It is hereby made the duty of the state department of finance to prescribe forms, to initiate or approve changes therein whenever in its judgment same are advisable, and to promulgate such rules, regulations and classifications as may be necessary to carry out the provisions of this act.

9. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases, be declared unconstitutional.

10. All acts and parts of acts in conflict with this act are hereby repealed.

11. Inasmuch as this act provides the method by which the appropriations for the usual current expenses of the various counties and districts of the state are to be prepared and submitted and inasmuch as this information and data must be compiled before the beginning of the next fiscal year, it is hereby declared an urgency measure and shall under the provisions of section 1 of article four of the constitution of the State of California take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of article XIII of the constitution.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923.



## AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments from the floor were offered, and their adoption moved by Senator Breed.

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word and numerals "section 11", and insert in lieu thereof the following: "sections 11, 14 and 29".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In lines 13 and 14 of the title of the printed bill, strike out all of said lines 13 and 14, and insert in lieu thereof the following: "providing penalties for violations thereof," approved May 17, 1923, relating to sanitary districts and the taxes and bonds thereof and the construction or extension of sewers and sewer systems thereof."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, strike out the words "said act", and insert in lieu thereof the following: "the act cited in the title hereof".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 35, after said line 35, add the following:

"Sec. 2. Section 14 of said act is hereby amended to read as follows:

Sec. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for the construction, reconstruction, alteration, laying, renewing, replacing, extension or enlargement of sewers, drains or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage; *provided, however*, that the sanitary board may, when the cost of the proposed work and expenses connected with the same do not exceed two per cent of the assessed value of the property within said district according to the last equalized roll thereof, raise the money for the above mentioned purposes by the levy of a special tax without the necessity of such an election.

Whenever the cost of the proposed work and expenses connected with the same do not exceed two per cent of the assessed value of the property within said district according to the last equalized roll thereof, and when an order of the sanitary board shall have been adopted ordering such work or improvement and ordering that the cost thereof be borne by the district, the sanitary board shall have power to pay such cost, and all expenses in connection with the same, from the proceeds of a special tax to be levied by the sanitary board at the regular time of fixing the rate of taxation for such district, which said taxation shall be in addition to the taxes provided for in section 11 of this act, and such sanitary boards are hereby authorized and empowered to levy and cause to be collected such special tax; *provided, however*, that such boards shall not be authorized or empowered to levy or cause to be collected a special tax in this section provided for, without first giving notice of intention so to do and according to the owners of land situate within the district an opportunity to protest the same. Such notice shall briefly describe the object for which it is proposed to levy and collect said special tax and shall specify the time and place for hearing of such protests, which said time shall not be less than twenty days from and after the date said notice is posted. The notice shall be posted in not less than ten public places within the district. At any time before the day in said notice specified for the hearing, any owner of real property within the district may file written objections to the levying of said special tax. If, upon said hearing, it appears that the owners of real property representing seventy-five per cent or more in assessed value of the real property situate within the district, as shown by the last equalized assessment book of the county in which said district is situate, have filed written objections protesting the levy of such tax the board shall have no power or authority to levy the special tax provided for in this section.

When the cost of the proposed work exceeds two per cent of the assessed value of the property within said district according to the last equalized roll thereof, or when the board shall deem it advisable not to levy the special tax herein authorized, the order calling such election shall be valid and effectual when signed by two-thirds of the members of said sanitary board, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected, or said order may submit at said election as separate questions the issuance of bonds for any of said outlays singly or in such combinations as the order may direct.

SEC. 2. Section 29 of said act is hereby amended to read as follows:

Sec. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying territory demands the construction or extension of a larger main sewer or a different system, the board may call an election for the purposes of determining whether bonds shall be issued or whether a special tax shall be levied, as provided in section 14 of this act, for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 103—An act creating a commission to select a site for a State hospital for the insane.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 229—An act adding a new section to the Political Code, to be numbered 694, relating to the Department of Finance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and vesting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, commencing with the word "and", strike out all the rest of line 5 and all of line 6 and all of line 7 to the word "through", and insert in lieu thereof the word "acting".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the word "works", insert the words "heretofore or hereafter constructed"; in line 12, after the word "which", insert the words "is or"; in line 13, strike out the word "whose", and insert in lieu thereof the words "which has or will have an"; in line 14, strike out the words "will be", and insert in lieu thereof the word "of"; in line 18, strike out the word "includes", and insert in lieu thereof the word "means"; in line 19, strike out the word "whatsoever", and insert in lieu thereof the following: "and its political subdivisions."; in line 20 strike out the first comma and the words "political subdivision", and insert in lieu thereof a comma and the word "every".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 24, of the printed bill, after the word "managing", insert the words "or proposing to construct", and change the period after the word "act" to a comma and insert the following: "but does not mean the United States. The words 'alterations' and 'repairs' or either of them, whenever used in this act, shall mean only such alterations of repairs as may affect the safety of the dam."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 2, of the printed bill, after the word "supervise", insert the words "the construction, enlargement, alteration, repair, maintenance, operation, and removal of".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 28, of the printed bill, after the word "orders", insert the following: "not inconsistent herewith as may be necessary"; and in line 29 after the word "act", insert a period and strike out the words "as may be necessary".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 47, of the printed bill, strike out the words "licenses for the operation and maintenance", and insert in lieu thereof the words "certificates of approval". In line 48, strike out the word "to", and strike out the first two words in line 49.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 50, of the printed bill, after the word "completion", strike out the remainder of line 50, all of line 51, and "involved," in line 52, and insert the following: ", to the satisfaction of the department, of all work that may be ordered and upon a finding that the dam is safe to the full extent for which use is or will be made, a certificate of approval shall be issued forthwith."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 18, of the printed bill, strike out the word "prosecuted", and insert in lieu thereof the word "prospected"; and in line 23 strike out the word "prosecuting", and insert in lieu thereof the word "prospecting".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 10, of the printed bill, after the word "proceed", insert a comma; and in line 12, after the word "act", insert a comma.

Amendment adopted.



## AMENDMENT NUMBER TEN.

On page 5, line 8, of the printed bill, commencing with the word "an", strike out said word and the remainder of line 8 and all of lines 9 and 10 and all of line 11 to the period, and insert in lieu thereof the words "any application other than an application provided for in section 4 hereof, the department shall give its consideration thereto and shall approve or disapprove the same within the time hereinafter provided".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5, line 20, of the printed bill, strike out the words "nor shall", and all of lines 21 to 25, both inclusive, and all of line 26 to the period after the word "data", and insert in lieu thereof the following: "and all applications shall be approved or disapproved as soon as practicable after the receipt of all data and information found necessary by the department."; and in line 26, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 37, of the printed bill, strike out the words "under an approval of"; in line 38, strike out the comma and the word "it"; in line 40, strike out the word "provisions", and in line 41, strike out the words "of such approval and", in line 43, after the word "progresses", insert the words "or at any time prior to issuance of a certificate of approval."; in line 46, before the word "to", insert the words "to order the owner"; in line 46, strike out the word "approval", and insert in lieu thereof the words "plans and specifications", in lines 48 and 49, strike out the words "in accordance with the approved plans and specifications.", and in line 52, after the word "authority", insert the words "to authorize an owner"; and in line 52, strike out the word "approval", and insert in lieu thereof the words "plans and specifications".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 35, of the printed bill, strike out the word "license", and insert in lieu thereof the words "certificate of approval"; in line 36, strike out the word "is", and insert in lieu thereof the word "are"; and in line 39, strike out all of line 39 following the word "done", and all of lines 40 and 41 and to the period in line 42, and insert in lieu thereof the following: "in accordance with the approved plans and specifications or in accordance with the approved plans and specifications as same may have been revised and that the dam is safe for use to the full extent contemplated in the approved plans and specifications or in the approved plans and specifications as same may have been revised, a certificate of approval shall be issued forthwith."; and in line 42, strike out the word "license", and insert in lieu thereof the words "certificate of approval".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 1, of the printed bill, strike out the word "license", and insert in lieu thereof the words "certificate of approval"; in line 4, strike out the word "is", and insert in lieu thereof the word "are"; in line 6 of the printed bill, strike out all of line 6 following the word "done", and all of lines 7 and 8 to and including the word "and" before the word "shall" in line 9, and insert in lieu thereof the following: "in accordance with the approved plans and specifications or in accordance with the approved plans and specifications as same may have been revised and that the dam is safe for use to the full extent contemplated in the approved plans and specifications or in the approved plans and specifications as same may have been revised, a certificate of approval shall be issued forthwith. Such certification of approval".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 10, of the printed bill, strike out the word "license", and insert in lieu thereof the words "certificate of approval"; in line 13, after the word "new", strike out the word "license", and insert in lieu thereof the words "certificate of approval"; and in line 13, after the word "supplemental", strike out the word "license", and insert in lieu thereof the words "certificate of approval".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 17, of the printed bill, after the word "evidence", insert the following: "as to the manner in which the work was performed and as to the conditions obtaining after such removal".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 25, of the printed bill, commencing with the words "The findings", strike out all down to and including the period after the word "otherwise" in line 30, same page, and substitute in lieu thereof the following: "The findings and orders of the department and the certificate of approval of any dam issued by the department shall be final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance and operation of any dam; *provided, however*, that nothing in this act shall be construed to deprive any owner of such recourse to the courts as he may be entitled to under the laws of this state. In carrying out the provisions of this act the department is authorized to cooperate with the United States or any of its agencies."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 37, of the printed bill, strike out the words "If any", and all of lines 38, 39 and 40 and to and including the period in line 41.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, place a semicolon after the word "raising", and strike out the remainder of line 18 and all of line 19.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, section 8, subsection (a), line 32, of the printed bill, following the word "truthful", strike out the words "of business integrity", also strike out the word "business" in line 33.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, section 8, subsection (b), line 34, of the printed bill, following the designation "(b)", strike out all of line 34, and substitute in lieu thereof the following words: "That the applicant have a fair knowledge of the prin-".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 5, line 35, of the printed bill, following the word "the", strike out the words "preparation and", also on line 36 the word "blueprints", and the comma following same.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 25, of the printed bill, following the words "United States", insert the following words: "shall not be actively engaged as a contractor within the meaning of this act, but".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity for such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, amended as of March 22, 1929, insert a period after the word "court", strike out the words "that such certificate", and also strike out all of lines 9 to 11, inclusive.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 44, of the printed bill, amended as of March 22, 1929, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, strike out lines 22 to 25, inclusive, and also strike out all of page 2, and insert in lieu thereof the following:

"SEC. 2. On or before the thirty-first day of July, 1930, and on or before the thirty-first day of July of each succeeding calendar year the state controller on order of the board of medical examiners shall transfer from the board of medical examiners' contingent fund to the state medical library fund, which fund is hereby created,



all unencumbered moneys in said board of medical examiners' contingent fund in excess of one hundred thousand dollars. The state medical library fund shall be expended by the department of education on order of the board of medical examiners of the State of California, for the purposes set forth in this act and for the maintenance and upkeep of said state medical library."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 1, line 16, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 1, lines 21 and 22, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 7, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 2, line 8, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 11, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 13, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 14, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 19, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 22, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 28, of the printed bill, strike out the words "narcotic law", and insert in lieu thereof the words "the division of narcotic".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 560—An act to amend sections 1, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add three new sections to be numbered 8a, 16a and 17a of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; and abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the word "amend", insert the following: "the title and".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 1 of the title of the printed bill, after the comma following the figure "1", insert the following: "3,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 4 of the title of the printed bill, strike out the word "three", and insert in lieu thereof the word "seven".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 4 of the title of the printed bill, after "Sec", insert the following: "8b, 8c, 8d, 14a,".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

In line 24 of the title of the printed bill, strike out the word "and".

Amendment adopted.

## AMENDMENT NUMBER SIX.

In line 26 of the title of the printed bill, strike out the period following the word "gas", and insert in lieu thereof a semicolon, and add the following: "and providing for the protection of the natural resources of petroleum and gas from waste and destruction."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1, strike out all of line 1 after the period following the figure "1", and all of line 2, and insert in lieu thereof the following:

"The title of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production: providing for the appointment of a state oil and gas supervisor: prescribing his duties and powers: fixing his compensation: providing for the appointment of deputies and employees: providing for their duties and compensation: providing for the inspection of petroleum and gas wells: requiring all persons operating petroleum and gas wells to make certain reports: providing procedure for arbitration of departmental rulings: creating a fund for the purposes of the act: providing for assessment of charges to be paid by operators and providing for the collection thereof: and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, is hereby amended to read as follows:

An act to protect the natural resources of petroleum and gas from waste and destruction, establishing and creating a department of the state mining bureau for the prevention thereof: providing for the appointment of a state oil and gas supervisor: prescribing his duties and powers: fixing his compensation: providing for the appointment of deputies and employees: providing for their duties and compensation: providing for the inspection of petroleum and gas wells: requiring all persons operating petroleum and gas wells to make certain reports: providing procedure for arbitration of departmental rulings, creating a fund for the purposes of the act: providing for assessment of charges to be paid by operators and providing for the collection thereof: and making an appropriation for the purposes of this act.

SEC. 2. Section 1 of said act is hereby amended to read as follows:".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 3, of the printed bill, strike out the figure "2" following the word "Sec.", and insert in lieu thereof the figure "3".

Amendment adopted.



## AMENDMENT NUMBER NINE.

On page 2, strike out all of line 3 of the printed bill, following the word "of", and all of lines 4 to 18, both inclusive, and insert in lieu thereof the following: "said acts are hereby repealed."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 19, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "4".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 19, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "3".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 20, of the printed bill, after the colon following the word "follows", begin a new line and insert the following:

"SEC. 3. It shall be the duty of the state oil and gas supervisor so to supervise the drilling, operation and maintenance and abandonment of petroleum or gas wells in the State of California, as to prevent, as far as possible, damage to underground petroleum and gas deposits from infiltrating water and other causes and loss of petroleum and natural gas. It shall be the duty of any person, firm or corporation engaged in operating any petroleum or gas well in this state wherein high pressure gas is known to exist, and any person, firm or corporation drilling for petroleum or gas in any district in this state where the pressure of petroleum or gas is unknown, to equip any such well with casings of sufficient strength and such other safety devices as may be necessary, in accordance with methods approved by the state oil and gas supervisor, and to use every effort and endeavor to effectually prevent blowouts, explosions and fires.

SEC. 5. Section 4 of said act is hereby amended to read as follows:"

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 30, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "6".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 51, of the printed bill, after the comma following the word "deputy", insert the following: "when certified by the supervisor or his deputy to be true copies of the original thereof".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 3, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "7".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 3, line 36, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "8".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 3, line 47, of the printed bill, after the period following the word "supervisor", begin a new line and insert the following:

"SEC. 9. A new section to be numbered 8b is hereby added to said act, to read as follows:

Sec. 8b. The unreasonable waste of natural gas by the act, omission, suffering or insistence of the lessor, lessee or operator of any land containing oil or gas, or both, whether before or after the removal of gasoline from such natural gas, is hereby declared to be opposed to the public interest and is hereby prohibited and declared to be unlawful.

SEC. 10. A new section, to be numbered 8c, is hereby added to said act to read as follows:

Sec. 8c. Whenever the state oil and gas supervisor shall find that it is in the interest of the protection of oil or gas from unreasonable waste, it is declared to be lawful for the lessor, lessee, operator or other persons, firms and corporations owning or controlling royalty or other interests in the separate properties of the same producing or prospective oil or gas field, to enter, with the approval of the state oil and gas supervisor, into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of such field, or for the purpose of bringing about the development or operation of all or a part or parts of such field as a unit, or for the purpose of fixing the time, location and manner of drilling and operating of wells for the production of oil or gas, or providing for the return of natural gas into the subsurface of the earth for the purpose of storage or the repressuring of an oil or gas field. Any such agreement shall bind the successors and assigns of the parties thereto in the land affected thereby and shall be enforceable in an action for specific performance.

SEC. 11. A new section, to be numbered 8d, is hereby added to said act, to read as follows:

Sec. 8d. Upon complaint being made to the director of natural resources by any person operating in any oil field that there is occurring or threatened an unreasonable waste of gas in any field or fields and a petition is filed with said director requesting that a hearing be held to consider whether such waste is occurring or threatened, and it appearing to the director of natural resources that there is probable cause for such complaint, he shall order the state oil and gas supervisor to hold such a hearing and to fix a time and place therefor; such a hearing may also be ordered by the said director on the application of the state oil and gas supervisor. Notice of the time and place of said hearing shall be given by publication in a newspaper printed and published in the county in which the unreasonable waste of gas is alleged to be taking place or to be threatened. Said notice shall also specify the commonly accepted name or a general description of the field or locality in which the unreasonable waste of gas is alleged to be taking place or to be threatened. The place of hearing shall be in the county or in any of the counties in which the unreasonable waste of gas is alleged to be taking place or to be threatened. Such publication shall be daily for five (5) days prior to the time of the hearing. The state oil and gas supervisor shall also send notice by mail to each lessor, lessee or operator of any oil and gas well in said field so far as the same may be known to him. No failure to send such written notice shall affect the validity of the proceeding. At such hearing all persons interested shall be entitled to be heard and may present testimony either oral or written. All witnesses shall be sworn and a transcript of the proceedings shall be kept by a stenographic reporter. All the provisions of this act in reference to the subpoenaing of witnesses and the taking of depositions shall be applicable to the hearing before the state oil and gas supervisor. Upon the conclusion of said hearing the state oil and gas supervisor shall determine whether or not there is an unreasonable waste of gas in said field, in existence or threatened, and shall also determine the extent to which the waste of gas therein occurring or threatened is unreasonable. If it shall appear that gas is being produced from any oil well or wells in quantities exceeding a reasonable proportion to the amount of oil produced from the same well or wells, even though it is shown that such excess gas is being used in the generation of light, heat, power or other industrial purpose and that there is sufficient other gas available for such uses from other wells in the same or other fields in which the gas produced is not in excess of the amount which bears a reasonable proportion to the amount of oil produced from such other wells and that there are adequate gas pipe line connections between such other wells and the place of utilization of such gas the state oil and gas supervisor shall hold that such excess production of gas is unreasonable waste thereof if such holding will not cause an unreasonable waste of gas in any other field. If the waste of gas be found unreasonable an order shall be made directing that such unreasonable waste of gas shall be discontinued or refrained from to the extent stated in said order. The sale or delivery of gas to another by a lessor, lessee or operator shall be no defense, excuse or reason for any lessor, lessee or operator disobeying an order of the state oil and gas supervisor directing the discontinuance or curtailment of the production of the well or wells from which said gas is being produced where such gas is being unreasonably wasted by such buyer or by the person to whom deliveries are being made. A copy of said order must be posted in a conspicuous place upon the property affected thereby, and said order shall become final five (5) days after such posting unless appealed from as provided in section 9 hereof."

Amendment adopted.

#### AMENDMENT NUMBER EIGHTEEN.

On page 3, line 48, of the printed bill, strike out the figure "7", and insert in lieu thereof the figures "12".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 3 of the printed bill, strike out all of line 50 after the period following the figure "9", and all of lines 51 and 52, both inclusive, and insert in lieu thereof the following:

"The lessor, lessee, or any operator or any well owner or the owner of any rig, derrick, or other operating structure, or his or its local agent, upon receipt five (5) days from the date of the service of any order from the supervisor or his chief deputy or field deputy, other than the order contemplated by section 84 hereof, file with the supervisor or his deputy in the district where the property is located a written statement that the order is not acceptable, and that appeal from such order is taken to the board of commissioners of said district under the provisions of this act, or comply with such order. Any lessor, lessee, or operator affected by an order made pursuant to section 84 hereof may, within five (5) days from the posting of the copy of such order file with the supervisor written appeal therefrom to the board of commissioners of said district under the provisions of this act. Any such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this act. Immediately upon filing of such notice of appeal, the deputy supervisor of the district, as secretary ex officio of the board of oil and gas commissioners, shall immediately call a meeting of said commissioners to hear and pass upon said appeal. No commissioner shall be disqualified from sitting or voting in any appeal from any order of the state oil and gas supervisors involving the unreasonable waste of gas by reason of the fact that he is an employee of a lessor, lessee, or operator who is interested in the oil or gas field affected by such order issued from. The hearing upon said appeal before said district board of oil and gas commissioners shall be held up and at such place in the district as the commissioners may designate, and within ten days from the taking of such appeal five days' notice in writing shall be given to the appellant of the time and place of such hearing, and for good cause the commissioners may postpone such hearing on the application of appellant, or the state oil and gas supervisor, or the field deputy in said district for not exceeding five days. The board of commissioners after hearing shall affirm, set aside or modify any order as shall be determined by a majority of the whole board. The decision of said board shall forthwith be filed with the oil and gas supervisor, and upon such filing shall be final."

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 4 of the printed bill, strike out all of lines 1 to 20, inclusive, and insert in lieu thereof the following:

"SEC. 13. A new section, to be numbered 14a, is hereby added to said act, to read as follows:

Sec. 14a. When the decision of the state oil and gas supervisor that there is an unreasonable waste of gas occurring or threatened, shall have become final, a certified copy thereof, or, if modified by the order of the board of commissioners, then a certified copy of the order as modified, shall be filed with a division of natural resources, and the director of natural resources shall unless said order is complied with voluntarily, have proceedings instituted in the name of the people of the State of California to enjoin such unreasonable waste of gas. Such proceedings shall be instituted in the superior court for the county in which the property where the waste is occurring or is threatened or any part thereof may lie. There may be joined in the same proceedings any number of defendants, although their properties and interests may be severally owned and their actual or threatened unreasonable waste of gas may be separate and distinct, provided the actual or threatened unreasonable waste by all of the defendants are in or with reference to the same producing or prospective oil or gas field, and it shall be no defense to such proceedings that one or more of the defendants therein may not have had notice of or been party to the proceedings contemplated by sections 8c and 8d of this act. In such suits no restraining order shall be issued ex parte but otherwise the procedure shall be conformable with the provisions of chapter three of title seven of part two of the Code of Civil Procedure of the State of California, and no temporary or permanent injunction issued in such proceedings shall be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking or otherwise. In such proceedings the findings of the oil and gas supervisor, unless set aside or modified by the board of commissioners, or if so modified then except to the extent so modified, shall constitute prima facie evidence of the unreasonable wastage of gas therein found to be occurring or threatened. The judgment of the court shall be appealable by any party in the same manner as other judgments rendered under said chapter."

Amendment adopted.

## AMENDMENT NUMBER TWENTY ONE.

On page 4, line 21, of the printed bill, strike out the figure "8", and insert in lieu thereof the figures "14".

Amendment adopted.



## AMENDMENT NUMBER TWENTY-TWO.

On page 5, line 24, of the printed bill, strike out the figure "9", and insert in lieu thereof the figures "15".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 6, line 1, of the printed bill, strike out the figures "10", and insert in lieu thereof the figures "16".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 6, line 30, of the printed bill, strike out the figures "11", and insert in lieu thereof the figures "17".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 6, line 32, of the printed bill, strike out the word "or", and insert in lieu thereof the word "and".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 7, line 16, of the printed bill, after the word "a", insert the following: "copy of such".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 7, line 17, of the printed bill, strike out the word "of", and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 7, line 17, of the printed bill, strike out the word "operation", and insert in lieu thereof the word "portion".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 7, line 38, of the printed bill, strike out the figures "12", and insert in lieu thereof the figures "18".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 8, line 9, of the printed bill, strike out the figures "13", and insert in lieu thereof the figures "19".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 8, line 21, of the printed bill, after the semicolon following the word "corporation", insert the following: "also what disposition was made of the gas produced from each well, including the names of persons, if any, to whom said gas was delivered, and such other information regarding the gas and the disposition thereof as the state oil and gas supervisor may require;"

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 8, line 27, of the printed bill, strike out the figures "14", and insert in lieu thereof the figures "20".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-THREE.

On page 8, line 45, of the printed bill, strike out the figures "15", and insert in lieu thereof the figures "21".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FOUR.

On page 9, line 7, of the printed bill, strike out the figures "16", and insert in lieu thereof the figures "22".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-FIVE.

On page 9, line 22, of the printed bill, strike out the word "two", and strike out the words "hundred twenty five" in line 23, and insert in lieu thereof the following: "two hundred seventy-five".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SIX.

On page 9, line 24, of the printed bill, strike out the figures "17", and insert in lieu thereof the figures "23".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 9, line 32, of the printed bill, strike out the figures "18", and insert in lieu thereof the figures "24".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 9, line 43, of the printed bill, strike out the figures "19", and insert in lieu thereof the figures "25".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-NINE.

On page 10, line 16, of the printed bill, strike out the figures "20", and insert in lieu thereof the figures "26".

Amendment adopted.

## AMENDMENT NUMBER FORTY.

On page 10, line 22, of the printed bill, strike out the figures "21", and insert in lieu thereof the figures "27".

Amendment adopted.

## AMENDMENT NUMBER FORTY-ONE.

On page 10, line 33, of the printed bill, strike out the figures "22", and insert in lieu thereof the figures "28".

Amendment adopted.

## AMENDMENT NUMBER FORTY-TWO.

On page 10, line 50, of the printed bill, strike out the figures "23", and insert in lieu thereof the figures "29".

Amendment adopted.

## AMENDMENT NUMBER FORTY-THREE.

On page 11, line 15, of the printed bill, strike out the figures "24", and insert in lieu thereof the figures "30".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FOUR.

On page 11, line 47, of the printed bill, strike out the figures "25", and insert in lieu thereof the figures "31".

Amendment adopted.

## AMENDMENT NUMBER FORTY-FIVE.

On page 12, line 7, of the printed bill, strike out the figures "26", and insert in lieu thereof the figures "32".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SIX.

On page 12, line 31, of the printed bill, strike out the figures "27", and insert in lieu thereof the figures "33".

Amendment adopted.

## AMENDMENT NUMBER FORTY-SEVEN.

On page 13, line 13, of the printed bill, strike out the figures "28", and insert in lieu thereof the figures "34".

Amendment adopted.

## AMENDMENT NUMBER FORTY-EIGHT.

On page 13, line 26, of the printed bill, strike out the figures "29", and insert in lieu thereof the figures "35".

Amendment adopted.

## AMENDMENT NUMBER FORTY-NINE.

On page 14, line 12, of the printed bill, strike out the figures "30", and insert in lieu thereof the figures "36".

Amendment adopted.

## AMENDMENT NUMBER FIFTY.

On page 14, line 46, of the printed bill, strike out the figures "31", and insert in lieu thereof the figures "37".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-ONE.

On page 15, line 10, of the printed bill, strike out the figures "32", and insert in lieu thereof the figures "38".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-TWO.

On page 15 of the printed bill, strike out all of line 12 after the period following the figures "48", and strike out all of lines 13 to 26, both inclusive, and insert in lieu thereof the following:

"On or before the first day of October of each and every year the supervisor shall make public, for the benefit of all parties interested therein, a report in writing showing the total number of barrels of petroleum and gas produced in each county in the state during the previous calendar year, together with the total cost of said department for the previous fiscal year and the net amount remaining in the petroleum and gas fund available for the succeeding fiscal year's expense, also the total amount delinquent and uncollected from any assessments or charges levied under or pursuant to the provisions of this act. Such report shall also include such other information as the supervisor may deem advisable. The supervisor may publish any publications, reports, maps or other printed matter relating to oil and gas, for which there may be public demand. Any such publications, reports, maps, or other printed matter which it shall be deemed advisable to sell shall be sold at cost, and the proceeds therefrom shall be deposited to the credit of the petroleum and gas fund."

Amendment adopted.

## AMENDMENT NUMBER FIFTY-THREE.

On page 15, line 27, of the printed bill, strike out the figures "33", and insert in lieu thereof the figures "39".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FOUR.

On page 16, line 10, of the printed bill, strike out the figures "34", and insert in lieu thereof the figures "40".

Amendment adopted.

## AMENDMENT NUMBER FIFTY-FIVE.

On page 16, line 29, of the printed bill, strike out the figures "35", and insert in lieu thereof the figures "41".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Oil Industries.

Senate Bill No. 98—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 90—An act to amend section 396 of the Code of Civil Procedure, relating to changing place of trial.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 91—An act to amend section 831b of Code of Civil Procedure, relating to changing place of trial in municipal courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 94—An act to add a new section to Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 96—An act to amend sections 1327, 1491, 1616, and 1664 of the Code of Civil Procedure, relating to the time within which various acts pertaining to the administration of estates may be done.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, after the word "person", add a comma, and insert the following: "educational, literary, social, fraternal, benevolent or religious corporation, association or organization".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, after the word "person", add a comma, and insert the following: "educational, literary, social, fraternal, benevolent or religious corporation, association or organization".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, strike out the word "of", following the word "source".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 7, of the printed bill, following the word "truth", and comma, insert the following: "or published or uttered with good motives and for justifiable ends,".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 8, of the printed bill, following the word "produce", insert the words "or justify".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 460—An act to amend section 251 of the Penal Code, relating to libel.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out the words "relating to libel.", and insert in lieu thereof the following: "and to add a new chapter to be numbered chapter eleven, comprising sections 258, 259 and 260 to title eight of part one of said code, relating to libel and slander."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the comma in said line, insert the following: "or was published with good motives and for justifiable ends,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, following line 12, of the printed bill, insert the following:

"Sec. 2. A new chapter, to be numbered chapter eleven, comprising sections 258, 259 and 260, is hereby added to title eight of part one of the Penal Code, to read as follows:

## CHAPTER XI.

258. Slander is a malicious defamation, orally uttered, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or disclose the actual or alleged defects of one who is living, and thereby to expose him to public hatred, contempt, or ridicule. Every person who wilfully, and with a malicious intent to injure another, utters any slander, is punishable by a fine not exceeding five thousand dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Words uttered in the proper discharge of an official duty, or in any legislative or judicial proceeding, or in any other official proceeding authorized by law, shall be privileged and shall never be deemed a slander within the meaning of this section.

259. The injurious utterance of slander is presumed to have been malicious save when it is a communication to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or who is requested by the person interested to give the information.

260. In all criminal prosecutions for slander, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as slanderous is true,

and was uttered with good motives and for justifiable ends, the party shall be acquitted. The jury has the right to determine the law and the fact."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety, and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof.

#### AMENDMENTS FROM FLOOR.

During the second reading of the bill, the following amendments were offered, and their adoption moved by Senator Fellom:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the word "deemed", add the words "by him".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, after the word "and", insert a comma and the words "in his discretion".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 12, of the printed bill, strike out the words "shall be met", and insert in lieu thereof the words "may be made".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 726—An act to amend sections 12 and 18 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add a new section to said act to be numbered section 16a, providing an alternate method for procuring funds for the acquisition, construction, completion, or operation by municipal utility districts of any public utility or utilities referred to in said act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the words "amend sections 12 and 18 of", and insert in lieu thereof "add a new section to".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 7 of the title of the printed bill, strike out all of lines 7 and 8, and insert in lieu thereof the following: "approved May 23, 1921, to be known as section 16a, providing an alternate".

Amendment adopted.



## AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, strike out lines 1 to 19, inclusive, all of page 2, and on page 3, strike out lines 1 to 38, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, to be known as section 16a, and to read as follows:".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 1, of the printed bill, strike out the word "Only", and insert in lieu thereof the following: "by the works, lands, structures, rights or other property to be acquired or constructed by the moneys so advanced and".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 25, of the printed bill, strike out lines 25 to 27, inclusive, and insert in lieu thereof the following: "or by sale of bonds duly authorized and issued in accordance with the provisions of sections 15, 15a and 16 of this act. The district shall also".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 30, of the printed bill, after the period in said line insert the following:

"Rates for utility service provided under this section shall be established which will be sufficient to entirely repay all indebtedness incurred hereunder, with interest, within forty years from the date of incurring such indebtedness, together with all operation and maintenance costs of the utility so provided.

No restrictions contained in this act relative to incurring indebtedness or the payment thereof other than as expressed in this section shall apply to any indebtedness incurred pursuant to the provisions of this section.

Notwithstanding any other provisions of this section, no municipal utility district shall have the power to issue any bonds, notes or other evidence of indebtedness under the provisions of this section which are to be offered for sale to the general public, without first having procured from the railroad commission of the State of California an authorization for the issuance of the same, and the provisions of section 52 of the public utilities act, as said section was amended in 1925, are hereby made applicable to and shall control all issues of evidences of indebtedness which are to be offered for sale to the general public. Any issue of serial bonds, serial notes or serial debentures under the provisions of this section by any municipal utility district shall be deemed to be for the purpose of being sold to the general public, and shall be void if issued without the authorization above required. Should this paragraph be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that this paragraph be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 496—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Recla-

mation Board upon lands in said district," approved May 27, 1919, as amended, by repealing section 36 and by amending section 42 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 761 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District and Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 762 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, and Waggy—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Boggs moved to refer Senate Bill No. 843 to Senator Crowley, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 9, line 12, of the printed bill, strike out the word "hence", and insert in lieu thereof the word "thence".

## AMENDMENT NUMBER TWO.

On page 10, line 28, of the printed bill, immediately following the words "water channel", insert the word "line".

## AMENDMENT NUMBER THREE.

On page 11, line 25, of the printed bill, strike out the word "feet", and insert in lieu thereof the word "minutes".

## AMENDMENT NUMBER FOUR.

On page 12, line 31, of the printed bill, immediately following said line 31, insert the following:

## "Parcel No. 9A.

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California, between the northern boundary line of the 750-foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line, and being a portion of the abandoned San Joaquin river channel known as Devil's Elbow, and a portion of that tract of land on Brown's island conveyed by the Stockton Golf and Country Club to the State of California by deed dated September 12, 1922, and recorded in book A of deeds, volume 443, page 345, San Joaquin county records, and being in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at the intersection of the northerly boundary line of the 750-foot Stockton deep water channel right of way strip, and what was formerly the right or westerly low water line of the San Joaquin river in Devil's Elbow; said point bearing south 20 degrees 47 minutes 54 seconds west, 364.58 feet from U. S. E. D. monument number 2024, said monument bearing south 9 degrees 36 minutes 53 seconds west, 3002.38 feet from an iron pin marking the northeast corner of the Stockton Golf and Country Club property; thence from point of beginning along what was formerly the right or westerly low water line of the San Joaquin river in Devil's Elbow south 41 degrees 42 minutes west, 141.67 feet to the present low water line of the right or northerly bank of the San Joaquin river; thence meandering the last mentioned low water line upstream south 85 degrees 20 minutes east, 127.14 feet; thence south 74 degrees 47 minutes east, 32160 feet, more or less, to the northerly boundary line of the 750-foot Stockton deep water right of way strip; thence northwesterly along said northerly boundary line in the arc of a circle curving to the right, whose radius is 4025.00 feet and whose center bears north 27 degrees 51 minutes 20 seconds east from said last mentioned point, 397.31 feet to the place of beginning, and containing 0.54 acres.

All bearings are referred to true north."

## AMENDMENT NUMBER FIVE.

On page 16, line 33, of the printed bill, strike out the word "inches", and insert in lieu thereof the word "minutes".

## AMENDMENT NUMBER SIX.

On page 16, line 37, of the printed bill, strike out the word "inches", and insert in lieu thereof the word "minutes".

## AMENDMENT NUMBER SEVEN.

On page 20, line 36, of the printed bill, beginning in said line 36, strike out all of lines 36 to 52, inclusive, and on page 21 also strike out all of lines 1 to 44, inclusive.

## AMENDMENT NUMBER EIGHT.

On page 22, line 29, of the printed bill, strike out the words "degrees 00 feet east", and insert in lieu thereof the words "degrees 00 minutes east".

## AMENDMENT NUMBER NINE.

On page 23, line 11, of the printed bill, strike out the figures "202½", and insert in lieu thereof the figures "202¼".

## AMENDMENT NUMBER TEN.

On page 24, line 50, of the printed bill, strike out the words "of cut-off C of said parcel 2", and insert in lieu thereof the words "of cut-off C and said parcel 2".

## AMENDMENT NUMBER ELEVEN.

On page 25, line 15, of the printed bill, immediately following said line 15, insert the following:

## "Parcel No. 10 D-S.

All that portion of that tract of land situate, lying and being in the county of San Joaquin, State of California in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying westerly of that portion of the old channel designated as parcel G, as said parcel G is described in deed recorded in book of official records, volume 32, page 262, San Joaquin county records, and lying northerly of the northerly line of parcel 2 of cutoff C, said parcel 2 is described by deed from Etta M. White, and Carrie J. Whitmore, recorded in book "a" of deeds, volume 219, page 298, San Joaquin county records, and lying easterly of the low



water line of the old channel of the San Joaquin river, abandoned at the time of making cutoff C, and more particularly described as follows, to wit:

Beginning at the intersection of the low water line of the right, or northerly, bank of the old channel of the San Joaquin river, designated as parcel G, described above, and the northerly boundary line of said parcel 2 of cutoff C, said point of beginning bearing south 52 degrees 27 minutes 48 seconds west, 1582.36 feet from the United States engineering department bench mark number 2024, said point also bearing north 50 degrees 53 minutes west, 1537.43 feet from a point which bears north 50 degrees 20 minutes 42 seconds west, 1283.21 feet from United States engineering department bench mark number 2021; thence from the point of beginning and following said northerly boundary line of the above mentioned parcel 2 of cutoff C north 50 degrees 53 minutes west, 672.00 feet to a point on the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said northerly line of said parcel 2 of cutoff C and following the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, north 42 degrees 57 minutes west, 95.00 feet, more or less, to the low water line of levee of the southerly bank of the old channel of the San Joaquin river, abandoned at the time of making cutoff C; thence leaving said last mentioned northerly boundary line and following said last mentioned low water line to a point which bears north 76 degrees 01 minute east, 774.41 feet, more or less, from the last mentioned intersection; thence leaving said last mentioned low water line and following the low water line of the right, or northerly, bank of the old channel of the San Joaquin river, designated as parcel G as described above, to the point of beginning, said point of beginning bearing south 13 degrees 39 minutes west, 700.34 feet, more or less, from the last mentioned point containing 4.77 acres, more or less.

All bearings are referred to true north."

#### AMENDMENT NUMBER TWELVE.

On page 26, line 31, of the printed bill, strike out the figures "02", and insert in lieu thereof the figures "02".

#### AMENDMENT NUMBER THIRTEEN.

On page 26, line 40, of the printed bill, strike out the figures "48", and insert in lieu thereof the figures "08".

#### AMENDMENT NUMBER FOURTEEN.

On page 29, line 2, of the printed bill, strike out the word "inches", and insert in lieu thereof the word "minutes".

#### AMENDMENT NUMBER FIFTEEN.

On page 29, line 17, of the printed bill, strike out the word "minutes", and insert in lieu thereof the word "minute".

#### AMENDMENT NUMBER SIXTEEN.

On page 29, line 41, of the printed bill, strike out the word "minutes", and insert in lieu thereof the word "minute".

#### AMENDMENT NUMBER SEVENTEEN.

On page 32, line 41, of the printed bill, immediately following said line 41, insert the following:

"Parcel No. 8 A-S.

All that portion of the present channel of the San Joaquin river situate, lying and being in the county of San Joaquin, State of California, in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, and the most northerly line "B" of Lindley cut-off, the most northerly line "C" of Lindley cut-off, the low water lines of the right and left banks of Smith's canal, and the low water line of the right, or northerly, bank of the San Joaquin river, and easterly from the approximate former low water line of the San Joaquin river, as said lines "B" and "C" are so designated and delineated upon a map prepared by the United States engineer office, third district, San Francisco, California, and recorded in book "A" of deeds, volume 394, page 117, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at the most westerly point of the most northerly line "B" of Lindley cut-off, said point bearing south 64 degrees 17 minutes 47 seconds east, 1778.90 feet from United States engineering department bench mark number 2024; thence from said point of beginning following said most northerly line "B" of Lindley cut-off, the following courses and distances: easterly, along the arc of a circle, curving to the right, of radius 2110.00 feet, and whose center bears, south 14 degrees 38 minutes west, from said point of beginning, a distance of 719.96 feet to a point of tangency; thence south 55 degrees 49 minutes east, 255.00 feet, more or less, to the intersection of said most northerly line "B" with the low water line of the right, or westerly, bank of Smith's canal, also known as North canal; thence leaving said most northerly line "B" of Lindley cut-off and following said low water line of the right, or westerly bank of Smith's canal upstream to its intersection with the most northerly line "C" of Lindley cut-off, said intersection bearing, north 77 degrees 42 minutes east, 137.90 feet, more or less, from the last above mentioned intersection; thence leaving said low water line and following said most northerly line "C" of Lindley cut-off, south

55 degrees 49 minutes east, 127.14 feet, more or less, crossing said Smith's canal, to its intersection with the left, or easterly, low water line of said Smith's canal; thence leaving said most northerly line of "C" and following the low water line of the left, or easterly, bank of Smith's canal, and the right, or northerly, bank of the San Joaquin river, passing through points connected by the following courses and distances: south 44 degrees 18 minutes west, 116.39 feet, more or less; thence south 26 degrees 49 minutes east, 64 feet, more or less; thence south 56 degrees 59 minutes east 641 feet, more or less, to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said low water line and following said northerly boundary line, north 68 degrees 33 minutes west, 2080.90 feet, more or less, to its intersection with the approximate former low water line of the left, or southerly, bank of the San Joaquin river; thence leaving said northerly boundary line and following said former low water line upstream, north 58 degrees 53 minutes east, 406.36 feet, more or less, to the point of beginning, and containing 10.12 acres, more or less.

All bearings are referred to true north."

#### AMENDMENT NUMBER EIGHTEEN.

On page 39, line 24, of the printed bill, strike out the word "east", and insert in lieu thereof the word "easterly".

#### AMENDMENT NUMBER NINETEEN.

On page 33, line 40, of the printed bill, strike out the word "section", and insert in lieu thereof the word "sections".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 843, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Boggs, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and Yeung—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917,

as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 128 to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 13, of the printed bill, as amended in Senate March 15, 1929, after the word "detection", insert a comma, and the following: "not to exceed six in number,".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 128, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 358.—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Edwards, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 293.—An act to add new sections to the Political Code, numbered 686, 687, 688, 689 and 690, and to amend sections 662 and 675 of the code, all relating to the Department of Finance and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, as amended, after the word "sections", insert the figures "656", and a comma.

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 2, line 14, of the printed bill, as amended, after the word "on", insert the word "express".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, line 42, of the printed bill, as amended, after the word "state", insert a comma and add the following: "except land to be acquired by the department of public works for highway rights of way,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, as amended, between lines 47 and 48, insert the following:

"SEC. 8. Section 656 of the Political Code is hereby amended to read as follows:

656. For the purpose of administration, the department shall be forthwith organized by the director, with the approval of the governor, in such manner as shall be deemed necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least three divisions, to be known respectively as the division of budgets and accounts, the division of service and supply and the division of motor vehicles. The director of finance shall have power to arrange and classify the work of the department, and with the approval of the governor may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time. The chief of the division of service and supply shall be appointed by and hold office at the pleasure of the governor. The chief of the division of service and supply shall receive a salary of six thousand dollars (\$6,000) per annum and the chief of each other division shall receive a salary of five thousand dollars (\$5,000) per annum, and before entering upon the duties of his office, each division chief shall execute to the State of California an official bond in the penal sum of twenty five thousand dollars. The director of finance may also be chief of the division of budgets and accounts without additional compensation."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 48, of the printed bill, as amended, strike out the figure "8", and insert in lieu thereof the figure "9".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 5, line 21, of the printed bill, as amended, strike out the figure "9", and insert in lieu thereof the figures "10".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 6, line 1, of the printed bill, as amended, after the comma following the word "institution", insert the following: "except land to be acquired by the department of public works for highway uses and purposes,".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 6, of the printed bill, as amended, after the word "state", insert a comma and add the following: "except real property used for highway rights of way,".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 6, line 10, of the printed bill, as amended, strike out the figures "10", and insert in lieu thereof the figures "11".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Assembly Bill No. 294—An act creating the Department of Agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act

takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 19—An act to add a new section to the Political Code to be numbered 462, relating to claims for which a warrant has been issued and paid and the amount thereof returned to the State treasury for payment by the State Treasurer, and prescribing a time after which said amount shall revert to and become a part of the general fund of the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 962—An act to add a new section to the Political Code to be numbered 686, relating to the creation of a Division of Personnel and Organization in the Department of Finance and the transference of the work, affairs and functions of the State Civil Service Commission to said department and providing for the performance and discharge of said duties by said department through the Civil Service Commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 301—An act permitting State officers and State employees to attend military training encampments without deduction of pay.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 570—An act to amend section 605 of the Political Code, relating to the fees payable to the Insurance Commissioner.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 201—An act to add new sections to the Political Code to be numbered 363k, 363l and 363m, creating a Division of Motor Vehicles in the Department of Public Works, and providing for the administration thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 599—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 17—An act to amend section 756 of the Political Code, relating to salaries of deputy clerks of Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 903—An act to add a new section to the Reclamation Board Act, as amended, to be numbered 5a, relating to the Reclamation Board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 657—An act to amend section 737ll, relating to salaries of judges of the superior court in and for the city and county of San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 354—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 595—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence upon the part of State and subordinate officers, agents and employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 598—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operators' and chauffeurs' license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1025—An act to amend section 737r of the Political Code, relating to salaries of superior court judges in the county of Los Angeles.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, the title of said bill is amended by striking out the numerals "737v", and inserting in lieu thereof the numerals "737s".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, strike out the numerals "737e", and insert in lieu thereof the numerals "737s".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 3, of the printed bill, as amended, strike out the numerals "737r", and insert in lieu thereof the numerals "737s".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 596—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended in the Assembly on March 8, 1929, in line 13 after the word "owner", strike out the period, insert semicolon, and the following: "and provided, further, that where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and such payments shall diminish to the extent thereof the owner's total liability on account of such accident, and payments so made aggregating the full sum of ten thousand (\$10,000.00) dollars shall extinguish all liability of the owner hereunder to said claimants and all other persons on account of such accident, which liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent or master and servant."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1085—An act to amend section 2322<sup>24</sup> of the Political Code, relating to county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Assembly Bill No. 1085 to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, strike out the words "one thousand eight hundred", and insert in lieu thereof the words "two thousand".

AMENDMENT NUMBER TWO.

On page 1, line 21, of the printed bill, strike out all of lines 21 to 23, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1085, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, March 29, 1929.

*To the Senate of the State of California.*

Senate Bill No. 8 is herewith returned without my approval.

This bill was intended to prohibit the employment of children under school age from working in agricultural occupations during school hours. Through some error, however, the language as drawn either means nothing at all, or, if it means anything, would have exactly the opposite effect from what was obviously intended.

The author of the bill has written to me as follows:

"Thank you for calling to my attention the grammatical error that made a legal impossibility of Senate Bill No. 8. I think the purpose as sought under the bill is very worthy, but in the light of this error, the only suggestion I can make to you is that you veto this bill."

Accordingly, I have been forced to withhold approval of this bill, but am pleased to learn this morning that a new bill has been drawn correcting this defect, and that this bill will be introduced in the Assembly.

Respectfully submitted,

C. C. YOUNG, Governor.

VETO OF THE GOVERNOR SUSTAINED.

The question being: Shall the bill become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor were sustained by the following vote:

AYES—None.

NOES—Senators Baker, Boggs, Breed, Carter, Cassidy, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Waggy, and Young—22.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes a.m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a.m., Monday, April 1, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, April 1, 1929.

The Senate met at eleven o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 29, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Daniel C. Murphy, wife of Senator Murphy.

On request of Senator Hurley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry L. Driscoll of Oakland.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas Maloney, Jr., and Jack Maloney.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge J. R. Welch of San Jose.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Leonard McEvoy.

On request of Senator Mueller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert B. Nixon of Sacramento.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Oscar Hauge, mayor; I. M. Stevens, president of the chamber of commerce; Walter Fleming, director public works; and B. B. Stakemiller, member city council, all of Long Beach.

On request of Senator West, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. McKee and Miss Richards of Alameda.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edwards of Vacaville and Mrs. Demon of Vallejo.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marie McSpadden of Glendale.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. S. Merriman, Corte Madera; Mrs. E. G. Stetson, San Rafael; Mrs. F. E. Sawyer, San Rafael; Mrs. William Kent, Kentfield; Mrs. H. M. Crawford, San Anselmo, and Miss Georgiana Crawford, San Anselmo.

#### PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Lyon:

#### RESOLUTION.

WHEREAS, A bill, No. 435, has been introduced in the Senate of the State of California, entitled "An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or making inspection of electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof"; and

WHEREAS, The said act in its provisions is too severe legislation on said subject, and is unnecessarily burdensome upon a municipality; and

WHEREAS, Such legislation covers and includes a subject on which municipalities should legislate according to the requirements of such municipalities; now, therefore, be it

*Resolved*, That said act is an unjust and uncalled for interference with a city and its government; that it is obnoxious to and inconsistent with local self-government guaranteed to the cities by the constitution and the charters of the cities;

Now, therefore, this council advises that it is not for the best interests of the city or of the State that this act should be passed.

I, F. A. Helton, hereby certify that I am commissioner of finance, ex officio city clerk, ex officio clerk of the city council of the city of Santa Monica; that the foregoing resolution was unanimously adopted at a regular meeting of the city council of said city held March 18, 1929.

[SEAL]

F. A. HELTON.

#### MESSAGES FROM THE ASSEMBLY

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 554—An act relating to the exemption of certain children from the requirements of attendance upon a public full-time day school;

Also: Assembly Bill No. 755—An act to add a new section to the Political Code to be numbered 363½, relating to the preparation of plans for public buildings and other structures;

Also: Assembly Bill No. 801—An act to amend section 139 of the Code of Civil Procedure, relating to proceedings in case of absence of judge;

Also: Assembly Bill No. 866—An act authorizing the board of supervisors in any county to provide for the education of graduates of the elementary schools of such county at the California Polytechnic School and to pay the costs thereof;

Also: Assembly Bill No. 938—An act to amend section 2322½ of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class;

Also: Assembly Bill No. 1065—An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs;

Also: Assembly Bill No. 1090—An act to amend sections 17 and 18 of an act entitled "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, relating to the packing and sale of avocados and berries.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 554 and 866 read first time, and referred to Committee on Education.

Assembly Bill No. 755 read first time, and referred to Committee on Governmental Efficiency.



Assembly Bill No. 801 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 938 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1065 and 1090 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 423—An act to amend sections 4, 7, 10, 11, 12 and 13 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 423 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 23—An act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto, to be numbered 1a, relating to the powers and duties of the State Board of Prison Directors;

Also: Assembly Bill No. 302—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class;

Also: Assembly Bill No. 631—An act authorizing the grant to Utility and Service, Inc., a corporation, of an easement for the installation and maintenance of a pipe line over and across land owned by the State of California in Napa County, California.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 59—An act to amend section 628 of the Penal Code, relating to fish and game;

Also: Assembly Bill No. 69—An act to amend section 694 of the Code of Civil Procedure, relating to the conduct of sales of property on execution or under power contained in any trust deed hereafter executed, and designating the county wherein such sales must be held;

Also: Assembly Bill No. 194—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended;

Also: Assembly Bill No. 241—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class;

Also: Assembly Bill No. 242—An act to amend section 737 of the Political Code, relating to the salary of the superior judge in and for the county of Modoc;

Also: Assembly Bill No. 250—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and/or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof;

Also: Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 59 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 69 and 194 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 241 read first time, and referred to Committee on County Government.

Assembly Bill No. 242 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 250 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 311 read first time, and referred to Committee on Education.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 496—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners:

Also: Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda, to provide for the appointment of an additional judge and the manner of payment of his compensation:

Also: Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian:

Also: Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California, to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named:

Also: Senate Bill No. 103—An act creating a commission to select a site for a State hospital for the insane:

Also: Senate Bill No. 98—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments:

Also: Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used:

Also: Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664, of the Code of Civil Procedure, relating to the time within which various acts pertaining to the administration of estates may be done:

Also: Senate Bill No. 90—An act to amend section 396 of the Code of Civil Procedure, relating to changing place of trial:

Also: Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments:

Also: Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers:

Also: Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution:

Also: Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs:

Also: Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail:

Also: Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties; and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs:

Also: Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars

of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended;

Also: Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect;

Also: Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters;

Also: Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure to be numbered 900b, relating to new trials in justices' courts;

Also: Senate Bill No. 61—An act to add new sections to be numbered §31h and §35a, to chapter 1 of title XI of part II of the Code of Civil Procedure, relating to practice and procedure in the justices' courts;

Also: Senate Bill No. 62—An act to add a new section to be numbered 982a, to chapter 3 of title XIII of part II of the Code of Civil Procedure, relating to appeals to superior courts;

Also: Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles;

Also: Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of article XIII of the constitution;

Also: Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mount Diablo State Park fund;

Also: Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect;

Also: Senate Bill No. 192—An act to prevent unfair discrimination against California manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against nonresident manufacturers;

Also: Senate Joint Resolution No. 3—Relating to hours of employment of persons on interstate carriers;

Also: Senate Joint Resolution No. 9—Relative to Dale-Lehlbach Retirement Bill;

Also: Senate Joint Resolution No. 10—Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California;

Also: Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation;

Also: Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein, and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and vesting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations;

Also: Senate Bill No. 94—An act to add a new section to Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county;

Also: Senate Bill No. 91—An act to amend section 831b of Code of Civil Procedure, relating to changing place of trial in municipal courts;

Also: Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property;

Also: Senate Bill No. 153—An act to amend section 14 of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners, and repeal an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893,' approved June 16, 1913, relating to the granting of parole and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison



or the Board of Prison Directors or of the Board of Parole Commissioners," approved May 29, 1915, as amended, relating to conditions of parole;

Also: Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 71, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 154 and 159, and by adding thereto new sections to be numbered 84, 224, 234, 284, 304, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1504, 1524, 1534, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance fund—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 820—An act to provide for the labeling, disinfesting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 820 ordered on file for second reading.

#### COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, April 1, 1929.

Lieutenant Governor H. L. Carnahan,

State Capitol, Sacramento, California.

DEAR SIR: During the month of January it was our pleasure to have as guests in a series of flights in our airplane, "Standard of California," a number of the members of the State Senate. Due to inclement weather prevailing at that time, it was unfortunately necessary to discontinue the flights before all of the Senators had had an opportunity of flying.

So many of these gentlemen expressed their disappointment that we have now arranged to resume these flights on Wednesday and Thursday, April 3 and 4. The flights will be held from Mather Field between the hours of 10 and 12 each morning and 2.30 and 4.30 each afternoon.

In order to accomplish the flights with as little delay as possible, might we ask that you be so kind as to request the Sergeant-at-Arms of the Senate to ascertain from each member which day and approximately the hour as above indicated that would be most convenient for him to fly, in order that the personnel of the flights can as far as possible be booked in advance.

There are undoubtedly many members of the Senate who flew with us on previous flights who will desire to fly again, and we will be most happy to have them as our guests on this occasion. I might also add that the former invitation included the wives of the members of the Senate, and the present flight is intended also to include them.

To accommodate those members of the Senate who may not have their personal cars immediately available, we will arrange to have automobiles in front of the main entrance of the Capitol to leave one-half hour prior to the time set for the flights.

Yours very truly,

STANDARD OIL COMPANY OF CALIFORNIA.  
H. B. FAIRCCHILD, District Sales Manager.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the names of the following attaches of the Senate be stricken from the payroll of the Senate, effective as of March 31:

John Crotty, Assistant Sergeant-at-Arms.....	\$5 00 per day
Harry L. Jordan, Assistant Sergeant-at-Arms.....	5 00 per day
Theodore Lafayette, Assistant Sergeant-at-Arms.....	5 00 per day
A. J. Marshall, Assistant Sergeant-at-Arms.....	5 00 per day
Clarence J. Prentice, Assistant Sergeant-at-Arms.....	5 00 per day
Pearl R. Power, Stenographer.....	5 00 per day
Margaret Bridges, Stenographer.....	5 00 per day
George Cartwright, Stenographer.....	5 00 per day
Helen G. Church, Stenographer.....	5 00 per day
Julia Hayes, Stenographer.....	5 00 per day
Dorothy Frame, Stenographer.....	5 00 per day
Florence Iverson, Stenographer.....	5 00 per day
Olga S. Jarman, Stenographer.....	5 00 per day
Gladys McLeod, Stenographer.....	5 00 per day
Ethel Mitchell, Stenographer.....	5 00 per day
Josephine L. Pewterbaugh, Stenographer.....	5 00 per day
Agnes Shearer, Stenographer.....	5 00 per day
Josephine Waite, Stenographer.....	5 00 per day
Ruth Crowley, Stenographer.....	5 00 per day
Elizabeth Pedrotti, Stenographer.....	5 00 per day

Resolution read, and on motion of Senator Crowley adopted.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly Amendments to Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SEVENTY-SEVEN.

##### AMENDMENT NUMBER ONE.

On page 5 of the printed bill, line 7 thereof, after the word "architect" and preceding the semicolon following said word, insert the following: "*provided, however*, that this instrument shall be deemed to have been given by a structural engineer when he uses the title "structural engineer" on all instruments of service".

##### AMENDMENT NUMBER TWO.

On page 5 of the printed bill, line 7 thereof, after the semicolon following the word "architect" and preceding the words "and nothing in this", insert the following: "*provided, however*, that this act shall not apply to any person insofar as such person furnishes plans, drawings, specifications, instruments of service or other data for labor and materials to be furnished by such person, either alone or with subcontractors, for store fronts, interior alterations or additions, fixtures, cabinet work, furniture, or other appliances or equipment, or for any work necessary to provide for their installation, or for any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment, nor shall this act be deemed to prevent any such person from advertising or putting out any sign or card or other device which might indicate to the public that such person is qualified to furnish such plans, drawings, specifications, instruments of service or

data. The word "person" as used in this section of this act shall include any person, firm of persons or corporation."

## AMENDMENT NUMBER THREE.

On page 6 of the printed bill, add a new paragraph following line 48 thereof, to read as follows:

"The words 'structural engineer' as used in this act shall mean either a person who shall pass an examination to be given by three persons selected by the California state board of architectural examiners from a list of five submitted by the American Society of Civil Engineers, or other similar organization, or a person who holds a certificate or license to practice structural engineering in the State of California by authority of a state law."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 177?

The roll was called, and Assembly amendments to Senate Bill No. 177 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Inman, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Senate Bill No. 177 ordered to enrollment.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 26, of the printed bill, as amended, strike out the word "quarterly", and insert in lieu thereof the word "monthly".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 9, of the printed bill, as amended, after the word "salary", insert the following: "commencing on the first day of the month following the date upon which this act shall take effect".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 13, of the printed bill, as amended, strike out the word "quarterly", and insert in lieu thereof the word "monthly".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 46, of the printed bill, as amended, strike out the following: "and 5.1003-1".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 1, of the printed bill, as amended, strike out all of lines 1 to 8, inclusive, and insert in lieu thereof the following:

"Sec. 5.1003. On or before the thirty-first day of August in the year 1930, and on or before the thirty-first day of August".

Amendment adopted.



## AMENDMENT NUMBER SIX.

On page 4, line 14, of the printed bill, as amended, after the comma following the number "5.1042", insert the following: "5.1043, 5.1044."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 38, of the printed bill, as amended, strike out all of lines 38 and 39, and insert in lieu thereof the following:

"Sec. 5.1042. The teacher must pay twenty-one dollars not later than December thirty-first for the half year ending December thirty-first, and must pay twenty-one dollars for the half year ending June thirtieth, at the time or before the time of filing his annual report with the superintendent of schools of the county and not later than June thirtieth, of the current school year.

Sec. 5.1043. Those teachers who have taught less than thirty days during a half year shall be relieved from paying the twenty-one dollars for such half year as hereinbefore provided in this article.

Sec. 5.1044. The teacher may pay forty-two dollars instead of twenty-one dollars at the time of making his first payment, in which case the filing of his receipt with the clerk or secretary of the school district shall relieve him from further payments during the current school year."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 52, of the printed bill, as amended, strike out the words "forty-two", and insert in lieu thereof the words "eighty-four".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 5, line 2, of the printed bill, as amended, strike out the words "ten per cent per annum on the forty-two", and insert in lieu thereof the words "five per cent per annum, compounded annually, on the eighty-four".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5, line 23, of the printed bill, as amended, strike out all of lines 23 to 26, inclusive, and insert in lieu thereof the following:

"Sec. 5.1048. Any teacher subject to the burdens and entitled to the benefits of this part who shall withdraw from public school service shall have returned to him one-half of the total of all contributions paid by him under the provisions of this part, after the end of the first five-year period, during which he shall have been a contributor".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5, line 47, of the printed bill, as amended, after the period following the number 5.1061", insert the following: "Except as may be otherwise provided".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 51, of the printed bill, as amended, strike out the following: "not exceeding one thousand six hundred eighty dollars".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 17, of the printed bill, as amended, strike out the following: "six hundred eighty", and insert in lieu thereof the following: "four hundred seventy".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 6, line 39, of the printed bill, as amended, after said line 39, insert the following:

"SEC. 10. The provisions of section 5.804 of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one of chapter one of part four of division five of the School Code as adopted at the forty-eighth session of the Legislature.

Sec. 5,804. On or before July 1, 1930, every teacher employed in the public schools of this state who now claims exemption from the provisions of this part must notify the superintendent of public instruction and the superintendent of public schools of the city, county or consolidated city and county in which said teacher is in service whether or not said teacher still desires such exemption. If such teacher desires such exemption in said notification, then said teacher shall be forever barred from becoming entitled to a retirement salary under the provisions of this part."

Amendment adopted.

AMENDMENT NUMBER FIFTEEN.

On page 1, line 2, of the printed bill, as amended, beginning in said line 2, strike out the following: "and 5,890 1".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out line 23, and insert in lieu thereof the following: "vention at Sacramento at ten o'clock on the morning of".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, line 18, of the printed bill, strike out the word "chairman", in said line, and insert in lieu thereof the word "chairmen".

Amendment adopted.

AMENDMENT NUMBER THREE.

On pages 3 and 4 of the printed bill, strike out all of lines 25 to 52, inclusive, of page 3; also strike out all of lines 1 to 37, inclusive, of page 4, and insert in lieu thereof the following: "several committees, as the case may be, and he shall file with the secretary of state not later than ten o'clock of the morning of the convention, his appointment of three members of the state central committee, in writing signed and acknowledged in the form hereinafter prescribed.

As soon as the returns from the primary election are available the secretary of state shall prepare a list of the names of all delegates to the convention qualified under the provisions of this act, and the secretary of state shall thereupon send a notice by mail to each such delegate which shall inform the delegate that he is a delegate to the state convention, that the convention meets at Sacramento on the third Thursday in September of the then current year, that said delegate must appoint three electors from the district which he represents to be members of the state central committee, and that said appointment of three members of the state central committee must be made in writing in the form hereinafter prescribed, signed and acknowledged before a notary public or other officer authorized to administer oaths in this state and must be filed in the office of the secretary of state not later than two o'clock of the afternoon of the third Thursday in September of the then current year, and the secretary of state shall enclose with such notice one copy of the following form for appointment of members of the state central committee:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE  
MEETING AT SACRAMENTO IN THE YEAR 19----

I, -----, duly qualified as a delegate to the state convention at Sacramento in the year 19----- by virtue of my (nomination) (election) to the office of ----- on the ----- day of ----- 19----- upon the ----- ticket, do hereby appoint the following three electors (party) ----- residing within the district which I represent, who shall be members of the state central committee to meet at Sacramento on the second Saturday following the meeting of the state convention, in the year 19----- to wit:

----- Name	----- Post-office address
----- Name	----- Post-office address
----- Name	----- Post-office address

In witness whereof I have hereunto set my hand this ----- day of ----- 19-----  
Signed and acknowledged before me this ----- day of ----- 19-----

Notary Public.

The new state central committee shall consist of all delegates to the state convention, together with such members as are appointed in accordance with the provisions of this act. Each delegate to the state convention shall appoint three electors residing within the district which he represents, which appointments when so made shall become absolute. Such appointments shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the secretary of state not later than two o'clock of the afternoon of the third Thursday in September. The secretary of state shall deliver the appointments received by him, prior to said time, to the permanent chairman of the state convention as soon as possible after said hour of two o'clock and he shall require the chairman's receipt therefor.

The convention shall be called to order at ten o'clock of the morning of the third Thursday in September by the retiring chairman of the state central committee and shall at once proceed to the election of a permanent chairman, and such other officers as shall be necessary. The secretary of the state central committee shall serve as secretary of the convention. The chairman shall appoint a committee of five who shall serve as the committee on proxies and credentials of the convention.

The convention shall, upon election of officers, forthwith formulate the state platform of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day.

In each year of the general November election at which electors for President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots of the ensuing November election.

Upon receipt by the chairman of the convention from the secretary of state of the appointments of members of the state central committee the convention shall determine the membership of the state central committee in accordance with the provisions of this act. In case the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the secretary of state within the time prescribed, the convention shall make such appointments of the requisite number of electors residing within the district represented by each such delinquent delegate. The secretary of the convention shall certify the names and post office addresses of the members of the state central committee, as determined by the convention, to the secretary of state within thirty-six hours after the convening of the convention and the permanent chairman shall deliver the appointments received for by him to the secretary of state within said thirty-six hours, which appointments shall be kept and filed by the secretary of state and shall be open to public inspection.

Within twenty-four hours thereafter the secretary of state shall send a notice by mail to each member of the state central committee, as certified by the secretary of the convention, which shall inform him that he is a member of the committee, that the committee will meet at Sacramento on the second Saturday following the meeting of the convention, that the meeting may be attended either in person or by proxy, that every proxy must be filed in the office of the secretary of state not later than ten o'clock of the morning of the meeting of the committee and that said proxy must be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths and the secretary of state shall enclose with such notice



one copy of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO,  
IN THE YEAR 19\_\_\_\_\_.

I, \_\_\_\_\_, duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19\_\_\_\_\_ by virtue of being a delegate to the state convention) (my appointment thereto by \_\_\_\_\_; said appointment having been duly filed in the office of the secretary of state on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_) (strike out part inapplicable) do hereby designate \_\_\_\_\_;

(name)

\_\_\_\_\_ as my proxy with full power to act for me in every  
(post office address)

respect as a duly qualified member of the state central committee meeting at Sacramento on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

Signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Every member of the state central committee who desires to attend the organization meeting of the committee by proxy must designate his proxy in the form hereinafter prescribed, which must be signed and acknowledged before a notary public or other officer authorized to administer oaths and he must cause the proxy to be delivered to the secretary of state not later than ten o'clock of the morning of the organization meeting of the committee.

The secretary of state shall deliver to the retiring chairman of the state central committee as soon as possible after ten o'clock of the morning of the organization meeting of the new state central committee, a certified alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to ten o'clock of said morning; and he shall require the retiring chairman's receipt for said proxies.

The new state central committee shall convene in an organization meeting at Sacramento at ten o'clock of the morning of the second Saturday following the meeting of the state convention.

The retiring chairman of the state central committee shall call the committee to order at ten o'clock of the morning of the organization meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies hereinbefore provided to be certified by the secretary of state; whereupon the only business in order shall be the election by roll call of a temporary chairman.

The temporary chairman upon election shall appoint at once a committee on credentials from among the members of the committee certified by the secretary of state. A quorum of the state central committee shall be a majority of the entire membership, represented either in person or by proxy.

Proxies to be recognized by the secretary of state and by the committee on credentials appointed as aforesaid must be signed and acknowledged before a notary public or other officer authorized to administer oaths and must be in the form hereinbefore in this act prescribed. Revocation or change of proxies shall be recognized by the committee on proxies and credentials only after election of a permanent chairman and upon a request made in person before said committee and at no other time nor in any other manner. No proxy shall be recognized prior to election of a permanent chairman unless filed in the office of the secretary of state not later than ten o'clock of the morning of the state committee meeting."

### Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 5, line 5, of the printed bill, strike out all of line 5, and insert in lieu thereof the following: "convention, and the secretary of state shall prepare in advance of the organization meeting of".

### Amendment adopted.

#### AMENDMENT NUMBER FIVE

On page 5, line 14, of the printed bill, strike out the word "proceeding", and insert in lieu thereof the word "proceedings".

### Amendment adopted.

#### AMENDMENT NUMBER SIX.

On page 5, line 15, of the printed bill, after the period following the word "committee", in said line, insert the following paragraph:

"Membership of the state central committee may be increased by the state central committee in proportionate numbers not to exceed ten from each of the several

congressional districts, such members to be appointed by the chairman of the new state central committee at its organization meeting."

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 5, line 19, of the printed bill, following the word "officers", in said line, strike out the first appearing word "by".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 5, line 25, of the printed bill, after the period following the word "act", in said line, insert the following paragraph:

"Each state central committee may remove any member thereof who during his or her term of membership affiliates with, or registers as a member of another party or who gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which such member represents. Each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of such party: appoint committees and appoint and employ campaign directors and perfect such campaign organizations as by it may be deemed suitable or desirable and for the best interest of the party."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone and electric power corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 825—An act to provide for the government of high schools.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

SENATOR MURPHY IN THE CHAIR.

At eleven o'clock and twenty minutes a.m., Senator Murphy of the Twenty-fourth District was called to the chair.

SENATE CONSTITUTIONAL AMENDMENT No. 11.

A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, to read as follows:

Sec. 21. The Legislature shall have power to include in any department of the executive branch of the State government, any office, board or commission established by the provisions of this constitution, and to provide representation therefor in the Governor's Council, through the director of the department; *provided, however,*

that the Legislature shall not have power thereby to limit, restrict or impair any of the powers, duties, purposes, responsibilities or jurisdiction of such office, board or commission, conferred or imposed upon it by the provisions of this constitution.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 11 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—27.  
NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 11 ordered transmitted to the Assembly.

Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 675 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Gray, Handy, Hurley, Jones, Ray, Lyon, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, and Weller—22.  
NOES—Senators Christian, Fellom, Maloney, Rochester, Tubbs, and Young—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 153—An act to amend section 14 of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of and government of parole prisoners, and repeal an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners,' approved March 23, 1893,' approved June 16, 1913, by adding thereto a new section to be numbered 14, relating to the granting of paroles and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of Parole Commissioners,' approved May 29, 1915, as amended, relative to conditions of parole.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cobb moved to refer Senate Bill No. 153 to Senator Allen, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"An act to amend section 14 of an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled, 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved June 16, 1913, as amended, relating to parole of prisoners and the conditions which may be imposed upon the granting thereof."



## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 11 of an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled, 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners.' " approved June 16, 1913, is hereby amended to read as follows:"

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 153, with instructions to amend, respectfully reports the same back, amended as per instructions.

ALLEN, Special Committee.

Report read, and on motion of Senator Cobb adopted.

Bill ordered to print, and re-engrossment.

## ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

Senate Bill No. 426—An act providing for the membership of public schools in organizations for the promotion and advancement of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wag, Weller, West, and Young—32.

NOES—Senator Christian—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wag, Weller, and Young—32.

NOES—Senator West—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34—An act to add a new section to the Political Code, to be numbered 363j, relating to the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray;

Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 611—An act to add a new section to be numbered 1279*a* to the Code of Civil Procedure, relating to the changing of names of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 611 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Luman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322*a*, relating to the liability of stockholders in limited corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Luman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 30½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½ and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the

records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 714 to Senator Nelson, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 7, of the title of the printed bill, strike out the figures "154".

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, in next to the last line of the title, after the word "pedestrians," insert the following: "and relating to the disposition of fees collected under this act,".

AMENDMENT NUMBER THREE.

On page 2, line 31, of the printed bill, after the word "emergency", insert a comma.

AMENDMENT NUMBER FOUR.

On page 2, line 46, of the printed bill, after the word "highway", insert the following: "at or near the boundary line of such through highway".

AMENDMENT NUMBER FIVE.

On page 2, line 46, of the printed bill, after the word "signs", insert the word "so".

AMENDMENT NUMBER SIX.

On page 4, line 24, of the printed bill, strike out the word "traffic", and insert in lieu thereof the word "highway".

AMENDMENT NUMBER SEVEN.

On page 5, line 27, of the printed bill, strike out the word "highway", and insert the word "highways".

AMENDMENT NUMBER EIGHT.

On page 7, line 16, of the printed bill, strike out the word "certification", and insert the word "certificate".

AMENDMENT NUMBER NINE.

On page 9 of the printed bill, strike out lines 10 and 11, and insert in lieu thereof the following: "or persons at their last known addresses. In the event of the death of an owner or legal owner of not more than one".

AMENDMENT NUMBER TEN.

On page 9, line 27, of the printed bill, strike out the word "subdivision", and insert the word "subdivisions".

AMENDMENT NUMBER ELEVEN.

On page 9, line 50, of the printed bill, after the word "parties", insert a comma; and in line 51 strike out the word "a", and insert in lieu thereof the word "the".

AMENDMENT NUMBER TWELVE.

On page 16, line 11, of the printed bill, strike out the word "in", and insert in lieu thereof the word "an".

AMENDMENT NUMBER THIRTEEN.

On page 19, line 32, of the printed bill, after the word "of", insert the words "a chauffeur's license and badge or".

AMENDMENT NUMBER FOURTEEN.

On page 20, line 1, of the printed bill, strike out the word "Exceptions.", and in line 11 strike out the words "Vehicles not exceeding certain width."

AMENDMENT NUMBER FIFTEEN.

On page 22, line 48, of the printed bill, after the word "semi-trailer", insert the words "or tractor and trailer".

AMENDMENT NUMBER SIXTEEN.

On page 27, line 24, of the printed bill, strike out the word "which", and insert in lieu thereof the word "with".

AMENDMENT NUMBER SEVENTEEN.

On page 32, line 42, of the printed bill, strike out the word "vehicles", and insert in lieu thereof the word "vehicle".



AMENDMENT NUMBER EIGHTEEN.

On page 33, line 13, of the printed bill, strike out the word "impractical", and insert in lieu thereof the word "impracticable".

AMENDMENT NUMBER NINETEEN.

On page 33, line 20, of the printed bill, strike out the hyphen between the words "right hand".

AMENDMENT NUMBER TWENTY.

On page 35, line 31, of the printed bill, strike out the word "the".

AMENDMENT NUMBER TWENTY ONE.

On page 33, line 25, of the printed bill, strike out the word "or", and insert the word "nor".

AMENDMENT NUMBER TWENTY TWO.

On page 38, line 45, of the printed bill, strike out the word "case", and insert in lieu thereof the word "cause", and in line 50, strike out the word "cause", and insert in lieu thereof the word "cause".

AMENDMENT NUMBER TWENTY THREE.

On page 41, line 28, of the printed bill, strike out the word "a", and insert in lieu thereof the word "one".

AMENDMENT NUMBER TWENTY FOUR.

On page 41 of the printed bill, strike out all of lines 19 to 22, both inclusive, and in line 23 strike out the word "division.", and insert in lieu thereof the following: "the opinion of the purchasing agent, such bids shall be rejected and the purchasing agent is hereby authorized to arrange for the purchase of equipment and the manufacture of such license number plates and the cost thereof shall be a charge against the funds mentioned in this subdivision."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 714, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print, and re-engrossment.

NOTICE OF MOTION TO RECONSIDER.

Senator Inman gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 426 was passed.

SECRETARY JOSEPH A. BEEK AT THE DESK.

Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependence, and empowering county boards of supervisors to levy a special tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 209 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—Senator Cobb—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senator Mueller: Senate Concurrent Resolution No. 23—Relative to approving four certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of March, 1929.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER  
TWENTY-THREE.

Senator Mueller asked for and was granted unanimous consent to consider at this time Senate Concurrent Resolution No. 23, without reference to committee.

Senate Concurrent Resolution No. 23—Relative to approving four certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of March, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—34.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 23 ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics, to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 33 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the following: "sections 18 and".

## AMENDMENT NUMBER TWO.

On page 3, line 27, of the printed bill, as amended, after said line 27, insert the following:

"SEC. 2. Section 18 of said act as amended is hereby amended to read as follows:

Sec. 18. The state registrar shall prepare and distribute all forms and blanks for use in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions, and the maintenance of a perfect system of registration; and no other forms or blanks shall be used than those prepared by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, undertakers, clergymen, or judges, and all other persons having knowledge of the facts, are hereby required to supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth or death or marriage upon demand of the state registrar, in person, by mail, or through the local registrar; *provided*, that no certificate of birth or death or marriage, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

(a) Whenever it may be alleged that the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, setting forth the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the state registrar. He shall also retain copies for his files. If the correction relates to a certificate previously returned to the state registrar the local registrar shall forthwith transmit the affidavits to the state registrar. If the correction is first made in the state bureau of vital statistics the state registrar shall transmit a certified copy of the amended certificate to the local registrar.

The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and maiden names of mothers, and in the case of marriages by the names of both grooms and brides. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 33, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.  
Bill ordered to print, and re-engrossment.





The roll was called, and Senate Bill No. 562 passed by the following vote:

AYES—Senators Allen, Baker, Baggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Harbo, Lamm, Mainwaring, McKenley, Merriam, Mueller, Murphy, Nelson, Padgett, Rochester, Shattuck, Senter, Swing, Tabbs, Wagy, and Weller—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

# RECESS.

At one o'clock p.m., on motion of Senator Breed, the Presiding Senator declared the Senate at recess until two o'clock p.m.

# RECONVENED.

At two o'clock p.m., the Senate reconvened.

Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 283—An act granting to The Regents of the University of California for the use of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography the sole and exclusive right of possession, occupation, and use of certain lands bordering on the Pacific Ocean in the county of San Diego, State of California, and State waters adjacent thereto, forbidding entry upon said lands and State waters by any persons other than officers, employees, students of the University of California, and licensees of The Regents of the University of California, making every violation of certain provisions of this act a misdemeanor, and providing for the punishment thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 614—An act relating to the establishment and maintenance of dormitories at State teachers colleges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 615—An act providing for the establishment and maintenance of cafeterias in State teachers colleges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 660—An act to provide for the assent by the State of California to the provisions of an act passed by the Congress of the United States known as the Capper-Ketchum Act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and approved May 22, 1928.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 843—An act providing for the disposition of profits resulting from the operation of cafeterias and dormitories at State teachers colleges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 196—An act to amend section 1151 of the Political Code, relating to boards for municipal elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 637—An act relating to revocation of life diplomas or other teacher's credential or document issued by the State Board of Education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 547—An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 548—An act relating to holding of school elections in union or joint union school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 549—An act relating to the election of clerks of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 867—An act relating to the opening and closing of polls at school elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 824—An act providing for the employment of home teachers by governing boards of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 4, line 17, of the printed bill, strike out all of lines 17 to 27, inclusive, and insert in lieu thereof the following:

"Sec. 6409. When, in the judgment of the state board of education, there exists sufficient evidence that a textbook listed by said board contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, said board shall cause the book to be investigated by a committee of impartial experts. Such committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the state board of education. If, in the opinion of the committee such textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, said board of education may remove said book from the official list."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.



THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 496—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 496 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 3

Relating to hours of employment of persons on interstate carriers.

WHEREAS, Under the provisions of the laws of the United States persons employed on interstate railroads are required to remain on duty sixteen consecutive hours; and

WHEREAS, Such extended period of continuous employment tends to the physical exhaustion and the consequent inefficiency of such employees, increasing the danger of mishap; therefore be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of this State hereby urges upon the Congress of the United States the adoption of a law limiting the hours of employment of such persons to twelve consecutive hours in any twenty four consecutive hours, and declaring that such employees shall remain off duty at least twelve consecutive hours.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Slater, Tubbs, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 3 ordered transmitted to the Assembly.

SENATOR BOGGS IN THE CHAIR.

At two o'clock and twenty-five minutes p.m., Senator Boggs of the Tenth District was called to the chair.

Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000; as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect.

Bill read third time.

URGENCY CLAUSE.

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared to be an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Inman moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—24.

The Secretary announced the absentees.

Time, two o'clock and thirty-two minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

PROCEEDINGS UNDER CALL OF THE SENATE.

Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 74 to Senator Christian, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, after the word "service", insert the words "of notices and other papers".

AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, after the word "mail", strike out the period, and insert in lieu thereof a comma and also the words "and effect thereof".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 74, with instructions to amend the title, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 97 to Senator Christian, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the words "time when", and insert in lieu thereof the words "the purposes for which."

AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, before the word "or", insert the words "including a proceeding relating to the administration of the estate of a decedent, also a proceeding relating to the administration of the estate of a minor or incompetent person after a guardian has been appointed therein."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 97, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 96—An act to amend sections 1327, 1491, 1616, and 1664 of the Code of Civil Procedure, relating to the time within which various acts pertaining to the administration of estates may be done.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 96 to Senator Christian, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out the last three words in line 2 of the title, and also all of lines 3 and 4 of the title of the printed bill, and insert in lieu thereof the words "administration of estates".

## AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the word "interested", and insert in lieu thereof a comma, and also the words "other than a party to a contest filed before probate pursuant to section 1312 of this code and other than a person who has had actual notice of a contest thereunder,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 96, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 98—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 98 to Senator Christian, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out all of lines 1 and 2 of the title of the printed bill, and insert in lieu thereof the following:

"An act to add a new section to be numbered 1179a to chapter four of title three of part three of the Code of Civil Procedure, relating to summary judgments."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 1179a is hereby added to chapter four of title three of part three of the Code of Civil Procedure, to read as follows:".

## AMENDMENT NUMBER THREE.

On page 1, line 12, of the printed bill, strike out the last two words thereof, to wit, "his agent".

## AMENDMENT NUMBER FOUR.

On page 1, line 13, of the printed bill, strike out the word "attorney".

## AMENDMENT NUMBER FIVE.

On page 1, line 13, of the printed bill, after the word "or", insert the words "by any".

## AMENDMENT NUMBER SIX.

On page 1, line 13, of the printed bill, strike out the word "personal".



## AMENDMENT NUMBER SEVEN.

On page 2, immediately following line 12 of the printed bill, insert the following: "A judgment entered under this section is an appealable judgment, as in other cases."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 98, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Inman.

The Secretary was directed to call the roll on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senator Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATE JOINT RESOLUTION No. 10.

Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California.

WHEREAS, The development of harbor facilities, deep water harbors, and ports of refuge on the long coast line of California is of vital importance to the welfare of the State and the nation; and

WHEREAS, Such facilities and ports are necessary to water-borne commerce which is rapidly increasing on the Pacific coast; and

WHEREAS, Natural harbors along more than 750 miles of California coast line are limited to a few in number as compared to the Atlantic seaboard, and development of these harbors is extremely important to the ever-increasing productivity of the State; and

WHEREAS, The city of Trinidad, California, is now seeking federal assistance in the construction of a breakwater in Trinidad Bay for the development and improvement of a deep water harbor which will serve as an outlet for the commerce and industry that will follow the development of northwestern California with its millions of dollars worth of untouched and undeveloped natural resources; and

WHEREAS, Improvements made in Trinidad Harbor would facilitate the shipping of commerce to and from the tributary territory; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That the Legislature of the State of California joins with the city of Trinidad in respectfully urging and requesting federal assistance in this important project, and the adoption by the Congress of the United States of appropriate legislation for the appropriation of the requisite funds to aid in the construction of said proposed breakwater; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the Secretary of War of the United States, the Secretary of the Navy of the United States, and to each of the members of the Senate and House of Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 10 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1085—An act to amend section 2322, 24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

During third reading of the bill, Senator Young moved to refer Assembly Bill No. 821 to Senator Weller, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE

On page 2, line 7, of the printed bill, beginning in said line 7, strike out the comma and the following: "subject to the provisions of this article."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 821, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print.

Assembly Bill No. 325—An act to create a game refuge for quail in certain parts of Marin County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 325 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An act confirming and validating the formation or organization and existence of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 712—An act to provide for the change of name of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 820—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by adding a new section thereto numbered section 10, relating to contracts of irrigation districts for construction of public works.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 820 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 784—An act to amend the California Irrigation District Act, approved March 31, 1897, by adding thereto a new section to be numbered 35a, defining the term "assessment book," and by amending section 42 thereof, relating to the publication of the delinquent list.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 752—An act to amend section 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 752 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 294—An act creating the Department of Agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 294 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney,

McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," approved March 24, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286—An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said fund; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301—An act permitting State officers and State employees to attend military training encampments without deduction of pay.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 301 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 17—An act to amend section 756 of the Political Code, relating to salaries of deputy clerks of Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 17 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senator Carter: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California, an amendment of section 6, of article IV, of the constitution of the State, relating to the apportionment of the State into Assembly and Senatorial districts.

Amendment referred to Committee on Constitutional Amendments.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bill No. 332 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Senate Bill No. 703 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 38—An act to add a new section to the "Weights and Measures



Act," approved June 16, 1913, as amended, to be numbered 16æ2, relating to the salaries of the sealer of weights and measures, and deputies, in counties of the second class;

Also: Assembly Bill No. 160—An act to amend section 19æ28 of the Juvenile Court Law, approved June 5, 1916, as amended, relating to salary of the probation officer and assistant probation officer in counties of the twenty-eighth class;

Also: Assembly Bill No. 271—An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bills Nos. 38, 160 and 271 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bill No. 1028 ordered on file for second reading.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Boggs to introduce a bill entitled—An act to amend the title and sections 9 and 14 of an act known as the "Bovine Tuberculosis Law" of California, approved April 4, 1927, and to add a new section thereto to be numbered 17, relating to the care and feeding of the offspring of certain bovine animals, the tuberculin testing thereof, and the segregation of such offspring; and providing an appropriation to carry into effect the provisions of this act—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Boggs: Senate Bill No. 851—An act to amend the title and sections 9 and 14 of an act known as the "Bovine Tuberculosis Law" of California, approved April 4, 1927, and to add a new section thereto to be numbered 17, relating to the care and feeding of the offspring of certain bovine animals, the tuberculin testing thereof, and the segregation of such offspring; and providing an appropriation to carry into effect the provisions of this act.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors.

Also: Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts be entirely within unincorporated territory of a county or the territory of a municipality, or be within such unincorporated territory and one or more municipalities, or be within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facilities, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Senate Bills Nos. 729 and 748 ordered on file for second reading.

## ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, March 26, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104a, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court;

Also: Senate Bill No. 126—An act to add a new section to the Penal Code, to be numbered 1269a, relating to bail in criminal cases;

Also: Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence;

Also: Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles;

Also: Senate Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—8; committee vote: Ayes—8.

BAKER, Chairman.

Senate Bills Nos. 666, 126, 179, 180 and 181 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property;

Also: Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—8; committee vote: Ayes—8.

BAKER, Chairman.

Senate Bills Nos. 399 and 400 ordered on file for second reading.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 81—An act to amend sections 591, 592, 593 and 594 of the Code of Civil Procedure, relating to trials;

Also: Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending sections 204, 205 and 206 thereof and to repeal sections 204a, 204b, 204c, 204d, 208, 209, 211, 214, 215, 219, 220, 225, 226, 227, 228, 230, 231, 232, 246, 247, 248, 250 and 251 of the same code, relating to the selecting, returning, summoning, drawing and impaneling of jurors;

Also: Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts;

Also: Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

INMAN, Vice Chairman.

Senate Bills Nos. 81, 84, 99 and 734 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 29, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add twenty-five new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; noes—1.

CHRISTIAN, Chairman.

Assembly Bill No. 773 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and certificates—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of March, 1929, at three o'clock and fifteen minutes p.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 20—An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties;

Also: Senate Bill No. 174—An act to amend section 647 of the Penal Code of the State of California, relating to vagrants;

Also: Senate Bill No. 409—An act to add a new section to be numbered section 1570a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange;

Also: Senate Bill No. 482—An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders;

Also: Senate Concurrent Resolution No. 18—Relative to the Colorado River compact;

Also: Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the State highway system after engineering and economic studies by the California Highway Commission and the Department of Public Works;

Also: Senate Concurrent Resolution No. 2—Relative to Henry Meade Bland being given the honorary title of The Laurel Crowned Post of California;

Also: Senate Joint Resolution No. 8—Relating to the Federal Income Tax Law;



Also: Senate Joint Resolution No. 6—Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act;

Also: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative to taxation of ocean marine insurers;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1929, at eleven o'clock a.m.

JONES, RAY, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 226—An act remising, releasing and quit-claiming to The Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said The Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State Normal School,' approved March 14, 1881, abolishing the branch of the State Normal School at Los Angeles, transferring its properties to The Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said The Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act," and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 226—An act remising, releasing and quit-claiming to The Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said The Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State Normal School,' approved March 14, 1881, abolishing the branch of the State Normal School at Los Angeles, transferring its properties to The Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said The Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED TWENTY-SIX.

##### AMENDMENT NUMBER ONE.

On page 2, line 19, of the printed bill, as amended in Senate March 4, 1929, beginning in said line 19, strike out the words "of the", and also strike out all of lines 20 and 21, and insert in lieu thereof the following: "as follows: one hundred fifty thousand dollars of such proceeds shall be set aside to be used for the construction and equipment of a building on the university campus at Westwood, Cali-

fornia, to be known as the subtropical horticultural building and to be used for the teaching of subtropical horticulture; one hundred twenty-five thousand dollars of such proceeds shall be set aside for the construction and equipment of buildings at the citrus experiment station and graduate school of tropical agriculture, at Riverside, California; any moneys remaining shall be applied by the regents of the University of California for university purposes within the county of Los Angeles."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 226?

The roll was called, and Assembly amendment to Senate Bill No. 226 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 226 ordered to print, and enrollment.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 274—An act to amend section 1415 of the Code of Civil Procedure, relating to powers, duties and obligations of special administrators;

Also: Assembly Bill No. 454—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court;

Also: Assembly Bill No. 693—An act to amend section 340 of the Code of Civil Procedure, relating to the time for commencement of actions;

Also: Assembly Bill No. 747—An act to amend section 86 of the Code of Civil Procedure, relating to the justices' clerks and their appointees;

Also: Assembly Bill No. 849—An act to amend section 16r15 of the Weights and Measures Act, approved June 16, 1913, as amended, relating to compensation of the sealer of weights and measures in counties of the fifteenth class;

Also: Assembly Bill No. 1113—An act to amend sections 1205 and 1446 of the Penal Code, relating to judgments directing imprisonment for satisfaction of fines and providing for payment of fines within a limited time or in installments in certain cases.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 274, 454, 693 and 747 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 849 read first time, and referred to Committee on County Government.

Assembly Bill No. 1113 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 8—Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 8 referred to Committee on Federal Relations.

#### THIRD READING OF SENATE BILL.

Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 80 to Senator Christian, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 3, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to add a new section to be numbered 722 to chapter two of title nine of part two of the Code of Civil Procedure, relating to proceedings supplemental to execution."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 722 is hereby added to chapter two of title nine of part two of the Code of Civil Procedure to read as follows:"

## AMENDMENT NUMBER THREE.

On page 1, line 3, of the printed bill, strike out the second word, to wit, "the", and insert in lieu thereof the word "any".

## AMENDMENT NUMBER FOUR.

On page 1, line 3, of the printed bill, strike out the last two words thereof, to wit, "named in", and insert in lieu thereof the words "or corporation or officer or member of such corporation".

## AMENDMENT NUMBER FIVE.

On page 1, line 4, of the printed bill, strike out the word "section", and also the figures "717".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 80, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Inman, adopted.

Bill ordered to print, and re-engrossment.

## ADJOURNMENT.

At three o'clock and fifty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until eleven o'clock a.m., Tuesday, April 2, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, April 2, 1929.

The Senate met at eleven o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.



## READING OF THE JOURNAL.

During the reading of the Journal of Monday, April 1, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. P. Anderson.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. H. Peters and Mrs. Lester E. Rice of Richmond.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ethel B. Bernier, principal of Vine Hill School of Martinez, and pupils as follows: Walter Pilgrim, Bacci De Martini, Catherine Capellino, Lillian Merrill, Laurie Viglienzzone and Caesar Viglienzzone.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2—An act to amend the Political Code by adding thereto a new section to be numbered 4041m empowering boards of supervisors of the counties of the State to lease all lands whether dedicated to a public use or not, and under the jurisdiction of the county, for the drilling of oil and gas, and the extraction of other minerals;

Also: Assembly Bill No. 82—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof;

Also: Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2 read first time, and referred to Committee on County Government.

Assembly Bill No. 82 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 289 read first time, and referred to Committee on County Government.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 689. An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081, and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932a, 1933, 1934, 1962 and 1968 of the Political Code, all relating to the National Guard and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 689 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject; and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED FORTY-EIGHT.

AMENDMENT NUMBER ONE.

In line 11 of the title of the printed bill, as amended, after the word "subject" strike out the period, insert a comma and add the following: "and declaring the urgency thereof and providing that this act shall take effect immediately."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 548?

The roll was called, and Assembly amendment to Senate Bill No. 548 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Imman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.  
NOES—None.

Senate Bill No. 548 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED EIGHT.

## AMENDMENT NUMBER ONE.

On page 2, line 10, of the printed bill, strike out all of line 10, and insert in lieu thereof the following: "appointed or the polling place therein, has".

## AMENDMENT NUMBER TWO.

On page 2, line 14, of the printed bill, after the word "require", in said line, strike out the period, and insert in lieu thereof a comma and the following: "*and provided, further,* that if any of the said officers that have heretofore been appointed can not serve, because of illness, disqualification or for some other good and sufficient reason, they shall return and file their notice of appointment as such election officer with the county clerk or registrar of voters, who shall have the authority to excuse such appointee from serving whenever he is satisfied that such elector should and ought to be excused, and he is also granted the power to substitute a new appointee in place and stead of the elector who has either been excused or found disqualified."

## AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER FOUR.

On page 2, line 21, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER FIVE.

On page 2, line 25, of the printed bill, strike out the word "voter", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER SIX.

On page 2, line 28, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER SEVEN.

On page 2, line 31, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER EIGHT.

On page 2, line 34, of the printed bill, beginning in said line 34, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER NINE.

On page 3, line 1, of the printed bill, in the beginning of said line 1, insert the word "state" before the word "county".

## AMENDMENT NUMBER TEN.

On page 3, line 46, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER ELEVEN.

On page 3, line 52, of the printed bill, strike out the word "some", and insert in lieu thereof the word "a", and also strike out the words "in case there is no daily then".

## AMENDMENT NUMBER TWELVE.

On page 4, line 2, of the printed bill, strike out the words "three successive", and insert in lieu thereof the word "two".

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 6, of the printed bill, strike out the word "persons", and insert in lieu thereof the word "electors".

## AMENDMENT NUMBER FOURTEEN.

On page 4, line 18, of the printed bill, strike out the word "persons", and insert in lieu thereof the word "electors".

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 38, of the printed bill, strike out the word "poll", and insert in lieu thereof the word "tally".

## AMENDMENT NUMBER SIXTEEN.

On page 4, line 47, of the printed bill, strike out the word "receipts", and insert in lieu thereof the word "receipt".

## AMENDMENT NUMBER SEVENTEEN.

On page 5, line 24, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

## AMENDMENT NUMBER EIGHTEEN.

On page 5, line 36, of the printed bill, after the word "and", in said line, insert the following: "all of said board".



AMENDMENT NUMBER NINETEEN.

On page 5, line 46, of the printed bill, strike out the word "persons", and insert in lieu thereof the word "electors".

AMENDMENT NUMBER TWENTY.

On page 5, line 49, of the printed bill, strike out the word "persons", and insert in lieu thereof the word "electors".

AMENDMENT NUMBER TWENTY ONE.

On page 5, line 50, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

AMENDMENT NUMBER TWENTY TWO.

On page 5, line 51, of the printed bill, strike out the word "person", and insert in lieu thereof the word "elector".

AMENDMENT NUMBER TWENTY THREE.

On page 6, line 7, of the printed bill, strike out the word "final", and insert in lieu thereof the word "Final".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 608?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 608 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Tibbs, Wagy, Weller, and Young—29.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State Treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund;

Also: Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county jail under judgment of imprisonment in a criminal action or proceeding;

Also: Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof;

Also: Senate Bill No. 833—An act to add a new section to the Political Code of the State of California, to be known as section 3627c, relating to taxation.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 44, 197, 252, 821 and 833 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire engaged in interstate commerce.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 458—An act to amend section 369b of the Penal Code, relating to shipping cattle without unloading or feeding them—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 458—An act to amend section 369b of the Penal Code, relating to shipping cattle without unloading or feeding them.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED FIFTY-EIGHT.

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the word "transporting", insert the word "horses".

##### AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the word "or".

##### AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, after the word "swine", insert the words "or other animals".

##### AMENDMENT NUMBER FOUR.

On page 1, line 7, of the printed bill, after the word "feeding", insert the words "into properly equipped pens".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 458?

The roll was called, and Assembly amendments to Senate Bill No. 458 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Tubbs, Wagy, Weller, and West—24.

NOES—None.

Senate Bill No. 458 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 196—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under judgment of imprisonment rendered in a criminal action may be required to labor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 196 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 140—An act to add new sections to the Penal Code, to be numbered sections 526 and 527, relating to the making, distribution, or use of matter resembling any process of a court;

Also: Assembly Bill No. 1117—An act to amend section 84 of the Civil Code, relating to children of annulled marriages.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 140 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1117 read first time, and referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

## SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 804 and 882 thereof, relating to the jurisdiction of courts, in municipal corporations of fourth, fifth and sixth classes:

Also: Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial:

Also: Senate Bill No. 287—An act to add a new section to the Penal Code to be numbered 637½, relating to trapping of game:

Also: Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco Harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco, to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; and to make an appropriation of \$5,000 for the expense of printing said bonds:

Also: Senate Bill No. 713—An act to amend sections 11, 14 and 29 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes thereon; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923, relating to sanitary districts and the taxes and bonds thereof and the construction or extension of sewers and sewer systems thereof:

Also: Senate Bill No. 410—An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy":

And reports that the same have been correctly engrossed.

Also:

JONES, RAY, Chairman.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 71, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, and 159, and by adding thereto new sections to be numbered 81, 224, 234, 284, 304, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1504, 1524, 1534, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California highway patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the routing of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.



## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 229—An act adding a new section to the Political Code to be numbered 694, relating to the Department of Finance—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—10; absent—3.

BOGGS, Chairman.

Senate Bill No. 229 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,'" approved March 18, 1899, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 829 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 65—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 658 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 641—An act to revise an act entitled, "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Senate Bill No. 641 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 698—An act to amend section 2322h of the Political Code, relating to county horticultural commissioners—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 698 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1037—An act to amend "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, by adding to said act a new section to be numbered 15a, relating to standards and standard containers for apples; to add a new section to said act to be numbered 38a, relating to a fund for the enforcement of said act, and to repeal "The California Standard Apple Act," approved June 3, 1921, as amended;

Also: Assembly Bill No. 978—An act to amend the California Fruit, Nut and Vegetable Standardization Act of 1927, approved June 2, 1927, as amended, by amending section 35 thereof, relating to standards for sweet potatoes;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bills Nos. 1037 and 978 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 234—An act to amend section 357½ of the Penal Code, relating to altering or defacing marks or brands on domestic animals and turkeys:

Also: Assembly Bill No. 236—An act to provide for the adaption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bills Nos. 234 and 236 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 720—An act to amend section 2 of an act entitled "An act to provide for the establishment of weed free areas, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 720 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 685—An act to amend sections 2, 5 and 7 of an act entitled "An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled 'An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," approved February 20, 1901, as amended," approved May 31, 1927;

Also: Assembly Bill No. 696—An act to amend section 2322½ of the Political Code, relating to county horticultural commissioners;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bills Nos. 685 and 696 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 697—An act to amend section 2322½ of the Political Code, relating to county horticultural commissioners—has had the same under considera-

tion, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 697 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 145—An act to amend section 1274b of the Code of Civil Procedure, relating to unclaimed money of missing persons;

Also: Assembly Bill No. 146—An act to amend section 4153 of the Political Code, relating to the duties of the district attorney;

Also: Assembly Bill No. 185—An act to add a new section to the Code of Civil Procedure to be numbered 542b, relating to the release of personal property under attachment or garnishment;

Also: Assembly Bill No. 209—An act to add a new section to the Code of Civil Procedure, to be numbered 1752d, relating to property of minors;

Also: Assembly Bill No. 335—An act to amend section 128 of the Civil Code, as to the residence of the plaintiff, defendant and cross-complainant in an action for divorce;

Also: Assembly Bill No. 495—An act to amend section 7 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, relating to appointees;

Also: Assembly Bill No. 641—An act to amend section 1274a of the Code of Civil Procedure of the State of California, relating to the deposit of unclaimed property in the estates of decedents;

Also: Assembly Bill No. 737—An act to amend section 13 of the Juvenile Court Law, approved June 5, 1915, relating to transfers of cases from one county to another;

Also: Assembly Bill No. 981—An act to provide for the protection of certain employees of cities, city and counties, incorporated or unincorporated cities, towns or districts, against personal liability incurred while acting within the course of their duty;

Also: Assembly Bill No. 1103—An act to amend section 204 of the Code of Civil Procedure, relating to the selection of trial jurors and grand jurors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bills Nos. 145, 146, 185, 209, 335, 495, 641, 737, 981 and 1103 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—2; absent—4.

INMAN, Vice Chairman.

Senate Bill No. 552 ordered on file for second reading.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

Also: Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties;

Also: Senate Bill No. 100—An act to amend "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and prescribe their



powers and duties, and to repeal an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations," approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended; by adding a new section to be numbered section 204 relating to the impersonation of investigators of the Board of Medical Examiners and providing a penalty for the violation of the provisions hereof;

Also: Senate Bill No. 212—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the medical corps of the Army, Navy and Public Health Service of the United States;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6, absent—1.

CROWLEY, Chairman.

Senate Bills Nos. 217, 215, 337, 106 and 213 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 36—An act to amend section 42259 of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

Also: Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees.

Also: Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk;

Also: Assembly Bill No. 528—An act to amend section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bills Nos. 36 and 37 ordered on file for second reading.

Assembly Bills Nos. 528 and 690 ordered on file for second reading.

# ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of police officers and requiring that certain crimes and criminal statistics and information be reported to the bureau;

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article XIII thereof a new section to be numbered section 1c, relative to revenue and taxation;

Also: Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a public officer;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 793—An act to amend sections 290, 290b, 296, 297, 301, 308, 309, 343, 354, 359, 362 and 593 of the Civil Code, to add two new sections to said code numbered 296a and 326a, respectively, and to repeal sections 290c, 290e, 290f, 290g, 290j, 291, 293, 294, 295, 321a, 344, 361, 403 and 604a, all relating to corporations;

Also: Senate Bill No. 794—An act to add a new section to the Civil Code, to be numbered 411, relating to the surrender by foreign corporations of the right to transact intrastate business;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Senate Bills Nos. 793 and 794 ordered on file for second reading.

## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 618—An act to add a new section 347½ to the Penal Code, relating to the sale and use of poisons and providing a penalty for the violation thereof;

Also: Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates;

Also: Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act;

Also: Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927;

Also: Assembly Bill No. 171—An act to amend section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to human bodies not to be used for scientific purposes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bills Nos. 618, 523, 214 and 199 ordered on file for second reading.

Assembly Bill No. 171 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act;

Also: Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bills Nos. 216 and 550 ordered on file for second reading.

## ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 141½, relating to the liability of an owner or driver or person responsible for the operation of a vehicle for the injury or death of a guest—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Senate Bill No. 23 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1101—An act providing for the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof, and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Assembly Bill No. 1101 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 593—An act to add two new sections to the "California Vehicle Act," approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles;

Also: Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles;

Also: Assembly Bill No. 597—An act to amend section 61 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to applications for operators' and chauffeurs' licenses;

Also: Assembly Bill No. 600—An act to amend section 74 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Assembly Bills Nos. 593, 594, 597 and 600 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 592—An act to amend sections 51, 66, 72 and 73 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Judiciary.

Committee membership—15; committee vote: Ayes—13; absent—2.

SHARKEY, Chairman.

Assembly Bill No. 592 ordered on file for second reading.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081, and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code, all relating to the National Guard.



ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED  
EIGHTY-NINE.

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out the word "said", and insert in lieu thereof the words "the Political".

AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, strike out the word "said", and insert in lieu thereof the words "the Political".

AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, strike out the word "this", and insert in lieu thereof the words "the Political".

AMENDMENT NUMBER FOUR.

On page 2, line 20, of the printed bill, strike out the word "this", and insert in lieu thereof the words "the Political".

AMENDMENT NUMBER FIVE.

On page 2, line 29, of the printed bill, strike out all of said line 29, and insert in lieu thereof the following:

SEC. 5. Section 2077 of the Political Code is hereby amended to read as".

AMENDMENT NUMBER SIX.

On page 2, line 44, of the printed bill, strike out all of line 44, and insert in lieu thereof the following:

"SEC. 6. Section 2081 of the Political Code is hereby amended to read as".

AMENDMENT NUMBER SEVEN.

On page 3, line 31, of the printed bill, strike out lines 34 to 47, inclusive, and insert in lieu thereof the following:

"SEC. 7. Sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code are hereby repealed."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 689?

The roll was called, and Assembly amendments to Senate Bill No. 689 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and West—31.

NOES—None.

Senate Bill No. 689 ordered to enrollment.

CONSIDERATION OF DAILY FILE.

SECOND READING OF SENATE BILLS.

Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting or reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in lime, cement and other reduction plants.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 187—An act to regulate employment where the work is to be performed outside of this State by persons hired within this State and prescribing punishment for the violation of the provisions hereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and

requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, following the word "indelibly", insert the following: "branded, molded, embossed,".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, following line 12, of the printed bill, insert a new paragraph as follows:

"It is hereby specifically provided that any article of convict-made goods, wares or merchandise, as described in paragraph one of this section, may be labeled by the attachment of a label not smaller than four inches long and two inches wide, upon which is printed the words "convict made" in plain, bold letters followed by the name of such penitentiary, prison, reformatory or other establishment in which the goods, wares or merchandise were made, providing that in the judgment of officials charged with the enforcement of this act such convict-made goods, wares or merchandise can not be legibly, conspicuously and indelibly branded, molded, embossed, stenciled or labeled as provided in paragraph one of section 1 of this act."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 17, of the printed bill, following the words "approval of", insert the word "the".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 19, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 1, line 26, of the printed bill, following the word "sterilized", insert the following: "in a plant located in California and licensed by the state department of health".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 2, line 1, of the printed bill, following the word "state", strike out the words "department of", and insert in lieu thereof the words "board of public".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 2, line 6, of the printed bill, following the word "by", insert the word "the".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 2, line 8, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 2, line 14, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 15, of the printed bill, following the word "displayed", insert the following: "within the same enclosure and".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 2, line 21, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 2, following line 32, of the printed bill, insert a new paragraph as follows:

"It is also further expressly provided herein that the provisions of this act shall not apply to any article, the manufacture of which in any penitentiary or prison of the state is specifically sanctioned by the laws of this state."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 33, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 2, line 45, of the printed bill, following the word "partnership", insert a comma and the word "association".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, after "Section 1", insert the following: "All waterways, natural or artificial, except such as are owned and operated by an irrigation district, shall be public highways and under the control of the board of supervisors for the county, for the purpose of maintaining a free flow of water therein.

SEC. 2. Any owner of land, owning at least five acres, capable of reclamation may apply to the board of supervisors in writing, giving his name and describing the land. The board shall then cause the county surveyor to survey the same to see if the project is feasible. If reported feasible the board shall notify the owners of land, through which outlet flows which drains such land, to clear such waterway so as permit a free flow of water.

SEC. 3. Any owner of land which has become useless by reason of the ditches or natural waterways which drain such land having become overgrown with vegetation or filled with silt may apply to the board of supervisors of the county to have the said ditches or waterways cleared so that the water shall run free, and the board shall notify all the owners of land through which the ditches or waterways run to clear or clean them.

In the event that the said owners fail, refuse or neglect to do so, within ten days from the date of the receipt of said notice, the board of supervisors may proceed to have such work done, and the cost thereof shall be repaid to the county by the owners of said lands.



SEC. 4. Any and all sums of money so expended by the board of supervisors shall be a lien upon the property through which such ditch or waterway flows. The board of supervisors shall cause to be filed in the office of the county recorder a notice setting forth the amount so expended and claiming a lien upon such property for the amount of such expenditures. Such claim of lien must be filed within six months after the first item of expenditure, and an action to foreclose such lien shall be commenced within six months after the filing and recording of said notice of lien.

When the property is sold enough of the proceeds to satisfy such lien and the cost of foreclosure shall be paid into the general fund of the county treasury and the overplus, if any there be, shall be paid to the owner of the property.

If any clause or phrase of this act is for any reason held to be unconstitutional such portions shall not affect the validity of the remaining portions of this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 6 of the printed bill, after the period in line 37 of said page, insert the following: "In any acquisition of property by the legislative body creating any transportation district under this act, such property may be acquired by gift, purchase or eminent domain; *provided*, that any such acquisition by eminent domain shall be subject to all the provisions of title seven of the Code of Civil Procedure of the State of California. Nothing contained in this act shall, however, give the legislative body of any transportation district created under the provisions of this act, power or authority to acquire by eminent domain the franchises, rights or property of any transportation facility operated in competition with any such district or proposed district, nor to acquire by eminent domain or to construct or operate any transportation facility in competition with any transportation facility existing at the time of the commencement of such acquisition, construction or operation. In the acquisition, construction, maintenance and operation, or any of them, of any transportation facility by any transportation district created under the provisions of this act, such transportation district and the officers and employees thereof, and all powers and duties of theirs, shall be subject to the regulation, supervision and control of the railroad commission of the State of California, as fixed and defined by the constitution and laws of this state."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 11, line 10, of the printed bill, after the word "of", and before the word "as", insert the following: "the 'municipal lighting maintenance district act of 1927,' approved May 16, 1927,".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104*a*, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 126—An act to add a new section to the Penal Code to be numbered 1269*a*, relating to bail in criminal cases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 24, of the printed bill, strike out the last two words "or along", and insert in lieu thereof the words "and at all".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out all of lines 29 to 37, inclusive, and insert in lieu thereof the following:

"(j) Entering any lands belonging to or occupied by another where such lands are inclosed or where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and along all roads and trails passing through such lands, for the purpose of fishing or hunting, shooting, killing or destroying any animal or bird on such lands, without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof; is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 3 to 14, inclusive, and insert in lieu thereof the following:

"627. Every person who, for the purpose of fishing or hunting, pursuing, taking, killing or destroying any animal or bird, trespasses upon any lands inclosed by a

fence or upon any uninclosed lands where signs are displayed not less than three to the mile along all exterior boundaries and along all roads and trails passing through such uninclosed lands forbidding such trespassing, without the written permission of the owner of such lands, or his agent, or the person in lawful possession thereof; or who maliciously tears down, mutilates, or destroys any sign, signboard, or other notice forbidding hunting and fishing on such private lands, is guilty of a misdemeanor.

Nothing in this section shall be construed as making the entering or use of any road or trail on such lands unlawful when entered and used for the purpose of communicating with the owner of such lands, or his agent, or the person in lawful possession of such lands. The provisions of this section shall not apply to any person employed as a hunter by the state or by the United States to hunt and destroy predatory animals, or birds, when acting in the course of his employment."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 81—An act to amend sections 591, 592, 593 and 594 of the Code of Civil Procedure, relating to trials.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the letter "s" at the end of the word "sections", and also strike out the figures and word "592, 593 and 594".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 6 except the first word, to wit, "same".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of line 7 except the last two words, to wit, "may be".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out all of lines 10 to 29, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of lines 1 to 20, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending sections 204, 205 and 206 thereof and to repeal sections 204a, 204b, 204c, 204d, 208, 209, 211, 214, 215, 219, 220, 225, 226, 227, 228, 230, 231, 232, 246, 247, 248, 250, and 251 of the same code, relating to the selecting, returning, summoning, drawing and impaneling of jurors.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out all of lines 2 to 6, inclusive, of the title of the printed bill, and insert in lieu thereof the following: "Section 204c thereof, relating to jury commissioners



in counties, or cities and counties, where there is a secretary of the judges of the superior court."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, after the figures "204", insert the letter "c".

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 3 to 24, inclusive, and insert in lieu thereof the following:

"204c. In any county or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be five hundred dollars per month, except in counties, or cities and counties, having a population of less than five hundred thousand, as ascertained and determined in the manner provided by section 4005c of the Political Code, in which counties, or cities and counties, the salary of the secretary shall be four hundred dollars per month.

On the authorization of the judges in such a case, the secretary shall have an assistant secretary, who shall assist also in the performance of the duties of jury commissioner, and whose salary shall be two hundred fifty dollars per month. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid."

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 21 to 25, inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out all of lines 1 to 48, inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 2, line 49, of the printed bill, strike out the figure "three", and insert in lieu thereof the figure "2".

### Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 1, line 50, of the printed bill, strike out the word "of", and insert in lieu thereof the word "on".

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, strike out the words "five hundred", and insert in lieu thereof the words "one thousand".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Inman moved to reconsider the vote whereby Senate Bill No. 426 was passed.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 426 was passed carried by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, and Young—25.

NOES—Senators Baker, Edwards, Evans, Hurley, Lyon, McKinley, Merriam, Pedrotti, Sharkey, Swing, Waggy, Weller, and West—13.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 refused passage by the following vote:

AYES—Senators Baker, Edwards, Hurley, Lyon, McKinley, Merriam, Pedrotti, Sharkey, Swing, Waggy, Weller, and West—12.

NOES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, and Young—24.

## COMMUNICATION.

The following communication was presented, and ordered printed in the Journal:

By Senator Mueller:

GREAT LAKES ST. LAWRENCE TIDEWATER ASSOCIATION.  
WASHINGTON, D. C., March 29, 1929.

*To the President and Members of the Senate  
of the State of California.*

Re: Assembly Joint Resolution No. 5.

WHEREAS, The Council of States of the Great Lakes-St. Lawrence Tidewater Association, in annual meeting assembled, is advised that the Senate and Assembly of the State of California, by joint resolution, has associated that State with the states forming this association—"to facilitate and expedite the prosecution of the construction of a seaway connecting the Great Lakes with the Atlantic Ocean via the St. Lawrence River"; therefore be it

*Resolved*, That this council learns with profound satisfaction of this joint action of the Legislature of California in associating that State with the aims and purposes of this association, thus becoming the twenty-third member state; further

*Resolved*, That we extend to the President and members of the Senate of California an enthusiastic welcome, assuring them that this expression of our gratification is commensurate with the very great importance we attach to their action and in sincere appreciation thereof; and further

*Resolved.* That the Executive Director be authorized to send a copy of this resolution to the Governor of the State, the President of the Senate and the Speaker of the Assembly.

CHAS. P. CRAIG, Executive Director.

Milwaukee, Wisconsin, March 18, 1929.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 827 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RE-REFERENCE OF ASSEMBLY BILL.

Senator Hurley asked for and was granted unanimous consent to have Assembly Bill No. 203 withdrawn from Committee on Public Charities and Corrections and re-referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator West moved to refer Senate Constitutional Amendment No. 5 to Senator McKinley, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, after the word "district", insert the word "who".

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator West adopted.

Senate Constitutional Amendment No. 5 ordered to print, and re-engrossment.

Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33

NOES—Senator Gray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—30.

NOES—Senators Gray and Tubbs—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452—An act to add a new section to the Political Code, to be numbered 4052c, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An act to add a new section to the Penal Code, to be numbered 146a, relating to falsely representing a public officer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Iman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 25 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Iman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wag, Weller, West, and Young—33.

NOES—Senator Mueller—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 30½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and

to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 714 to Senator Swing, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 4, line 14, of the printed bill, preceding the word "in", insert the words "to serve".

##### AMENDMENT NUMBER TWO.

On page 4, line 15, of the printed bill, after the word "state", insert "from which they are appointed".

##### AMENDMENT NUMBER THREE.

On page 4, line 14, of the printed bill, after the comma following the word "inspectors", insert "captains".

##### AMENDMENT NUMBER FOUR.

On page 4, line 21, of the printed bill, following the word "inspectors", insert "captains".

##### AMENDMENT NUMBER FIVE.

On page 4, line 27, of the printed bill, after the second word "time", insert the following: "and in counties having charters, other than counties of the first and second class, shall".

##### AMENDMENT NUMBER SIX.

On page 5, line 4, of the printed bill, after the comma following the word "inspectors", insert "captains".

##### AMENDMENT NUMBER SEVEN.

On page 5, line 9, of the printed bill, after the comma following the word "inspectors", insert "captains".

##### AMENDMENT NUMBER EIGHT.

On page 5, line 18, of the printed bill, after the word "state", insert the following: " : provided, however, that no member of the California highway patrol appointed as provided in subdivision (i) hereof shall be assigned for service outside of the county from which he is appointed for a longer period than one week, without the consent of the board of supervisors of such county."

##### AMENDMENT NUMBER NINE.

On page 5, line 20, of the printed bill, strike out the word "state", and after the word "highways", strike out the words "during the night", and insert in lieu thereof the words "both day and night".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 714, with instructions to amend, respectfully reports the same back, amended as per instructions.

SWING, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print, and engrossment.

#### SPECIAL ORDER.

Senator Breed moved that Senate Bill No. 714 be made a special order for Wednesday, April 3, 1929, at twelve o'clock noon.

Motion carried.

#### RECESS.

At one o'clock p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock p.m.



## RECONVENED.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 12—An act regulating the sale of agricultural seed and providing for a State Seed Arbitration Committee to investigate and make recommendations relative to disputes arising from violations of the provisions thereof;

Also: Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor;

Also: Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco Harbor improvement fund;

Also: Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—12; absent—5.

INMAN, Chairman.

Senate Bills Nos. 12, 357, 389 and 850 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be passed out of committee without recommendation, with the understanding that upon request of any Senator the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—12; absent—5.

INMAN, Chairman.

Senate Bill No. 723 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Crowley:

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 15 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to indebtedness of utility districts.

Request referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 542—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Ray Jones moved to refer Assembly Bill No. 542 to Senator Cleveland, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, after said line 5, insert the following:

"5. Treasurer, two thousand two hundred dollars per annum; and in counties of this class the treasurer shall appoint such assistants, as may be necessary for the transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of three thousand dollars. Said salaries to be paid upon verified claims filed with and allowed by the board of supervisors."

AMENDMENT NUMBER TWO.

On page 5, line 6, of the printed bill, strike out lines 6 to 12, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 542, with instructions to amend, respectfully reports the same back, amended as per instructions.

CLEVELAND, Special Committee.

Report read, and on motion of Senator Ray Jones adopted.

Bill ordered to print.

Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election of directors and the levy and collection of taxes.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Ray Jones moved to refer Assembly Bill No. 544 to Senator Cleveland, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill, after the word "election", insert the words "and recall".

AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the words "levee district", and insert in lieu thereof the words "Sutter county".

AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the word "district", and insert in lieu thereof the following: "county where electors of said district are registered."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 544, with instructions to amend, respectfully reports the same back, amended as per instructions.

CLEVELAND, Special Committee.

Report read, and on motion of Senator Ray Jones adopted.

Bill ordered to print, and re-engrossment.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the words "government of the United States", and insert in lieu thereof the words "United States of America".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning in line 1, strike out all of lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. The county of San Benito is hereby empowered and authorized, by and through its board of supervisors, to grant, transfer and convey, without consideration, any or all real property, or any interest therein, now owned, or such as may hereafter be acquired, by the said county of San Benito for park purposes, situate and lying adjacent to, or in the immediate vicinity of, the Pinnacles national monument, within the said county of San Benito, to the government of the United States of America."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, strike out all of said line 13, and insert in lieu thereof the following:

"SEC. 2. The board of supervisors of said county of San Benito is".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 14, of the printed bill, immediately following the word "perform", insert the following: "any and".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 38—An act to add a new section to the "Weights and Measures Act," approved June 16, 1913, as amended, to be numbered 16x2, relating to the salaries of the sealer of weights and measures, and deputies, in counties of the second class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 160—An act to amend section 19x28 of the Juvenile Court Law, approved June 5, 1916, as amended, relating to salary of the probation officer and assistant probation officer in counties of the twenty-eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 271—An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of the officers in counties of the forty-sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 49, of the printed bill, as amended in Assembly February 28, 1929, beginning in said line 49 and carrying over into line 50, strike out the words "and mileage".

Amendment adopted.



AMENDMENT NUMBER TWO.

On page 6, line 4, of the printed bill, as amended in Assembly February 28, 1929, beginning in said line 4, strike out the word "provided", and all of lines 5 to 7, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add twenty-five new sections to said Code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 6, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 34, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 50, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 3, line 15, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3, line 52, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 4, line 43, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 5, line 12, of the printed bill, as amended, strike out the following: "that portion of".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 5, line 14, of the printed bill, as amended, strike out the following: "upon which abuts", and insert in lieu thereof the word "wherever".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5, line 15, of the printed bill, as amended, strike out the first comma in said line and insert in lieu thereof the following: "is included within the assessment district formed to pay for any such improvement".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5, line 21, of the printed bill, as amended, commencing with the comma following the word "unless", strike out all printed matter down to and including the comma following the word "therefor" in line 22.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 9, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 26, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 7, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 24, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 45, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 8, line 6, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 8, line 37, of the printed bill, as amended, strike out the numeral "3", and insert in lieu thereof the numeral "2".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 8, line 44, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 9, line 19, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 9, line 40, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-TWO.

On page 10, line 25, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-THREE.

On page 10, line 51, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 13, line 14, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 13, line 23, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SIX.

On page 14, line 14, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SEVEN.

On page 14, line 18, of the printed bill, as amended, following the word "same", insert the following: "and, in counties not having a charter which creates the office of county counsel, they may employ and contract with counsel to assist the district attorney in representing and advising the board of supervisors and all township and district officers in all matters and questions of law pertaining to their duties and to civil legal questions affecting said county, townships or districts."

Amendment adopted.

AMENDMENT NUMBER TWENTY-EIGHT.

On page 14, line 25, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER TWENTY-NINE.

On page 14, line 36, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

AMENDMENT NUMBER THIRTY.

On page 14, line 52, of the printed bill, as amended, strike out the period after the word "powers".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 565—An act to amend section 4 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to prohibited occupations.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 93—An act to add a new section to be numbered section 3a, to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishments, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to the keeping of records of hours worked and prima facie evidence of violation of the act.

Bill read second time, and ordered on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 287—An act to add a new section to the Penal Code, to be numbered 637½a, relating to trapping of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 677 passed by the following vote:

AYES—Senators Breed, Carter, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Swing, Wagy, and Weller—21.

NOES—Senators Allen, Baker, Canepa, Cassidy, Christian, Cleveland, Cobb, Fellom, Garrison, Merriam, Rochester, Slater, Tubbs, and West—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At two o'clock and fifty-five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Lyon moved to reconsider the vote whereby Senate Bill No. 675 was passed.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 675 was passed, lost by the following vote:

AYES—Senators Breed, Canepa, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Gray, McKinley, Merriam, Slater, Tubbs, and Wags—14.

NOES—Senators Allen, Boggs, Carter, Cassidy, Crowley, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Sharkey, Swing, Weller, West, and Young—21.

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Crowley moved to refer Senate Bill No. 379 to Senator Boggs, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 2, following the period at the end of line 17, of the printed bill, insert the following:

"The director of agriculture is hereby authorized to issue to the inspection departments of additional cities, or counties or cities and counties certificates of approval which will attest the fact that in his judgment such department is complying with the standards of meat inspection established under the provisions of section 10 of this act."

#### AMENDMENT NUMBER TWO.

On page 2, line 32, of the printed bill, following the word "then", insert a comma and the following: "or by the inspection department of any city, county or city and county which holds a certificate of approval from the director of agriculture".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 379, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Crowley adopted.

Bill ordered to print and re-engrossment.

#### RE-REFERENCE OF SENATE BILL.

Senator Rochester asked for and was granted unanimous consent to have Senate Bill No. 103 re-referred to Committee on Governmental Efficiency.

Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 230 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon,

McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 410 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 656, 662 and 675 of the said code, all relating to the Department of Finance and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—12; absent—5.

INMAN, Chairman.

Assembly Bill No. 293 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California:

Also: Senate Bill No. 466—An act to amend an act entitled "An act to create a flood control district to be called 'American River Flood Control District': to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing said indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption,



and appropriating the sum of \$25,000 for said purpose," approved May 28, 1927, by adding a new section thereto to be numbered 18a making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State;

Also: Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction, and equipment, of a State Armory at the city of Long Beach;

Also: Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises;

Also: Senate Bill No. 763—An act to amend sections 14, 15 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15a and 37, respectively, relating to the auditing of canceled warrants and providing for the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925, and the War Department Appropriations Act of Congress of the United States for the fiscal year 1930 being Public Law No. 443, seventieth Congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith;

Also: Senate Bill No. 815—An act to provide for the promotion of maternal hygiene under the State Department of Public Health, and to appropriate money for carrying out the provisions of the act;

Also: Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act;

Also: Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the District Courts of Appeal;

Also: Senate Bill No. 652—A bill appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal;

Also: Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—12; absent—5.

INMAN, Chairman.

Senate Bills Nos. 232, 466, 664, 565, 763, 815, 225, 607, 652 and 755 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 and 375d, inclusive, relating to a Department of Investment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Senate Bill No. 841 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Christian:

SENATE CHAMBER, SACRAMENTO, April 1, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Request referred to Committee on Rules.

## ADJOURNMENT.

At three o'clock and fifteen minutes p.m., on motion of Senator Canepa, the President pro tempore declared the Senate adjourned until eleven o'clock a.m., Wednesday, April 3, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 3, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, April 2, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. L. Hawkins and Mrs. W. L. Hawkins, instructors of the Antioch High School of Antioch, and students as follows: Roberta Easley, Morgan Williams, Leigh Peavey, George Fraser, Armand Leblanc, Blanche Ackerman, Alfreda Williams, Bill Vieira, Bob Wicker, Maurice Travis, Virginia Blingslee, Wilma Lilley, Della Rooker and Mildred Burroughs.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Al. Minzer, Mrs. Winifred Coats, Mrs. Elizabeth Lewis of Martinez, and Assessor G. O. Meese of Contra Costa County.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Whittier College Men's Glee Club of Whittier, California, as follows: Howard Cole, Clyde Clevenger, Donald Briggs, Charles Seanlon, Shober Kimber, Perl Guptill, Kenneth Theiness, Stanley Simons, Conley Davies, Joe Bosio, Charles McLean, Andrew Tomlinson, Donald Todd, Peter Pendelton, Joe Ringland, Jesse Marling, Harry Smith, Allan Bennett, Harry King and Meredith Brown.

On request of Senator Lyon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frankly W. Oatman of Berkeley, California.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George N. Pfarr, president California Corporation Cammeries, and C. S. Morris, dean of Modesto Junior College.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John C. Boggs of Stockton, son of Senator Boggs.

#### PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal.

By Senator Merriam:

March 29, 1929.

WHEREAS, The California State Legislature is now in session and has before it Senate Bill No. 818, having for its purpose the amending of the Los Angeles County Flood Control Act; and

WHEREAS, Said amendments provide that each member of the county board of supervisors shall receive an annual salary of \$5,000 to be paid out of the tax fund of the flood control district; and

WHEREAS, The proposed salary would be in addition to the salary now paid to each member of the board of supervisors, for which the county charter provides that they shall devote all of their time during business hours to public service; and

WHEREAS, As a board of supervisors the administrative functions incident to the affairs of the flood control district, as required by the provisions of the Flood Control Act, are a part of the routine work incumbent upon them as members of the board of supervisors; and

WHEREAS, Irrespective of the question whether or not the salary of the board of supervisors should be increased, we do not believe the plan of increase which the proposed amendment provides should be adopted, for the reason that we question its legality if made effective during the term of office of the present board of supervisors, and, further, if allowed, that the policy of compensation for services performed in ex officio duties might be applied to other political entities with a consequent deterrent effect in their full-time duties as county supervisors: now, therefore, be it

*Resolved*, That the Los Angeles County Committee, California Taxpayers' Association, do hereby go on record as opposed to the enactment of Senate Bill No. 818 and urgently recommend to our legislative representatives that they oppose the passage of the proposed legislation.

EDWIN BAKER, Secretary,

Los Angeles County Committee, California Taxpayers' Association.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 6267, relating to cats in fish and game districts designated by law as game refuges;

Also: Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property;

Also: Senate Bill No. 485—An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations



and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State;

Also: Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates;

Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23 and 24 of said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 49, 439, 485, 667 and 668 ordered to enrollment.  
Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 528—An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on property—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 528—An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on property.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED TWENTY-EIGHT

##### AMENDMENT NUMBER ONE.

In line 1 of the title strike out all following the word "section," and the word "California" in line 2, and insert in lieu thereof the following: "2220 of the Civil Code, and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on property."

##### AMENDMENT NUMBER TWO.

Strike out all following the word "section" in line 1, on page 1, of the printed bill, and all of the remainder of said page 1, and insert in lieu thereof the following: "2220 of the Civil Code is hereby amended to read as follows:

2220. A trust in relation to real and personal property, or either of them, may be created for any purpose or purposes for which a contract may be made.

Sec. 2. Sections 847 and 857 of the Civil Code are hereby repealed."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 528?

The roll was called, and Assembly amendments to Senate Bill No. 528 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Morriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—35.

NOES—None.

Senate Bill No. 528 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 422—An act to amend section 2 of an act entitled 'An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets, to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED TWENTY-TWO.

AMENDMENT NUMBER ONE.

On page 2, line 4, of the printed bill, as amended March 13, 1929, strike out the word "pomegranites", and insert in lieu thereof the word "pomegranates".

AMENDMENT NUMBER TWO.

On page 2, line 38, of the printed bill, as amended March 13, 1929, beginning in said line 38 and carrying over into line 39, strike out the following: "(see note below)".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 422?

The roll was called, and Assembly amendments to Senate Bill No. 422 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 422 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 322—An act to add a new section to the Code of Civil Procedure, to be numbered section 1778a, relating to the sale of personal property by guardians;

Also: Assembly Bill No. 432—An act to add a new section, to be numbered 7a, to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein, and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended;

Also: Assembly Bill No. 461—An act to amend section 4273 of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class;

Also: Assembly Bill No. 471—An act providing for the burning or removing of grass, brush or other inflammable matter and debris from public highways;

Also: Assembly Bill No. 802—An act to amend section 4279 of the Political Code, relating to officers in counties of the fiftieth class and the salaries, fees and expenses thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 322 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 432 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 461 read first time, and referred to Committee on County Government.

Assembly Bill No. 471 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 802 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 630—An act to carry into effect the provisions of subdivisions 6 and 7 of section 8½ of article XI of the constitution of the State of California; and also to provide for the alteration of the boundaries of, for the annexation of territory located in the county of San Mateo with the city and county of San Francisco, for the incorporation of such annexed territory in and as a part of said city and county and for the government of such annexed territory as an integral part of such city and county of San Francisco;

Also: Assembly Bill No. 453—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sales of property of decedents;

Also: Assembly Bill No. 441—An act to amend the title and section 1 of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extensive work in agriculture in cooperation with the United States Department of Agriculture and the University of California," approved May 18, 1915;

Also: Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies;

Also: Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed;

Also: Assembly Bill No. 317—An act to amend section 1360 of the Political Code, relating to absent voters.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 630 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 453 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 441 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bill No. 1049 read first time, and referred to Committee on Insurance.

Assembly Bills Nos. 318 and 317 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 494—An act providing for the establishment and maintenance of twenty-four hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof;



Also: Assembly Bill No. 156—An act to amend an act known as the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to disability indemnity and death benefits;

Also: Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 20 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act;

Also: Assembly Bill No. 489—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, providing for the securing of the payment of compensation by employers;

Also: Assembly Bill No. 305—An act to amend section 4252 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the twenty-third class;

Also: Assembly Bill No. 233—An act to amend section 4230 of the Political Code, relating to salaries of officers of counties of the tenth class

ARTHUR A. OHNIMUS, Chief Clerk.  
By ERIC J. DESER, Assistant Clerk.

Assembly Bill No. 494 read first time, and referred to Committee on Education.

Assembly Bills Nos. 156, 176 and 489 read first time, and referred to Committee on Insurance.

Assembly Bills Nos. 305 and 233 read first time, and referred to Committee on County Government.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING

SENATE CHAMBER, SACRAMENTO, April 3, 1929

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 825—An act to provide for the government of high schools;

Also: Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and other electric power cables;

Also: Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property;

Also: Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone or electric power corporations;

Also: Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts;

Also: Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom;

Also: Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof;

Also: Senate Bill No. 126—An act to add a new section to the Penal Code to be numbered 1269a, relating to bail in criminal cases;

Also: Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence:

Also: Senate Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons:

Also: Senate Bill No. 187—An act to regulate employment where the work is to be performed outside of this State by persons hired within this State and prescribing punishment for the violation of the provisions hereof:

Also: Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors:

Also: Senate Concurrent Resolution No. 22—Relating to radio interference by electrical transmission lines and other electrical equipment:

Also: Senate Concurrent Resolution No. 23—Approving four certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of March, 1929:

Also: Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in lime, cement and other reduction plants:

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

GRAY, Chairman.

Assembly Bill No. 691 ordered on file for second reading.

#### ON BANKING.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Banking, to which was referred Assembly Bill No. 694—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909 as amended, designated the "Bank Act," by amending section 28, relating to the definition and regulation of the business of banking—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

WELLER, Chairman.

Assembly Bill No. 694 ordered on file for second reading.

#### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

GRAY, Chairman.

Assembly Bill No. 692 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 27—An act to amend section 6268 of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 760—An act to amend and to revise an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,'" approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bills Nos. 27 and 760 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 15—An act to amend section 634 of the Penal Code, relative to the protection of fish and game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 15 ordered on file for second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senator Cleveland: Senate Joint Resolution No. 11—Relating to the working condition of unclassified civil service employees in veterans' hospitals.

CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER ELEVEN.

Senator Cleveland asked for and was granted unanimous consent to consider at this time Senate Joint Resolution No. 11, for purpose of adoption, without reference to committee.

SENATE JOINT RESOLUTION No. 11.

Relating to the working condition of unclassified civil service employees in veterans' hospitals.

WHEREAS, There are located in California veterans' hospitals; and

WHEREAS, The unclassified civil service employees in such hospitals receive less compensation than those employed in a similar capacity in State or private institutions in the State; and

WHEREAS, Bills were introduced and passed both houses of Congress, increasing the compensation of classified employees in veterans' hospitals; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of California earnestly petitions Congress to enact legislation which will give to the unclassified civil service employees in veterans' hospitals, a compensation for their services equal to that received by those employed in like occupations in State and private institutions in this State; and be it further

*Resolved,* That the Secretary of the State send a copy of this resolution under the Great Seal of the State of California to the President and Vice President of the United States and to each of the Senators and Congressmen representing California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones,



Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.  
 NOES—None.

Title read and approved.

Senate Joint Resolution No. 11 ordered transmitted to the Assembly.

#### COMMUNICATION.

The following communication was received, and ordered printed in the Journal:

By Senator Handy:

#### HOUSE CONCURRENT RESOLUTION No. 7.

House Concurrent Resolution memorializing the President of the United States and the Congress to increase federal aid for road construction.

WHEREAS, The development of our state has made it increasingly apparent that the people of the state must have good roads; and

WHEREAS, The people of the state of Iowa at the last general election expressed themselves overwhelmingly in favor of an enlarged road construction program; and

WHEREAS, The road building program as outlined and contemplated in this State involves the improvement of many roads of an interstate nature, thus making the cooperation and assistance of the federal government a matter of vital importance; and

WHEREAS, The Congress of the United States has for many years been appropriating federal aid for road construction at the rate of seventy-five million dollars (\$75,000,000) per year; and

WHEREAS, In view of the rapidly increasing traffic on the interstate highways within this State, it is apparent that the building of roads in this State must be speeded up in order to adequately meet the needs of such interstate traffic; now, therefore, be it

*Resolved by the House of Representatives of the General Assembly of Iowa, the Senate concurring.* That we hereby recommend to the President of the United States and to the Congress, that at the coming special session of Congress the annual federal aid road appropriation be increased from seventy-five million dollars (\$75,000,000) per year to not less than one hundred million dollars (\$100,000,000) per year; be it further

*Resolved.* That on the passage of this resolution the chief clerk of the House shall certify a copy hereof to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, to the chairman of the Committee on Roads of the Senate and to the chairman of the Committee on Roads of the House of Representatives, and to each State Legislature now in session.

J. H. JOHNSON,

Speaker of the House.

ARCH W. McFARLANE,

President of the Senate.

I hereby certify that this resolution was adopted March 25, 1929.

A. C. GUSTAFSON,

Chief Clerk of the House.

#### RE-REFERENCE OF SENATE BILL.

Senator Inman asked for and was granted unanimous consent to have Senate Bill No. 737 re-referred to Committee on Judiciary.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
 By Senator Young:

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California.

Request referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 82—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors thereon," approved May 23, 1925, as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof;

Also: Assembly Bill No. 592—An act to amend sections 51, 66, 72 and 73 of the California Vehicle Act approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles;

Also: Assembly Bill No. 757—An act to amend the Political Code by adding thereto a new section to be numbered 4310, providing a special fund for the sheriff, for the manner of making disbursements thereunder, for the use of the fund, and for the manner of accounting therefor;

Also: Assembly Bill No. 791—An act to amend section 701 of the Code of Civil Procedure, relating to who may redeem real property from sale under a lien;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bills Nos. 82, 592, 757 and 791 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 787—An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens;

Also: Assembly Bill No. 789—An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bills Nos. 787 and 789 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 74, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, and 159, and by adding thereto new sections to be numbered 81, 221, 231, 281, 301, 311, 451, 521, 721, 761, 831, 981, 1001, 1111, 1141, 1311, 1411, 1501, 1521, 1531, and 1541, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California highway patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the routing of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

CONSIDERATION OF DAILY FILE.  
UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENTS

The Senate took up for consideration Assembly amendments to Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SIXTY-SEVEN.

AMENDMENT NUMBER ONE.

On page 1, line 8, of the aforesaid section 7, strike out the word "action", and insert in lieu thereof the word "actions".

AMENDMENT NUMBER TWO.

On page 2, line 19, of the aforesaid section 7, strike out the word "fifty", and insert in lieu thereof the word "thousand".

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 167?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 167 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Baggis, Channing, Cramer, Christopher, Cleveland, Cobb, Crocker, Edwards, Evans, Fetter, Ferguson, Goss, Handy, Harbo, Isaacs, Jones, Rye, Lamm, Maynard, McCannock, McKinnis, Morrison, Murray, Nelson, Peterson, Rasmussen, Slaughter, Spahr, Strong, Wagy, Walter, West, and Young—24.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Senators Christopher and Lyman asked for and were granted unanimous consent to withdraw Assembly Bill No. 289 from Committee on County Government, and re-refer to Committee on Judiciary.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senator Shurtz: Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries relative to the control of salmon fishing.

Resolution referred to Committee on Fish and Game.

CONSIDERATION OF DAILY FILE.

SECOND READING OF SENATE BILLS.

Senate Bill No. 229—An act adding a new section to the Political Code, to be numbered 634, relating to the Department of Finance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 823—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and



to provide an appropriation therefor," approved March 18, 1899, as amended.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925.

#### RE-REFERENCE OF SENATE BILL.

Senator Crowley asked for and was granted unanimous consent to have Senate Bill No. 658 re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 641—An act to revise an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, strike out all of lines 19 and 20, and insert in lieu thereof the word "during".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 10, of the printed bill, as amended, strike out lines 10 and 11, and insert in lieu thereof the following: "to have such person act as his agent. Upon the receipt of such appli-".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 14, of the printed bill, as amended, strike out the word "at" in line 14, and all of line 15, and insert in lieu thereof a comma after the word "weighmaster" in line 14.

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 34, of the printed bill, strike out all of said line 34, and insert in lieu thereof the following: "been weighed by him with the idea that such statement shall not only be used as a basis for consummating the sale then being effected by him but that it may also be passed on to others and be used as a basis for the consummation of subsequent sale of such a commodity predicated upon the true weight thereof."

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 4, line 15, of the printed bill, strike out lines 15 to 19, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 4, line 20, of the printed bill, strike out the words "Sec. 9.", and insert in lieu thereof the words "Sec. 8."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 26, of the printed bill, strike out the words "Sec. 10.", and insert in lieu thereof the words "Sec. 9."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 41, of the printed bill, strike out the words "Sec. 11.", and insert in lieu thereof the words "Sec. 10."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 46, of the printed bill, strike out the words "Sec. 12.", and insert in lieu thereof the words "Sec. 11."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 106—An act to amend "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended; by adding a new section to be numbered 20½, relating to the impersonation of investigators of the Board of Medical Examiners and providing a penalty for the violation of the provisions hereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commis-

sioned officers in the Medical Corps of the Army, Navy and Public Health Service of the United States.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 793—An act to amend sections 296, 365 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 9, line 36, of the printed bill as amended, strike out "jointly", and insert in lieu thereof the word "jointly".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 794—An act to add a new section to the Civil Code, to be numbered 411, relating to the surrender by foreign corporations of the right to transact intrastate business.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out all of the title of the bill and insert the following in lieu thereof:

"An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter six, title one, part four, division first of the Civil Code, and to add two new sections to said chapter, to be numbered 411 and 412, respectively, all relating to foreign corporations."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

Strike out all of lines 1 to 25, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 405 of the Civil Code is hereby amended to read as follows: 405. In this chapter the term "foreign corporation" means a corporation not incorporated under the laws of this state. The term "articles" includes the articles or certificate of incorporation or of association filed by the corporation with the secretary of state or proper official of the state, territory, or government, under the laws of which such corporation is created, and any amendments thereof, and any certificates supplemental thereto, and any charter, statute, or governmental act creating it, and any charter, statute or governmental act amendatory thereof or supplemental thereto.

No foreign corporation shall transact intrastate business in this state or enter into repeated and successive transactions of its business in this state, other than interstate or foreign commerce, until it has filed with the secretary of state a copy of its articles duly certified by the secretary of state or other proper official of the government under the laws of which it was created, together with a verified translation of any part thereof in a foreign language, and a statement setting forth:

- (1) The location of its principal office,
- (2) The location of its principal office within this state,
- (3) The name of some person residing within the state upon whom process directed to such corporation may be served, and his business or residence address,



which must be in the county in which the principal office of the corporation in this state is to be located.

(4) Its irrevocable consent to such service, and to service of process on the secretary of state, in the event that the agent so designated or his successor is no longer authorized to act or can not be found at the address given, and paid to the secretary of state a fee of one hundred dollars for filing such certified copy and a fee of five dollars for filing such statement.

Corporations organized for educational, religious, scientific or charitable purposes, and not issuing shares, and foreign nonprofit corporations, shall pay a fee of five dollars for filing their articles.

SEC. 2. Section 406 of the Civil Code is hereby amended to read as follows:

406. Any designation of an agent for the purpose of service, heretofore or hereafter made, may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation and appointing a new agent. Within thirty days after the death or removal from the state of any person designated by the corporation, the corporation must make a new designation, or be subject to the provisions and penalties of this chapter.

Process directed to such corporation may be served on the person so designated, or any managing or business agent of the corporation, or cashier or secretary, or in the event that the person so designated can not be found at the address given, with due diligence, and no managing or business agent or cashier or secretary of such corporation can be found after diligent search, then on the secretary of state. A copy of such designation, certified by the secretary of state, is sufficient evidence of the appointment of such agent for the service of process.

Whenever process against a foreign corporation is served upon the secretary of state such service shall be made by leaving at the office of the secretary of state duplicate copies of such process and paying the secretary of state a fee of five dollars, which shall be included in the taxable costs of such action or proceeding. Upon receipt of such process and fee the secretary of state shall forthwith give notice to the corporation by telegraph, charges prepaid, both to its principal or home office and to its principal office in the state, of the service of such process, and shall forward to each of such offices by registered mail, a copy of such process, whereupon service of such process upon such corporation shall be deemed to be complete and to be personal service upon such corporation. The certificate of the secretary of state, under his official seal, of such service shall be competent and sufficient proof thereof. The defendant shall appear and answer within thirty days after such mailing. The secretary of state shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

SEC. 3. Section 407 of the Civil Code is hereby amended to read as follows:

407. The requirements of this chapter as to foreign corporations shall not apply to corporations engaged solely in interstate or foreign commerce.

Any foreign corporation qualified to transact intrastate business in this state at the time this act becomes effective shall be deemed to be qualified under this chapter.

SEC. 4. Section 408 of the Civil Code is hereby amended to read as follows:

408. Any foreign corporation required to comply with the provisions of this chapter, which transacts intrastate business in this state without complying therewith shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars, nor to exceed one thousand dollars, to be recovered in any court of competent jurisdiction. Prosecution under this section may be brought by the attorney general or by any district attorney, and if brought by the latter, one-half of the fine collected shall be paid to the treasurer of the county in which the conviction was had, and one-half to the state treasurer. If brought by the attorney general, the entire amount of fine collected shall be paid to the state treasurer to the credit of the general fund of the state.

In addition to the penalty herein provided, no such foreign corporation shall maintain any action or proceedings concerning its property in this state, or any intrastate business or transaction in any court of this state until it has complied with this chapter.

Failure of any foreign corporation to comply with the requirements of this chapter shall not impair or affect the validity of any contract therewith, but no such corporation which should have so complied, shall maintain an action on any such contract in any of the courts of this state until it shall have become authorized to transact business in this state.

SEC. 5. Section 409 of the Civil Code is hereby amended to read as follows:

409. Any person who transacts business in this state on behalf of a foreign corporation which is not authorized to transact business in this state, shall be guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than three hundred dollars.

SEC. 6. Section 410 of the Civil Code is hereby amended to read as follows:

410. No corporation having the name of a domestic corporation or the name of a foreign corporation which is authorized to transact intrastate business in this state, or having a name so similar to that of any such corporation as to tend to deceive, shall be entitled to comply with the provisions of sections 405 and 406 of this code

until it obtains an order from a court of competent jurisdiction permanently restraining the other corporation from doing business in this state under such name and unless it files with the secretary of state a copy of such order of court, duly certified by the clerk of said court; *provided*, that no corporation having a name which is the same as, or which resembles, so closely as to tend to deceive, a name which is under reservation, as provided in section 296a of this code, shall be entitled to comply with the provisions of sections 405 and 406 of this code, unless the certificate of reservation is presented to the secretary of state or it is established to the satisfaction of the secretary of state that said name was reserved for such use.

Sec. 7. A new section is hereby added to chapter six of title one, part four, division first of the Civil Code, to be numbered 411, and to read as follows:

411. A foreign corporation which has qualified to transact business in this state may withdraw and surrender its right to engage in business within this state, by filing in the office of the secretary of state, a certificate executed and acknowledged by its president or vice president, and secretary or treasurer, setting forth:

1. That it surrenders its authority to transact intrastate business in this state.
2. That it consents that process against it in an action upon any liability or obligation incurred within this state prior to the filing of the certificate of withdrawal may be served upon the secretary of state.

3. A post office address to which the secretary of state may mail a copy of any process against such corporation that may be served upon him.

The revocation of authority to transact business shall not affect any action pending at the time. The mere retirement from transacting business within this state without filing a certificate of withdrawal shall not revoke the appointment of any agent upon whom process may be served within this state.

Sec. 8. A new section is hereby added to chapter six of title one, part four, division first of the Civil Code, to be numbered 412 and to read as follows:

412. The directors of a foreign corporation transacting business in the state shall be liable to the corporation, its shareholders, creditors, receiver or trustee in bankruptcy for the making of unauthorized dividends or distributions or false certificates, reports or public notices according to the laws of the state of incorporation. Such liabilities may be enforced in the courts of this state."

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 618—An act to add a new section, to be numbered 8h, to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as amended.

### COMMITTEE AMENDMENT.

During the second reading of the bill the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill as amended in Senate March 27, 1929, strike out all of lines 9 to 18, inclusive; also strike out lines 1 to 3, inclusive, on page 2, and insert in lieu thereof the following:

"347½. It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away, or offer to sell, furnish, or give away any veronal, barbital (acid diethylbarbituric) or any of its salts, derivatives, or compounds of the foregoing substance, or any preparation or compound containing any of the foregoing substance, or its salts, derivatives or compounds, or any registered, trade marked or copyrighted preparation or compound registered in the United States patent office containing more than forty grains to the avoirdupois or fluid ounce of the above substance, except upon the written order or prescription of a physician duly licensed to practice in the State of California, and shall not be refilled without the written order of the prescriber, and said prescription or order shall be at all times open to the inspection by duly authorized officers of the law, and shall be preserved for at least three years from the date of filing thereof; *provided, however*, that the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to pharmacies as defined in section 1 of an act to regulate the practice of pharmacy in the State of California, approved April 9, 1927, or to physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists

to each other or to physicians, dentists or veterinary surgeons duly licensed to practice in this state."

#### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, following the comma after the word "dollars", strike out the balance of the line, all of lines 11, 12, 13, 14, 15, and insert in lieu thereof the following: "and filing a verified application showing (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding medical practice act in the State of California issued to such applicant either by the medical board, or by".

#### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, following the comma after the words "United States", strike out the balance of the line, and insert in lieu thereof the following: "together with the date of such certificate or certificates and a description of the same, and if required by the board, the certificates themselves,".

#### Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 22, of the printed bill, after the period following the word "copy", strike out the balance of the line, and insert in lieu thereof the following: "(d) satisfactory evidence from the applicant and from the board which issued said certificate that the requirements of said board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick and afflicted was not at the time such certificate was issued in any degree or particular less than those required for the issuance of a similar certificate to practice a system or mode of treating the sick and afflicted in the State of California at the date of issuance of such certificate or which may hereafter be required by law and which may be in force at the date of issuance of any such certificate."

#### Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 3, of the printed bill, after the comma following the word "issued", strike out the word "or".

#### Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 9, of the printed bill, after the semicolon following the word "certificate", strike out the balance of the line, all of lines 10, 11, 12, 13, 14, 15, 16, 17, and on line 18 the words "the certificate used for application hereunder", and insert in lieu thereof the following: "(d) satisfactory evidence that said certificate was obtained without fraud or misrepresentation; (e) satisfactory evidence of good moral character; (f) satisfactory evidence that said applicant has not failed in a written examination given by the board of medical examiners of the State of California; (g) such other general information as to his past practice or vocation as may be required by the board. The said board shall make such independent investigation of the educational qualifications, the character, ability and standing of the applicant as it may deem proper and necessary and if after such investigation".

#### Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 41, of the printed bill, strike out the semicolon following the word "state", insert in lieu thereof a period, and strike out the balance of line 41, and all of lines 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52.

#### Amendment adopted.



## AMENDMENT NUMBER SEVEN.

On page 3 of the printed bill, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and on line 19 the word "certificate" and the period.

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 29, of the printed bill, strike out the words "resident of his last state of residence", and insert in lieu thereof the following: "resident of the state which issued the certificate used as the basis of application".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 30, of the printed bill, after the comma following the word "California", insert the following: "and following the date of issuance of the state certificate used as the basis of application hereunder, and if the board shall find that the applicant has met all the requirements hereunder."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 32, of the printed bill, strike out the word "convenience", and insert in lieu thereof the word "convenience".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 39, of the printed bill, following the word "practice", strike out the words "medicine and surgery", and insert in lieu thereof the following: "a system or mode of treating the sick and afflicted".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 42, of the printed bill, after the comma following the word "good", insert the following: "and that said applicant has not failed in any written examination given by the board of medical examiners of the State of California."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 42, of the printed bill, following the word "a", at the end of said line, insert the following: "certificate equal in scope or standard or value to a similar certificate issued by the board of medical examiners of a state or territory of the United States which certificate is used as the basis of application hereunder."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 43, of the printed bill, strike out the words "physician and surgeon certificate", and the period following same.

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 44, of the printed bill, following the word "application", insert the word "hereunder".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, strike out everything after the semicolon.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 22, 23, 24, 25, 26, 27 and 28.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2 of the printed bill, strike out all of lines 1, 2, 3, 4 and 5.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, after the comma following the numerals "15", insert "17".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 6, of the printed bill, as amended, strike out lines 6 to 14, inclusive, and insert in lieu thereof the following:

"Sec. 5a. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is ten dollars (\$10), and for the issuance of the certificate two dollars (\$2).

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is five dollars (\$5), and for the issuance of the certificate one dollar (\$1).

The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars (\$3).

The fee to be paid for the renewal of a certificate of registration to practice barbering is two dollars (\$2), and for the restoration of an expired certificate five dollars (\$5).

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is one and fifty hundredths dollars (\$1.50), and for the restoration of an expired certificate three dollars (\$3).

A duplicate certificate or permit will be issued upon the filing of a statement covering the loss of a certificate or permit, verified by the oath of the applicant, and submitting one signed photograph, and the payment of a fee of one dollar (\$1.00) for the issuance of same. Each duplicate certificate or permit shall have the word "Duplicate" stamped across the face thereof, and will bear the same number as the certificate or permit that it was issued in lieu of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out lines 10 and 11, and insert in lieu thereof the word "person".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 49, of the printed bill, following the word "applicant", strike out the comma and the following: "after said date,".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 3, line 37, of the printed bill, after the word "graduation", insert the following: "or certification in a course or curricula in dental hygiene".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco harbor improvement fund.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and



duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 2, line 9, of the printed bill, strike out the word "preparing", and insert in lieu thereof the word "proposing"; in line 12, strike out the word "of", and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 39, of the printed bill, after the word "necessary", change the period to a comma, and insert the following: "and when the safety and technical considerations pertaining to a dam or plans and specifications pertaining thereto are such as to require it, or when requested in writing to do so by the owner, the department shall appoint a consulting board of two or more such consultants, which board shall report to the department on the safety features involved. The cost and expense of such a board if appointed on the request of an owner shall be paid by the owner".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 4, line 22, of the printed bill, strike out the words "in twice", and insert in lieu thereof "one hundred ten per cent of".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 6, line 12, of the printed bill, strike out the word "provisions"; in line 25, after the word "to", insert the following: "authorize the owner to".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 7, line 47, of the printed bill, strike out the word "Certification", and insert in lieu thereof the word "certificate".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma; also insert the following: "and making the same an urgency measure."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 10, line 1, of the printed bill, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following: "monthly to the credit of the general fund of the state."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 10, line 27, of the printed bill, strike out all of lines 27 to 29, inclusive, and insert in lieu thereof the following: "visions of this act the sum of twenty thousand dollars."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 10, line 29, of the printed bill, after said line 29, insert the following:

"SEC. 23. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that this act shall go into immediate effect, by reason of the following facts, to wit:

That certain crops will come into bearing and unless state supervision is exercised over the handling and sale of said crops the effect will be detrimental and to the damage of a great number of the producers of said crops and will impair the property and safety of land owners of the state and that through the means provided in this act the necessary supervision of the handling and sale of said crops will be provided, and it is hereby declared that this act constitutes an urgency measure which, under the provisions of section 1 of article IV of the constitution of the State of California, shall be put into immediate effect.

This act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 466—An act to amend an act to create a flood control district to be called "American River Flood Control District"; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing said indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption, and appropriating the sum of \$25,000 for said purpose, "approved May 28, 1927, by adding a new section thereto, to be numbered 18a," making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in the Senate March 14, 1929, beginning in said line 1 of the title, strike out the entire title, being lines 1 to 31, inclusive, and insert in lieu thereof the following:

"An act to amend an act entitled "American river flood control district act," approved May 28, 1927, by amending sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16,

17, 18, 19, 20, 21; by repealing section 26, and by adding four new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees, a new section to be numbered section 11a, providing for a bond validation proceeding, a new section to be numbered section 18a, making an appropriation in the sum of twenty-five thousand dollars to defray the expense of the district and providing that said appropriation shall be returned to the state and relating to the manner of said repayment, a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, as amended in Senate March 14, 1929, strike out the words "a new section is hereby added to", and insert in lieu thereof the following: "Section 2 of".

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 2, line 2, of the printed bill, as amended in Senate March 14, 1929, beginning on said line 2, strike out all of lines 2 to 24, inclusive, and insert in lieu thereof the following: "American river flood control district act".

### Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 2, line 25, of the printed bill, as amended in Senate March 14, 1929, strike out the words "twenty-five thousand dollars for said purpose,".

### Amendment adopted.

#### AMENDMENT NUMBER FIVE.

On page 2, line 26, of the printed bill, as amended in Senate March 14, 1929, strike out the words "to be numbered section 18a and", and insert in lieu thereof the following: "is hereby amended".

### Amendment adopted.

#### AMENDMENT NUMBER SIX.

On page 2, line 27, of the printed bill, as amended in Senate March 14, 1929, beginning in said line 27, strike out all of lines 27 to 52, inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER SEVEN.

On page 3, line 1, of the printed bill, as amended in Senate March 14, 1929, beginning in said line 1, strike out all of lines 1 to 16, inclusive, and insert in lieu thereof the following:

"Sec. 2. The objects and purposes of this act are to provide for the control and disposition of the storm and flood waters of said district, and to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district to that end.

The American river flood control district is hereby declared to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.  
(b) To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and/or contract to sell, lease, and/or dispose of real, personal, and/or mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the state, any political subdivision or district thereof.

(g) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reser-



voirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, ditches and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and or complete the same.

(b) To incur indebtedness, and to issue bonds in the manner herein provided.

(i) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(j) To appoint and employ such engineers, attorneys, accountants and other employees as may be necessary and fix their compensation, including if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district. Said board shall have the power to combine any two or more offices in its discretion.

(k) To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the general fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such improvements, works, and improvements provided for herein and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(l) To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency, or mandatory of the State of California or of the United States and any department, board, bureau or commission, of the State of California or the United States of America, and or any person, firm, association or corporation, individually or severally, for the acquisition of property or rights and or the construction, maintenance and or operation in whole or in part of any and or all works and or improvements provided in this act.

(m) To lease and/or rent to or from any of the parties named in this act any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(n) To receive and accept any and all contributions in labor, materials or money from any of the parties named in subdivision (i) of this section, to be applied to the work or improvement herein provided for.

Sec. 2. Section 4 of said act is hereby amended to read as follows:

Sec. 4. Immediately upon the going into effect of this act the Governor of the State of California shall appoint five qualified persons as trustees of said district. Immediately following their appointment said trustees shall meet and organize, and determine by lot their respective terms of office. Two of said trustees so appointed shall hold their respective offices only until the general state election next following the first day of January, 1932, and until their successors are elected and qualified; and the remaining three trustees shall hold office until the general state election next following the first day of January, 1934, and until their successors are elected and qualified.

At the general state election, as provided by section 1041 of the Political Code, next following the first day of January, 1932, and at each general election thereafter, there shall be held an election in said district for the purpose of electing trustees to succeed those whose terms expire in that year, and which election shall be consolidated with and held in connection with said state election. Notice of said election stating the time, place, and purpose thereof, and that the names of the election officers and the precincts into which the district has been divided, as are stated in the notice given by the county clerk of the state election, with the names of the candidates to be voted for, shall be given by the board of trustees by publication in some newspaper of general circulation, designated by the board and published in the district at least once a week for three successive weeks before said election. No other notice of said election need be given. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general election law, so far as applicable; but no sample ballots need be sent out. All election boards shall count the votes as soon as the polls are closed and forward the returns of the election to the board of supervisors of the county. The board of supervisors of the county of Sacramento shall canvass the returns in connection with the canvass of the returns of the state election, declare the result thereof, and certify said result to the district, whereupon the board of trustees shall issue certifications of election to the two or the three persons, as the case may be, receiving the highest number of votes. The ballot for said election shall contain the names of persons nominated for the office of trustee. Any qualified elector in said district may be nominated for the office of trustee upon written petition of fifty or more qualified electors of the district.

SEC. 3. A new section is hereby added to said act to be numbered 5 and to read as follows:

Sec. 5. All vacancies in the board of trustees shall be filled by the governor of the State of California, by the appointment of some person qualified for that office and said appointee shall hold office for the unexpired balance of the term of the trustee whose vacancy he is appointed to fill and until the qualification of his successor.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a freeholder and registered voter within the district and that he will not withdraw his name before the election. Said statement, together with said written petition, shall be filed not more than forty-five nor less than twenty days prior to the date of election. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself.

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Sec. 7. The trustees shall receive no compensation. They shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held at such times and places and in such manner as may be provided by rules and regulations adopted by the board of trustees.

SEC. 6. Section 8 of said act is hereby amended to read as follows:

Sec. 8. For the purpose of constructing or purchasing necessary flood control works and acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this act, the board of trustees must estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. In the estimate of the amount necessary to be raised, the board of trustees may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board of trustees shall determine and declare by resolution whether or not the proposed plan of works is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to the board of trustees shall cause the entire district to be divided into zones, if in the opinion of the board of trustees such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages of the sum to be raised from each of such zones for the payment of the principal and interest of the bonds of the district. The said district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board of trustees will be benefited in like manner. Each zone shall be designated on a map or plat of the district filed in the office of the board of trustees and such designation shall show the separate boundaries of each zone and a statement of the percentage to be raised from each zone.

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Upon the filing of such map, as in section 8 of this act provided, the board of trustees shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board of trustees, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the district or to the zones into which the district is divided, or to the percentages to be raised from each of such zones. All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board of trustees on or before the date fixed for such hearing. Upon such hearing, the board of trustees may change or modify any of these zones or the percentages to be raised therefrom and may exclude any property from the district which in the opinion of the board of trustees will not be benefited. Such hearing may be continued from time to time by the board of trustees by an order entered on its minutes. The location and extent of the zones within the district and the percentages to be raised therefrom shall be finally established and determined by the board of trustees and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board of trustees as to the extent and boundaries of the zones and the percentages to be raised therefor shall be final and conclusive.

SEC. 8. Section 10 of said act is hereby amended to read as follows:

Sec. 10. After the adoption of said original report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages of the sum to be raised for the payment of the principal and interest of the bonds from each such zone, said board of trustees shall call a special election and submit to the qualified voters of said district the proposition of incurring a bonded indebtedness for the purpose of providing for the control and disposition of flood waters of said district and to protect from damage from such storm and flood waterways, property, public highways, and public places in said district. The resolution calling said special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed seven (7) per cent per annum, and shall fix the date on which said special election shall be held and the manner of voting for and against incurring such indebtedness.

For the purposes of said election, said board of trustees shall in said resolution establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election every person whose name appears on the last great register of the county within the district shall be entitled to vote thereat.

Such resolution calling such election shall be published once a day for at least seven days in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 9. Section 11 of said act is hereby amended to read as follows:

Sec. 11. The said board of trustees shall, subject to the provisions of this act, prescribe by resolution the form of said bonds and of the interest coupons attached thereto. Said bonds shall mature serially in amounts to be fixed by the board of trustees; *provided, however*, that the payment of said bonds shall begin not later than ten years from the date thereof and shall be completed in not more than forty years from said date. Said board shall fix the place (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with interest thereon shall be payable.

The bonds shall be issued in such denominations as the said board of trustees may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in said bonds, and with interest specified in such bonds, which rate shall not be in excess of seven per cent per annum, and shall be payable semiannually (except the interest for the first year which may be paid in one installment) and said bonds shall be signed by the president of the board of trustees or such other member of the board as said board may by resolution designate and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any such officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 10. A new section is hereby added to said act to be numbered 11a and to read as follows:

Sec. 11a. Within ten days after the execution of said bonds, an action may be commenced by the board of trustees in the superior court of the State of California, in and for the county of Sacramento, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Sacramento county, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the American



river flood control district to the amount stated therein. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board of trustees to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the superior court of the State of California, in and for the county of Sacramento, and no such action or proceeding shall be commenced by any party other than the board of trustees until the expiration of ten days after such bonds have been so executed nor unless the action in this section provided for shall not have been commenced by the board of trustees within said period of ten days. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the code of civil procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention.

SEC. 11. Section 12 of said act is hereby amended to read as follows:

Sec. 12. The said board of trustees shall issue and sell the whole or any part of said bonds but only to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than ninety per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds notice of such sale shall be given by publication in at least one newspaper of general circulation published in said district by two insertions therein; *provided*, no sale shall be had prior to the expiration of fifteen days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the discretion of said board it appears to the best interests of the district so to do, and thereafter readvertise as in this section provided for original sale. Said bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 12. Section 13 of said act is hereby amended to read as follows:

Sec. 13. Whenever said district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California, and such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds thus purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds thus purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created; *provided, however*, that if such moneys shall not be required for the purpose of paying the interest on any part of the principal of the outstanding bonds, the bonds of the district which may be purchased from such moneys may be canceled by the treasurer of said district upon order by the board of trustees and after such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 13. Section 14 of said act is hereby amended to read as follows:

Sec. 14. Bonds issued under this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board of trustees to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder. Said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the property within said district, and all the property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 14. Section 16 of said act is hereby amended to read as follows:

Sec. 16. All proceeds received from the sale of the bonds issued hereunder shall be deposited with the treasurer and be paid out by him only upon authority of the board of trustees and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the final actual cost of all work and improve-

ment and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Sec. 15. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The board of trustees of such district shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, and such tax shall be levied and collected at the time and in the manner aforesaid, annually each year, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied solely upon the lands within the district including any land which is the operative property of any public utility and excluding any lands belonging to any county municipality, or political subdivision within said district, or lands belonging to the State of California or the United States of America; *provided, however*, that nothing herein contained shall be deemed to exempt from assessment the lands of any political subdivision the corporate boundaries of which are wholly outside the boundaries of said district, and all such lands of any such political subdivision shall be subject to the taxes herein provided to be levied with the same force and effect as though such lands were held by private individuals.

If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said amount of said tax levied shall be divided according to said percentage, and the percentage to be raised from the lands within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The board of trustees may elect to avail itself of the assessment made by the assessor of the county of Sacramento and may take such assessment as the basis for district taxes and have its taxes collected by the county officials of such county; *provided*, the board of trustees shall declare its said election by resolution and file a certified copy of the same with the auditor of Sacramento County on or before the first day of August, and such board of trustees shall likewise file with such resolution a certified copy of the map or plat showing the zones and the percentages of the amount to be raised from each zone. Thereafter each year until otherwise provided by the board of trustees, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, of said county of Sacramento. In such case, the auditor of such county must, on or before the second Monday of August of each year, transmit to the board of trustees of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county for that year as equalized and corrected by the board of supervisors of said county; and which said statement shall also show the total value of all property in each of the said zones respectively. In case the board of trustees shall so elect as hereinbefore provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax, and designate the number of cents upon each one hundred dollars using as a basis the value of property as it is assessed by the county assessor and returned to the board of trustees of the district by the county auditor as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board of trustees of the district shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board of trustees must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

Whenever any real property situate in said district has been sold for taxes and has been redeemed the money paid for such redemption shall be apportioned and paid by the county treasurer to the said district in the proportion which the tax due to said district bears to the total tax for which such property was sold.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board of trustees has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens

for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the board of supervisors of the county of Sacramento, and the board of trustees of the district: *provided, however*, that such compensation shall in no event exceed one-half of one per cent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Wherever in this act the word "tax" is used, referring to the tax levied by the board of trustees of the district, the same shall be deemed and construed to be and to mean a special assessment as distinguished from a general tax.

SEC. 16. Section 18 of said act is hereby amended to read as follows:

SEC. 18. After the first bond election in said district, at which bonds shall be authorized by the electors of said district, as herein provided, the board of trustees of said district shall have power, in any year, to levy an assessment upon the taxable property in said district as set forth in section 17 hereof at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the expenditures for said purposes of all revenue so derived: *provided*, that such assessments levied under this section for any one year shall not exceed ten cents on each one hundred dollars of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state, county and city purposes: *provided, further*, that such assessment shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon; *provided, further*, that if said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district. Prior to said bond election, at which bonds shall be authorized as herein provided, the district shall have the right to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act specified, to an amount not exceeding twenty-five thousand dollars, said indebtedness to be evidenced by warrants of said district issued in payment of valid obligations incurred by said district, and which warrants shall be paid by the treasurer of the State of California on presentation of said warrants and their approval by the department of finance of the State of California. One-half of the moneys so advanced by the State of California, to wit: an amount not exceeding twelve thousand five hundred dollars, shall be repaid to the state by the said district by means of a general tax levy on all the property in said district levied and assessed for the fiscal year 1928-1929. There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars for the purpose of carrying out the provisions of this section.

SEC. 17. A new section is hereby added to said act to be numbered 18a and to read as follows:

SEC. 18a. In addition to the indebtedness hereinbefore authorized to be incurred by the district, the district shall have the right, subject to the approval of the state department of finance to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act provided in an additional amount not to exceed the sum of twenty-five thousand dollars. The sum of twenty-five thousand dollars, in addition to the sums heretofore appropriated, is hereby appropriated out of the funds of the state treasury, not otherwise appropriated for the use of the board of trustees of said district in carrying out the provisions of this act and in defraying the expenses hereinabove in this section authorized. And the state controller is hereby directed to draw warrants upon the state treasurer payable out of said appropriation whenever drafts of said board of trustees duly approved by the state department of finance are presented to him, and the state treasurer is hereby directed to pay said controller's warrants.

All of the moneys hereinbefore in this section appropriated, to wit: the sum of twenty-five thousand dollars, together with one-half of the moneys heretofore appropriated in the year 1927 as provided by section 18 of this act shall be repaid to the state by the said district by means of a special tax levy on all property in said district levied and assessed for the fiscal year 1930-31. If, prior to the first day of July, 1930, a bond election has been held in said district, and bonds authorized, the said assessment shall be included in the general assessment of said district and collected with the other taxes levied and assessed in said district for the said fiscal year, and the amount due the State of California hereunder shall be paid by the trustees of the district to the treasurer of the county of Sacramento for the use of the State of California. If, prior to the said first day of July, 1930, bonds have not been authorized by the electors of said district, then the amount so due the state shall be added to the assessment roll of the county of Sacramento in the form of a special tax on all the property in said district, upon a certification from the state department of finance to the auditor of the county of Sacramento as to the amount so due the state by reason of any advances made by the state hereunder,



which tax shall be collected by the tax collector of the county of Sacramento and paid over to the state by said county.

SEC. 18. Section 19 of said act is hereby amended to read as follows:

Sec. 19. The boundaries of said district may be altered and additional area added thereto and the procedure set forth in the act of the Legislature of the State of California, entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, and the amendments thereto, shall be followed as nearly as practicable, which provisions and the amendments thereto are hereby adopted as part of this act; *provided, however*, that no change in the boundaries of said district shall impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

SEC. 19. Section 20 of said act is hereby amended to read as follows:

Sec. 20. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest, responsible bidder, after notice by publication in a newspaper of general circulation published in the district for at least two insertions in a weekly or at least ten insertions in a daily newspaper and by posting such notice for at least five days at or near the door of the meeting place of the board of trustees prior to the date set for opening bids, such notices shall distinctly state the work contemplated and of the materials or supplies required; *provided*, the board of trustees may reject any and all bids presented and readvertise and post in their discretion; *and provided, further*, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; *and provided, further*, that in case of a great public calamity such as sudden fire, flood, storm, epidemic or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any railroad, public road or highway in the county of Sacramento, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

SEC. 20. Section 21 of said act is hereby amended to read as follows:

Sec. 21. Whenever bonds have been issued by said district and said board of trustees shall have determined that the public interest or necessity of said district demand the issuance of additional bonds for carrying out the work or improvements of the district herein provided for, said board of trustees may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all of the provisions of this act (including the division of said district into zones) and for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 21. Section 26 of said act is hereby repealed.

SEC. 22. A new section is hereby added to said act to be numbered 26 and to read as follows:

Sec. 26. The term "incidental expense" wherever used in this act shall mean and include all compensation for all clerical, engineering, legal, superintendence and inspection services, printing and advertising of all resolutions, notices, and other matter required herein to be printed, posted or published, costs and expenses of legal actions or proceedings, and also rental or purchase of real or personal property used in connection with such work and improvement or incidental thereto, during the progress of the work and improvement and proceedings thereunder and or otherwise.

SEC. 23. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four, of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the cities of Sacramento and North Sacramento and which should be obviated as

speedily as possible in order that the lives and property of inhabitants thereof may be secure.

To secure these ends it is necessary that this act take effect immediately upon its passage."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, lines 1 and 2, of the printed bill, strike out the following words: " , or as much thereof as may be necessary."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 7 to 10, both inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with the approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligations have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, as amended, after the word "struction", insert the words "and equipment".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto, to be numbered 37, and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and chapter \_\_\_, California Statutes of 1929.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, as amended in Senate March 26, 1929, strike out the figures "37", and insert in lieu thereof "37a".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 8, line 2, of the printed bill, as amended in Senate March 26, 1929, strike out the figures "37", and insert in lieu thereof "37a".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 8, line 3, of the printed bill, as amended in Senate March 26, 1929, strike out the figures "37", and insert in lieu thereof "37a".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 8, line 40, of the printed bill, as amended in Senate March 26, 1929, after the word "board", insert the following: "for the uses and purposes and subject to the conditions hereinafter set forth".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 9, line 33, of the printed bill, as amended in Senate March 26, 1929, after the word "finance", insert the following: "with the consent of the reclamation board".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 9, line 35, of the printed bill, as amended in Senate March 26, 1929, strike out the words "at the lowest price obtainable", and insert in lieu thereof the following: "such price or prices as it may deem advisable".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 815—An act to provide for the promotion of maternal hygiene under the State Department of Public Health, and to appropriate money for carrying out the provisions of the act.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 3, inclusive, in the title of the bill, and insert in lieu thereof the following:

"An act making an appropriation for the bureau of child hygiene, state department of public health."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. The sum of twenty thousand eight hundred forty dollars (\$20,840.00) is hereby appropriated out of any moneys in the state treasury, not otherwise



appropriated, for the support of the bureau of child hygiene, state department of public health, for the eighty-first fiscal year."

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

**COMMITTEE AMENDMENTS.**

During the second reading of the bill, the following committee amendments were offered:

**AMENDMENT NUMBER ONE.**

In line 5 of the title of the printed bill, as amended, insert a period after the word "state", and strike out the following words in said line: "and making an appro-", and strike out all of line 6 of the title of the printed bill.

**Amendment adopted.**

**AMENDMENT NUMBER TWO.**

On page 2 of the printed bill, as amended, strike out all of lines 7 to 10, inclusive.

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the District Courts of Appeal.

**COMMITTEE AMENDMENTS.**

During the second reading of the bill, the following committee amendments were offered:

**AMENDMENT NUMBER ONE.**

On page 1, line 4, of the printed bill, as amended, strike out the comma, and insert in lieu thereof a colon, and strike out the words "whose salary shall", and insert in lieu thereof the following: "one clerk, one deputy clerk, one bailiff, and one phonographic reporter as provided in section 759".

**Amendment adopted.**

**AMENDMENT NUMBER TWO.**

On page 1 of the printed bill, as amended, strike out all of lines 5 to 9, inclusive.

**Amendment adopted.**

**AMENDMENT NUMBER THREE.**

On page 1, line 11, of the printed bill, as amended, insert a colon after the word "courts", and strike out the word "whose", and insert in lieu thereof the following: "one clerk, two deputy clerks, two bailiffs, and two phonographic reporters as provided in section 759".

**Amendment adopted.**

**AMENDMENT NUMBER FOUR.**

On page 1 of the printed bill, as amended, strike out all of lines 12, 13, 14, 15 and the following words in line 16 of said page: "thousand four hundred dollars each per annum".

**Amendment adopted.**

**AMENDMENT NUMBER FIVE.**

On page 1 of the printed bill, as amended, following line 19, add the following: "Each respective district court of appeal shall have the power and authority to fix and pay the compensation of the clerks, deputy clerks, and bailiffs for their courts."

All salaries and expenses incurred under the provisions of this section by said courts shall be paid from the funds appropriated for the use of said courts, when approved by the order or orders of said courts, and audited as required by law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 652—An act appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out the word "sixty five", and insert in lieu thereof the word "forty"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended, strike out the words "Mountain View", and strike out the word "cemetery" in line 3 of the printed bill.

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, as amended, strike out the words "in the Mountain View cemetery".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 27, embracing sections 375 and 375d, inclusive, relating to a Department of Investment.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed and amended bill, omit the word "and", and insert in lieu thereof the word "to".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 4, of the title of the printed and amended bill, after the word "investment", strike out the period and add the following: "for purposes of representation in the governor's council."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 3, of the printed and amended bill, omit the arabic figure "2", and insert in lieu thereof the roman "II".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 4, of the printed and amended bill, after the figures "375d", insert the word "inclusive".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1 of the printed and amended bill, omit lines 10, 11 and 12, and insert in lieu thereof the following:

"375. The superintendent of banks, the commissioner of corporations, the insurance commissioner, the state real estate commissioner and the building and loan commissioner are hereby constituted a board of investment, which for purposes of representation in the governor's council shall be known as the department of investment, and which shall exercise only such functions as are specifically set forth in this article."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1 of the printed and amended bill, omit lines 13 to 19, inclusive, and insert in lieu thereof the following:

"375a. The term "department" or "bureau" as heretofore applied to the respective governmental agencies presided over by the officials named in section 375 of this article shall be changed to the term "division"; *provided*, that the powers heretofore or hereafter vested by law in said governmental agencies shall continue to be so vested, and shall not be transferred or consolidated in the department of investment."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1 of the printed and amended bill, omit lines 20 to 24, inclusive, and insert in lieu thereof the following:

"375b. The names of the governmental agencies, the heads of which shall constitute the members of the board of investment provided for in section 375 of this article, shall be the division of banking, the division of corporations, the division of insurance, the division of real estate, and the division of building and loan."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2 of the printed and amended bill, omit lines 1 to 17, inclusive, and insert in lieu thereof the following:

"375b. The names of the governmental agencies, the heads of which shall constitute the members of the board of investment provided for in section 375 of this article, shall be the division of banking, the division of corporations, the division of insurance, the division of real estate, and the division of building and loan."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2 of the printed and amended bill, omit lines 18 to 28, inclusive, and insert in lieu thereof the following:

"375c. Within thirty days after this article takes effect, the officials named in section 375 of this article shall meet in the state capital at Sacramento for the purpose of organizing the board of investment provided for in said section 375. Each of said officials shall serve as".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 29, of the printed and amended bill, omit the word "commission", and insert in lieu thereof the word "board".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 32, of the printed and amended bill, omit the word "commission", and insert in lieu thereof the word "board".

Amendment adopted.



AMENDMENT NUMBER TWELVE.

On page 2, line 33, of the printed and amended bill, omit the words "investment commission", and insert in lieu thereof the words "board of investment".

Amendment adopted.

AMENDMENT NUMBER THIRTEEN.

On page 2 of the printed and amended bill, omit line 36, and the words "investment shall, monthly," in line 37, and insert in lieu thereof the following "375d. The officials named in section 375 of this article shall meet monthly at the state capitol, and shall then,".

Amendment adopted.

AMENDMENT NUMBER FOURTEEN.

On page 2, line 38, of the printed and amended bill, before the word "respective", omit the word "the", and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT NUMBER FIFTEEN.

On page 2, line 39, of the printed and amended bill, omit the word "commission", and insert in lieu thereof the word "board".

Amendment adopted.

AMENDMENT NUMBER SIXTEEN.

On page 2 of the printed and amended bill, omit all of line 42 after the word "confidential", and all of lines 43 to 48, inclusive, and insert in lieu thereof a semicolon and the following: "and the report of the director of investment to the governor's council shall be upon such matters as have been considered or discussed at the previous meeting of the board of investment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 714, heretofore set as a special order for twelve o'clock m., the same was taken up for consideration.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 30½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 146½, 150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing cer-

tain regulations governing pedestrians, and providing for carrying out the objects of this act.

Bill read third time.

SPECIAL ORDER RESET.

On motion of Senator Inman, the further consideration of Senate Bill No. 714 was reset as a special order for Thursday, April 4, 1929, at eleven o'clock and thirty minutes a.m.

RECESS.

At one o'clock p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock and thirty minutes p.m.

RECONVENED.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 9—Providing for the creation of a joint committee of the Senate and Assembly to investigate aviation conditions in the State of California and to the question of safety and prevention of accidents thereto; to prepare and make recommendations concerning changes in existing laws, and the enactment and enforcement of laws relating to the use and operation of aeroplanes, and to prepare and submit with supporting facts, ascertained, a report as to the advisability of the adoption of a uniform law regulating aviation and making appropriation to meet the expenses of said committee necessarily incurred in said work.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 9 read, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 526—An act to amend section 1444 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings:

Also: Assembly Bill No. 534—An act to amend the title and sections 2, 4, 5, 6, 7, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed, and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section, to be numbered section 63, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 23;

Also: Assembly Bill No. 184—An act to amend section 361c of the Political Code and to add a new section to said code, to be numbered 361h, relating to the Department of Agriculture and Division of Land Settlement thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 526 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 534 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 184 read first time, and referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read :

ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false or garbled matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon:

Also: Senate Bill No. 137—An act to add a new section to the Penal Code to be numbered 496c, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Also: Assembly Bill No. 4—An act to amend section 653c of the Penal Code, relating to blacklisting and providing penalties for same:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—0; committee vote: Ayes—5; noes—2; absent—2.

BAKER, Chairman.

Senate Bills Nos. 374 and 137 ordered on file for second reading.

Assembly Bill No. 4 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 319—An act to add new sections to the Penal Code, to be numbered 537i, 537j, and 537k, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor:

Also: Senate Bill No. 669—An act to amend section 1525 of the Penal Code, relating to search warrants:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—0; committee vote: Ayes—5; noes—2; absent—2.

BAKER, Chairman.

Assembly Bill No. 319 ordered on file for second reading.

Senate Bill No. 669 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings:

Also: Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468a, 1468b, 1468c and 1468d, relating to the administration of estates having a net value of less than \$2,500:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Senate Bills Nos. 280 and 659 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 280—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges



thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bill No. 289 ordered on file for second reading.

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your committee on Commerce and Navigation, to which was referred Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin Canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 524 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 106—An act to amend sections 1 and 2 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Assembly Bill No. 106 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the seacoast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor; to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 5 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 797—An act providing for the formation, government, and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and/or one or more municipalities; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in

such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors, and authorizing counties and cities, jointly and separately to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing differential special assessments within such district; and providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California and from any person or persons; and providing for the election within any such harbor district formed under this act of a board of harbor governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such board of governors—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELIOM, Chairman.

Senate Bill No. 797 ordered on file for second reading.

#### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 193—An act to provide for the standardization of cement concrete pipe sold for irrigation purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

GARRISON, Chairman.

Assembly Bill No. 193 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 799—An act to amend the California Irrigation District Act by amending section 18 thereof, relating to the distribution of water, so as to provide for the sale or lease of surplus water—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

GARRISON, Chairman.

Assembly Bill No. 799 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 670—An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3628, 3629, 3648, 3649, and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article XIII—and reports that the same has been correctly enrolled, and presented to the Governor on the third day of April, 1929, at eleven o'clock and fifty minutes a.m.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 698—An act to amend section 2322½ of the Political Code, relating to county horticultural commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1037—An act to amend an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's

reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, by adding a section 15a. and to repeal "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation, and repealing an act entitled 'The Standard Apple Act of 1917,' approved May 7, 1917," as amended, approved June 3, 1921, Stats. 1921, p. 1169. Amended Stats. 1923, p. 472; amended Stats. 1925, p. 131; amended Stats. 1927, chapter 250, and to provide for the necessary transfer of funds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 978—An act to amend the California Fruit, Nut and Vegetable Standardization Act of 1927, approved June 2, 1928, as amended, by amending section 35 thereof, relating to standards for sweet potatoes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 234—An act to amend section 357½ of the Penal Code, relating to altering or defacing marks or brands on domestic animals and turkeys.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 236—An act to provide for the adoption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 720—An act to amend section 2 of an act entitled "An act to provide for the establishment of weed-free areas, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed-free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 685—An act to amend sections 2, 5 and 7 of an act entitled "An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of



apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled 'An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," approved February 20, 1901,' as amended,' approved May 31, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 696—An act to amend section 2322*f* of the Political Code, relating to county horticultural commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 697—An act to amend section 2322*e* of the Political Code, relating to county horticultural commissioners.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

#### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, and following line 23, add the following as a paragraph:

"(h) The term "appliance" shall be construed to mean any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 145—An act to amend section 1274*b* of the Code of Civil Procedure, relating to unclaimed money of missing persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 146—An act to amend section 4153 of the Political Code, relating to the duties of the district attorney.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 185—An act to add a new section to the Code of Civil Procedure, to be numbered 542*b*, relating to the release of personal property under attachment or garnishment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 209—An act to add a new section to the Code of Civil Procedure, to be numbered 1752½, relating to property of minor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 335—An act to amend section 128 of the Civil Code, as to the residence of the plaintiff, defendant and cross-complainant in an action for divorce.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 495—An act to amend section 7 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, relating to appointees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 641—An act to amend section 1274a of the Code of Civil Procedure of the State of California, relating to the deposit of unclaimed property in the estates of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 981—An act to provide for the protection of certain employees of cities, city and counties, incorporated or unincorporated cities, towns or districts, against personal liability incurred while acting within the course of their duty.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1103—An act to amend section 204 of the Code of Civil Procedure, relating to the selection of trial jurors and grand jurors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 528—An act to amend section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 171—An act to amend section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to human bodies not to be used for scientific purposes.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 9 of the title of the printed bill, strike out lines 9 and 10, and insert in lieu thereof the following: "approved May 18, 1927, and to add a new section thereto to be numbered 9, relating to disposition of human bodies and to the powers and duties of the state department of health in relation thereto."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 3, of the printed bill, after the word "deliver", insert the words: "into the custody of the educational institutions at the place of death".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 8, of the printed bill, after said line 8, add the following:

"SEC. 2. A new section is hereby added to said act to be numbered 9, and to read as follows:

Sec. 9. No other acts or parts of acts shall be construed as limiting the powers of the state department of public health in the transportation and distribution of bodies of the indigent dead for educational purposes as provided in this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1101—An act providing for the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the title as printed, and insert in lieu thereof the following: "An act to regulate and control the operation of aircraft; providing who may operate aircraft; declaring it unlawful for certain persons to operate aircraft; providing penalties for violations; repealing acts in conflict herewith and particularly that certain act entitled "An act concerning the registration, numbering and use of aircraft and the licensing of operators thereof, approved June 3, 1921."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, after the period therein, insert the following: "Whenever used in this act, the following terms shall have the meanings herein set forth:", and continue the printed matter of the bill as a new paragraph

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed bill, after the period therein, insert the following: "Sovereignty in the space above the lands and waters of this state is hereby declared by the Legislature to rest in the state, except where granted to and assumed by the United States, pursuant to a grant from the people of this state.

SEC. 3. The ownership of the space above the lands and waters of this state is hereby declared to be vested in the several owners of the surface beneath, subject to the right of flight thereover as in this act described.

SEC. 4. Flight in aircraft over the lands and waters of this state is hereby declared to be lawful unless at such a low altitude as to interfere with the then existing uses to which the lands or waters, or the space over the lands or waters, are put by the owner thereof, or unless so conducted as to be imminently dangerous to owners of property lawfully on the land or waters beneath.

SEC. 5."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 9, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "6".

Amendment adopted.



## AMENDMENT NUMBER FIVE.

On page 2, line 17, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "7".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 24, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "8".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 32, of the printed bill, after the word "thereto" and before the period, insert: "; provided, that any county, city and county, or city may by ordinance not inconsistent with any of the provisions of this act, provide for the zoning of lands therein with respect to the location of airports or emergency landing fields."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 33, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numeral "9".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 34, of the printed bill, after the comma therein, insert the following: "which violation is not herein declared to be a felony,".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 38, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numerals "10".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 2, line 45, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numerals "11".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 7, of the printed bill, strike out the numeral "9", and insert in lieu thereof the numerals "12".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 10, of the printed bill, after the period therein, insert the following: "The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 11, of the printed bill, strike out the numerals "10", and insert in lieu thereof the numerals "13".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 3, line 13, of the printed bill, strike out the numerals "11", and insert in lieu thereof the numerals "14".

Amendment adopted.

AMENDMENT NUMBER SIXTEEN.

On page 3, line 15, of the printed bill, strike out the numerals "12", and insert in lieu thereof the numerals "15".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

Assembly Bill No. 593—An act to add two new sections to the "California Vehicle Act," approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registration of motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 597—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, relating to applications for operators' and chauffeurs' licenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 600—An act to amend section 74 of the California Vehicle Act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689 and 690, and to amend sections 662 and 675 of the code, all relating to the Department of Finance, and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 3 of the printed bill, as amended, strike out the figures "656", and strike out the comma following said figures.

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 4 of the printed bill, as amended, strike out all of lines 49 to 52, inclusive.

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 5 of the printed bill, as amended, strike out all of lines 1 to 20, inclusive.

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 5, line 21, of the printed bill, as amended, strike out the figure "9", and insert in lieu thereof the figure "8".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 5, line 46, of the printed bill, as amended, strike out the figures "10", and insert in lieu thereof the figure "9".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 6, line 37, of the printed bill, as amended, strike out the figures "11", and insert in lieu thereof the figures "10".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 511 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Cobb, Crowley Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At three o'clock and thirty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

## RECESS.

At three o'clock and thirty-two minutes p.m., on motion of Senator Merriam, the President pro tempore declared the Senate at recess until three o'clock and fifty minutes p.m.

## RECONVENED.

At three o'clock and fifty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Assistant Secretary Francis E. Dalin at the desk.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

## SENATE CONSTITUTIONAL AMENDMENT No. 18.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article XIII thereof a new section to be numbered section 1c, relative to revenue and taxation.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California in regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article XIII thereof a new section to be numbered section 1c and to read as follows:

Sec. 1c. The Legislature shall provide for the collection, by the department of State charged with responsibility of registering motor vehicles, of a tax on motor vehicles and trailers as defined by law, in lieu of all personal property taxes thereon and shall establish the basis and method of fixing the amount of said tax including the establishment of a minimum and maximum tax: *provided, however,* that nothing in this section shall be construed to apply to properties taxed under the provisions of sections 14 and 15 or of subdivision 1 of section 16 of this article: *provided, further,* that if taxation upon all personal property is subsequently abolished by vote of the people of the State of California the tax authorized by this section shall without further action be abolished.

All moneys collected as taxes on motor vehicles and trailers in lieu of personal property taxes thereon shall be credited to a special fund to be known as the "county motor vehicle tax fund" and no other moneys shall be so credited; not less



than 95 per cent of the moneys credited to said fund shall be paid at least once each year by the State to the respective county or city and county from which motor vehicles and trailers are registered, under any act providing for the registration of motor vehicles by the State, to be distributed between such county, or city and county, and such political subdivisions as may exist within each county, or city and county, as may be prescribed by law. Nothing in this section shall be construed to apply in any way to or affect the fixing, collection or distribution of any fee for registration now or hereafter fixed, collected and distributed under the provisions of the California Vehicle Act. The Legislature shall pass all laws necessary to carry out the provisions of this section and the acts of the fourteenth session of the Legislature passed pursuant to this section shall be effective immediately upon their passage. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change the method or rate of any tax fixed under this section.

#### LIEUTENANT GOVERNOR IN THE CHAIR.

At four o'clock and five minutes p.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Murphy moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Eklom, Garrison, Gray, Handy, Harlex, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriman, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

The Secretary announced the absentees.

Time, four o'clock and fifty-two minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

##### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lyon moved to refer Senate Constitutional Amendment No. 7, as amended March 15, 1929, to Senator West, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed measure, strike out the word "four", and insert in lieu thereof the word "six".

##### AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed measure, strike out all of lines 8 to 14, inclusive, and insert in lieu thereof the following:

"Sec. 18. The justices of the supreme court, and of the district courts of appeal, and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed; *provided, however,* that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be elected, and

the acceptance of any other office shall be deemed to be a resignation from the office held by said judge. No justice or judge of a court of record shall practice law during his continuance in office."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 7, with instructions to amend, respectfully reports the same back, amended as per instructions

WEST, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Senate Constitutional Amendment No. 7 ordered to print, and re-engrossment.

Senate Joint Resolution No. 9—Relative to Dale-Lehlbach Retirement Bill in United States Congress.

Resolution read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurley moved to refer Senate Joint Resolution No. 9 to Senator Murphy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed resolution, following the semicolon, strike out the word "and", and insert in lieu thereof the following: "therefore, be it".

AMENDMENT NUMBER TWO.

On page 1 of the printed resolution, strike out lines 8 to 12, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Joint Resolution No. 9, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee.

Report read, and on motion of Senator Hurley adopted.

Senate Joint Resolution No. 9 ordered to print, and re-engrossment.

Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 128 to Senator Cobb, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 15, of the printed bill, strike out the comma after the word "act".

## AMENDMENT NUMBER TWO.

On page 2, line 15, of the printed bill, after the period after the word "act", insert the following: "Said appointments except said investigators or specialists in crime detection, to be made by said board from an eligible list provided for such purpose by the civil service commission."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 128, with instructions to amend, respectfully reports the same back, amended as per instructions.

COBB, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print, and re-engrossment.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, county, or county illegally delaying the recording of any such map; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 165—An act relating to the sale or exchange of surplus products between public institutions owned, managed or controlled by the State, or the political subdivisions thereof, and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political subdivisions thereof," approved March 18, 1905;

Also: Assembly Bill No. 178—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended;

Also: Assembly Bill No. 755—An act to add a new section to the Political Code to be numbered 363j, relating to the preparation of plans for public buildings and other structures;

Also: Assembly Bill No. 739—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered title II<sub>m</sub>, embracing sections 376 to 376n, inclusive, relating to a Department of Professional and Vocational Standards;

Also: Assembly Bill No. 203—An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; to provide penalties for the violations of any of the provisions thereof; and to make an appropriation for the purposes thereof;



Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Assembly Bills Nos. 165, 178, 755, 739 and 203 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 493—An act to amend section 361e of the Political Code and to add a new section to said code to be numbered 361h, relating to the Department of Agriculture and the Division of Land Settlement thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Senate Bill No. 493 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 297—An act to amend sections 2 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, granting to the Park Commission the right of eminent domain, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; noes—1; absent—3.

MALONEY, Vice Chairman.

Senate Bill No. 297 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries;

Also: Senate Bill No. 356—An act to amend section 755 of the Political Code, relating to the compensation of the clerk of the Supreme Court and ex officio secretary of the Judicial Council;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Senate Bills Nos. 787 and 356 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 228—An act to add three new sections to the Political Code to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor;

Also: Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Senate Bills Nos. 228 and 561 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Pro-

teated Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

MALONEY, Vice Chairman.

Senate Bill No. 298 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board or commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8, noes—1, absent—2.

MALONEY, Vice Chairman.

Senate Bill No. 301 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 479—An act to amend section 737g of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Senate Bill No. 479 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MALONEY, Vice Chairman.

Senate Bill No. 503 ordered on file for second reading.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 702—An act to add a new section to the Political Code, to be numbered 4041e, authorizing counties to expend money for flood protection and conservation of water resources—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass as amended.

Committee membership—7.

(Signed out)

EVANS, Chairman.

COBB.

MERRIAM.

McCORMACK.

WAGY.

GARRISON.

Assembly Bill No. 702 ordered on file for second reading.

## ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 2, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property:

Also: Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass:

Has had the same under consideration, and respectfully reports the same back with amendments, and without recommendation.

Committee membership: 9; committee vote: Ayes—5; noes—3; absent—1.

BAKER, Chairman.

Senate Bills Nos. 399 and 400 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Baker:

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

Request referred to Committee on Rules.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Joint Resolution No. 7—Relative to memorializing and petitioning the President of the United States and Congress to support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and petitioning for the restoration of adequate tariffs on imports of agricultural products from the Philippine Islands—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Joint Resolution No. 7—Relative to the protection of agricultural products.

## ASSEMBLY AMENDMENTS TO SENATE JOINT RESOLUTION NUMBER SEVEN.

## AMENDMENT NUMBER ONE.

In the title of the printed resolution, as amended in Senate March 14, 1929, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"Senate Joint Resolution No. 7—Relative to memorializing and petitioning the President of the United States and congress to support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and petitioning for the restoration of adequate tariffs on imports of agriculture products from the Philippine islands."

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed resolution, strike out all of lines 1 to 20, inclusive, and insert in lieu thereof the following:

"WHEREAS, The encouragement and protection of the growth of agriculture products in the United States, and of the production of agriculture products, in interest of agriculture and as a measure of economic stability and defense, has been an important feature of our tariff policy; and"

The question being: Shall the Senate concur in Assembly amendments to Senate Joint Resolution No. 7?



The roll was called, and Assembly amendments to Senate Joint Resolution No. 7 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Senate Joint Resolution No. 7 ordered to enrollment.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and thirty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Murphy.

The Secretary was directed to call the roll on the adoption of Senate Constitutional Amendment No. 18.

The roll was called, and Senate Constitutional Amendment No. 18 adopted by the following vote:

AYES—SENATORS Boggs, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, and West—27.

NOES—Senators Baker, Breed, Carter, Cassidy, Handy, Inman, Jones, Ray; McCormack, Nelson, Slater, and Young—11.

Title read and approved.

Senate Constitutional Amendment No. 18 ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tidelands heretofore made to the city of Newport Beach;

Also: Senate Bill No. 361—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds;

Also: Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County;

Also: Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County.

ARTHUR A. OHNIMUS, Chief Clerk.

Senate Bills Nos. 315, 361, 223 and 224 ordered to enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 427 ordered on unfinished business file.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the

State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SEVEN.

##### AMENDMENT NUMBER ONE.

On page 2, line 16, of the printed bill, as amended March 13, 1929, strike out the semicolon, and insert a comma.

##### AMENDMENT NUMBER TWO.

On page 2, line 18, of the printed bill, as amended March 13, 1929, strike out the semicolon, and insert a comma.

##### AMENDMENT NUMBER THREE.

On page 2, line 20, of the printed bill, as amended March 13, 1929, strike out the semicolon, and insert a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 107?

The roll was called, and Assembly amendments to Senate Bill No. 107 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—28.

NOES—None.

Senate Bill No. 107 ordered to enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 105—An act to amend sections 11, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED FIVE.

##### AMENDMENT NUMBER ONE.

On page 4, line 3, of the printed bill, as amended March 25, 1929, after the numerals "12", insert the following: "of said act".

##### AMENDMENT NUMBER TWO.

On page 5, line 6, of the printed bill, as amended March 25, 1929, after the numerals "16", insert the following: "of said act".

## AMENDMENT NUMBER THREE.

On page 5, line 49, of the printed bill, as amended March 25, 1929, strike out the semicolon, and insert in lieu thereof a comma.

## AMENDMENT NUMBER FOUR.

On page 5, line 51, of the printed bill, as amended March 25, 1929, strike out the semicolon, and insert in lieu thereof a comma.

## AMENDMENT NUMBER FIVE.

On page 6, line 1, of the printed bill, as amended March 25, 1929, strike out the semicolon, and insert in lieu thereof a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 105?

The roll was called, and Assembly amendments to Senate Bill No. 105 concurred in by the following vote:

AYES—Senators Breed, Canine, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Felton, Garrison, Handy, Jones, Ray, McCormick, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, and Wagy—24.

NOES—None.

Senate Bill No. 105 ordered to enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 475—An act to add a new section to the Penal Code, to be numbered 530½, relating to false impersonation of peace officers.

Also: Assembly Bill No. 44—An act to add a new section to the Penal Code, to be numbered 634½, relating to the protection of fish and game.

Also: Assembly Bill No. 98—An act to amend section 1861½ of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished hangar-low courts.

Also: Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and variety thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

Also: Assembly Bill No. 139—An act to amend section 18 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the appointment and duties of clerks, deputy clerks, marshals, deputy marshals, and the filling of vacancies in said office.

ARTHUR A. O'HINIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 475 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 44 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 98 and 139 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 190 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 273—An act to amend section 4282 of the Political Code relating to the salaries, fees and expenses of officers in counties of the fifty-third class;

Also: Assembly Bill No. 508—An act to amend section 1469 of the Code of Civil Procedure, relating to setting aside estates not exceeding \$2,500 in value;

Also: Assembly Bill No. 652—An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel Sanitary District;



Also: Assembly Bill No. 1071—An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations;

Also: Assembly No. 1085—An act to amend section 2322<sup>2</sup>24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class;

Also: Assembly Bill No. 879—An act to amend section 4256 of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-seventh class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers and appointed Assemblymen Hoffman, Fry and McGuinness as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Christian, Merriam and Breed as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 608.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 3, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 156—An act to amend section 12 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to disability indemnity;

Also: Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 10 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act;

Also: Assembly Bill No. 489—An act to amend section 46 of the "Workmen's Compensation, Insurance and Safety Act," approved May 26, 1913, as amended, relating to insurance against liability for compensation by the State, and certain political subdivisions, districts, State agencies and corporations, therein enumerated;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

(Signed out)

TUBBS, Chairman.  
GRAY.  
SLATER.  
SHARKEY.  
MALONEY.  
INMAN.

Assembly Bills Nos. 156, 176, and 489 ordered on file for second reading.

#### ADJOURNMENT.

At five o'clock and fifty minutes p. m., on motion of Senator Breed, the President declared the Senate adjourned until eleven o'clock a. m., Thursday, April 4, 1929.

HAROLD J. POWERS, Minute Clerk

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Thursday, April 4, 1929.

The Senate met at eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, April 3, 1929, the further reading was dispensed with, on motion of Senator Slater.

## REMARKS BY SENATOR MERRIAM.

Senator Merriam called attention to the anniversary of Senator and Mrs. T. C. West, and moved the Senate extend its congratulations and good wishes and bespeak for them many happy returns of the anniversary occasion.

The motion was unanimously adopted.

Senator Merriam also requested the privilege of the floor for Mrs. West for the day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Benjamin Pierre Kimball, prominent golf player from Yolo.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence H. Wilson.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Buron Fitts.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff and Mrs. R. R. Veale of Martinez.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. A. H. Hacleck, Orange County.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Frank Brady of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor Sol P. Ellis, and Lee Smith, chief of police of Modesto.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jessie Wright and Mrs. Ida R. Koverman of Los Angeles.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to members of the 4-H Club as follows: Jack Martin, captain; Truman Searlett, Irene Searlett, Virginia Lee Schulte, Royden Martin and Roy Meadows. The 4-H agricultural work is a national activity sponsored by the University of California Agricultural Extension Service. There are over 600,000 farm boys and girls enrolled in America, 9000 of whom are carrying on club work in California. 4-H Club work is a voluntary year round rural activity. The individual clubs are guided by volunteer adult leaders. There are over 1000 of these local leaders in the State of California. This is a demonstration team of the Carmelo 4-H Club of Monterey County, trained by their volunteer leaders, Mr. and Mrs. B. H. Schulte.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 33—An act to amend sections 18 and 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended:

Also: Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service of notices and other papers by mail and effect thereof:

Also: Senate Bill No. 80—An act to add a new section to be numbered 722 to chapter 2 of title IX of part II of the Code of Civil Procedure, relating to proceedings supplemental to execution:

Also: Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664, of the Code of Civil Procedure, relating to the administration of estates;

Also: Senate Bill No. 98—An act to add a new section to be numbered 1179a to chapter 4 of title III of part III of the Code of Civil Procedure, relating to summary judgments;

Also: Senate Bill No. 153—An act to amend section 1½ of an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,'" approved June 16, 1913, as amended, relating to parole of prisoners and the conditions which may be imposed upon the granting thereof: And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 126, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees;

Also: Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees;

Also: Senate Bill No. 81—An act to amend section 591 of the Code of Civil Procedure, relating to trials;

Also: Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending section 204e thereof, relating to jury commissioners in counties, or cities and counties, where there is a secretary of the judges of the superior court;

Also: Senate Bill No. 106—An act to amend "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries,



deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended; by adding a new section to be numbered section 204, relating to the impersonation of investigators of the Board of Medical Examiners and providing a penalty for the violation of the provisions hereof;

Also: Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles;

Also: Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

Also: Senate Bill No. 220—An act adding a new section to the Political Code to be numbered 694, relating to the Department of Finance;

Also: Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties;

Also: Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco Harbor improvement fund;

Also: Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county and district budgets and to the levy of taxes and prescribing limitations on county expenditures;

Also: Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts;

Also: Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts;

Also: Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,'" approved March 18, 1899, as amended;

Also: Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 607—An act relating to the use of public schoolhouses as civic centers;

Also: Assembly Bill No. 647—An act relating to courses of study in elementary schools;

Also: Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—8; absent—5.

SLATER, Chairman.

Assembly Bills Nos. 607, 647 and 551 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 36—An act to amend an act entitled "An act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools," approved March 13, 1909, by amending sections 1 and 2 thereof and adding a new section thereto, to be numbered section 3, all relating to the existence of secret fraternities in public schools—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—8; absent—5.

SLATER, Chairman.

Assembly Bill No. 36 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 522—An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; absent—5.

SLATER, Chairman.

Assembly Bill No. 522 ordered on file for second reading.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Crowley to introduce a bill entitled—An act to amend section 15 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to indebtedness of utility districts—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Young to introduce a bill entitled—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Christian to introduce a bill entitled—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Luman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pechotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Baker to introduce a bill entitled: An act to amend section 7370a of the Political Code, relating to the salary of the superior judge in and for the county of Monterey—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Luman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pechotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

#### ON PUBLIC MORALS

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred Senate Bill No. 279—An act to add a new section to the Penal Code to be numbered 330b, relating to gambling devices;

Also: Senate Bill No. 848—An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

COBB, Chairman.

Senate Bills Nos. 279 and 848 ordered on file for second reading.

#### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 8, authorizing the issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929 as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor;

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII½, relating to revenue and taxation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership—10; committee vote: Ayes—7; absent—3.

SWING, Chairman.

Senate Constitutional Amendments Nos. 28 and 32 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 16—A resolution to propose to the



people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 6, relative to the issuance of bonds to the amount of \$20,000,000 for the acquisition of rights of way for railroad crossing eliminations on the roads within the State highway system and within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—10; committee vote: Ayes—7; absent—3.

SWING, Chairman.

Senate Constitutional Amendment No. 16 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article XI of said constitution, relative to elections and eligibility of voters, disabilities and absent voters—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10; committee vote: Ayes—6; noes—1; absent—3.

SWING, Chairman.

Senate Constitutional Amendment No. 33 ordered on file.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Crowley: Senate Bill No. 852—An act to amend section 15 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to indebtedness of utility districts.

Bill read first time, and referred to Committee on Elections.

By Senator Christian: Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read first time, and referred to Committee on County Government.

By Senator Baker: Senate Bill No. 854—An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

Bill read first time, and referred to Committee on County Government.

By Senator Young: Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California.

Bill read first time, and referred to Committee on Finance.

#### WITHDRAWAL OF ASSEMBLY BILL.

Senator Inman moved that Assembly Bill No. 458 be withdrawn from Committee on Finance, and placed on second reading file.

Motion carried, and such was the order.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator McKinley:

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of, an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein.

Request referred to Committee on Rules.

## COMMUNICATION.

The following communication was received, and on motion of Senator Cassidy ordered printed in the Journal:

AUBURN, CALIFORNIA, April 3, 1929.

Senator R. A. Cassidy,

Sacramento, California.

MY DEAR BERT: Will you kindly put a notice in the Senate Journal to the effect that all Senators and Assemblymen and their wives are very cordially invited to make use of the Placer County Country Club during this session of the Legislature without the payment of the customary greens fees. Any of them that may come up here will find themselves very welcome.

Very truly yours,

G. W. BRUNDAGE,

President, Placer County Country Club.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following amendment was offered:

By Senator Cleveland: Senate Constitutional Amendment No. 35—Proposed amendment to article \_\_\_ of the constitution, relative to a resolution to propose to the people of the State of California an amendment to section 2 of article V of constitution of said State, relating to the election and duration of office of Governor.

Amendment referred to Committee on Constitutional Amendments.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 714, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7 $\frac{1}{2}$ , 8 $\frac{1}{2}$ , 22 $\frac{1}{2}$ , 23 $\frac{1}{2}$ , 28 $\frac{1}{2}$ , 30 $\frac{1}{2}$ , 31 $\frac{1}{2}$ , 45 $\frac{1}{2}$ , 52 $\frac{1}{2}$ , 72 $\frac{1}{2}$ , 76 $\frac{1}{2}$ , 83 $\frac{1}{2}$ , 98 $\frac{1}{2}$ , 100 $\frac{1}{2}$ , 111 $\frac{1}{2}$ , 114 $\frac{1}{2}$ , 134 $\frac{1}{2}$ , 141 $\frac{1}{2}$ , 146 $\frac{1}{2}$ ,

150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Edwards moved to refer Senate Bill No. 714 to Senator Weller, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 4 of the printed bill, strike out all of lines 3 to 52, inclusive, and on page 5 all of lines 1 to 29, inclusive.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Tubbs and Breed.

The question being on Senator Edwards' motion to refer Senate Bill No. 714 to Senator Weller, as a Special Committee of One, for amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Edwards, Evans, McKinley, Merriam, Swing, Weller, and West—8.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, and Young—28.

#### SENATOR BOGGS IN THE CHAIR.

At twelve o'clock and fifteen minutes p.m., Senator Boggs of the Tenth District was called to the chair.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Senate Bill No. 714 to Senator Rochester, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 30 of the printed bill, as amended April 2, 1929, strike out all of line 4 after the word "Drugs" and all of lines 5 to 23, inclusive, and insert in lieu thereof the following:

"It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs to drive a vehicle on any public highway within this state.

Any person violating the provisions of this section shall upon conviction be punished by imprisonment in the county jail for not less than ninety days nor more than one year or by imprisonment in the state prison for not less than one nor more than three years, or by a fine of not less than two hundred dollars (\$200), nor more than five thousand dollars (\$5,000), and upon every verdict of "guilty" under this section, the jury shall recommend the punishment and the court in imposing sentence shall have no authority to impose a sentence greater than that recommended by the jury.



In addition to the above penalties the court or the division shall have authority to suspend or revoke the operator's or chauffeur's license of any person convicted under this section."

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Allen, Young and Cobb.

The question being on Senator Merriam's motion to refer Senate Bill No. 714 to Senator Rochester, as a Special Committee of One, for amendment.

The roll was called, and the motion carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Handy, Hurley, McCormack, McKinley, Merriam, Rochester, Slater, Swing, Weller, West, and Young—20.

NOES—Senators Breed, Canepa, Crowley, Fellom, Gray, Inman, Lyon, Maloney, Mueller, Murphy, Nelson, Sharkey, Tubbs, and Wagy—14.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 714, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROCHESTER, Special Committee.

Report read, and on motion of Senator Merriam adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Swing moved to refer Senate Bill No. 714 to Senator Fellom, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 40 of the printed bill, as amended April 2, 1929, between lines 46 and 47, insert the following:

"Section 155 of the California motor vehicle act is hereby amended to read as follows:

Sec. 155. Speed trap evidence inadmissible. Evidence based upon use of speed traps not to be admitted. No police or peace officer or other person shall use a speed trap as defined herein in arresting or participating or assisting in the arrest of any person or in securing evidence as to the speed of a vehicle for the purpose of prosecution under this act, nor shall any evidence as to the speed of a vehicle operated on a highway by any person arrested for a violation of the provisions of this act be admitted in any court at the consequent trial of such person when such evidence relates to or is based upon the maintenance or use of a speed trap.

A speed trap within the meaning of this section is a particular section of, or distance on, any highway the length of which has been or is measured for distance and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Every officer when on duty for the purpose of enforcing the provisions of this act shall be dressed in a full distinctive uniform, and no officer shall use an automobile for patrolling public highways in the performance of such duty, unless such automobile is painted a distinctive color such as may be determined upon by the division of motor vehicles.

In any prosecution under this act upon a charge involving the speed of a vehicle, any officer or officers arresting or participating or assisting in the arrest of the person so charged shall be incompetent as a witness or witnesses if any speed trap was used in such arrest, or when an automobile was used by such officer or officers in violation of the provisions of this act, or the officer or officers were not in full uniform, and the court shall be without jurisdiction to render a judgment of conviction upon the testimony procured by the use of a speed trap or by any such officer or officers so using an automobile not in conformity with the act or not in full uniform."

AMENDMENT NUMBER TWO.

On page 40, line 47, of the printed bill, strike out the figures "70" following the word "Sec.", and insert the figures "71".

HOUR OF RECESS EXTENDED.

At one o'clock and five minutes p.m., the hour of recess was extended until two o'clock and ten minutes p.m.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Tubbs, Gray and Fellom.

The question being on Senator Swing's motion to refer Senate Bill No. 714 to Senator Fellom, as a Special Committee of One, for amendment.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

The Secretary announced the absentees.

Time, one o'clock and twenty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## PROCEEDINGS UNDER CALL OF THE SENATE.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lyon moved to refer Senate Bill No. 714 to Senator West, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 41, line 14, of the printed bill, as amended April 2, 1929, after the word "finance", strike out the remainder of said line, and strike out lines 15 to 19, inclusive, and all line 20 down to and including the word "subdivision".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 714, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Lyon adopted.

## WITHDRAWAL AND RE-REFERENCE OF BILL.

Senator Inman asked for and was granted unanimous consent to withdraw Assembly Bill No. 1096 from Committee on Finance, and re-refer to Committee on Municipal Corporations.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 27—An act to amend section 626s of the Penal Code, relating to the protection of game.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the words "two 'A'", and insert in lieu thereof the words "one 'R', two 'A', two 'B'".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, strike out the words "three "H",".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 760—An act to amend sections 1, 2, 21, 2a, 3, 4, 5, 6, of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith,'" approved May 19, 1915, as amended.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 3, line 18 of the printed bill, strike out the word "Boles", and all of lines 19 to 28, inclusive, and insert in lieu thereof the following: "Willow creek crosses the north line of section thirty two, township forty six north, range nine east thence along said Willow creek to a point where the creek crosses the section line between sections fourteen and fifteen, township forty five north, range nine east thence due south to where the Deerhill and Canby road crosses the section line between sections thirty four and thirty five, township forty three north, range nine east thence in a northwesterly direction along said road to where it crosses the north line of section twenty-four, township forty four north, range six east thence due east approximately four and one-half miles to the section corner common to sections fourteen, fifteen, twenty-two and twenty-three, township forty four north, range seven east thence north one mile, thence east two miles, thence north three miles, thence east three miles to the section corner common to sections twenty seven, twenty eight, thirty-three, and thirty-four, township forty five north, range eight east thence north two miles, thence east three miles, thence north four miles following the range line between townships eight and nine east, forty five and forty six north to the northwest corner of section thirty-one, township forty six north, range nine east thence east approximately one and one-half miles to point of beginning. All townships and ranges mentioned herewith being referred to Mount Diablo base and meridian."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, line 38, of the printed bill, following the word "thence", insert the word "southerly".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 4, line 18, of the printed bill, strike out the word "Canal", and insert in lieu thereof the word "Correl".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4, line 34, of the printed bill, strike out the word "Trelor", and insert in lieu thereof the word "Trelor".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 5, line 25, of the printed bill, strike out the word "Mathles", and insert in lieu thereof the word "Mathless".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 5, line 46, of the printed bill, strike out the word "Eddridge", and insert in lieu thereof the word "Eldridge".

Amendment adopted.



## AMENDMENT NUMBER SEVEN.

On page 5, line 50, of the printed bill, strike out the word "Pittsville", and insert in lieu thereof the word "Pittville".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 5, of the printed bill, strike out the words "county of Tehama", and insert in lieu thereof the following: "counties of Plumas and Tehama".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 6, line 14, of the printed bill, strike out all of that portion of the line following the word "to", and all of lines 15 to 24, inclusive, and insert in lieu thereof the following: "the state highway in section twenty-three, township twenty-nine north, range four east, thence following the northerly side of said highway westerly to the junction of the old Morgan summit road; thence westerly following the northerly side of said road to the junction of the new Mt. Lassen volcanic national park highway; thence northerly following the easterly side of said highway to the south boundary of Mount Lassen volcanic national park; thence due east to where said boundary crosses Rice creek on the north line of section thirty-one, township thirty north, range five east; thence southerly following Rice creek and the north fork of the Feather river to the Red Bluff-Susanville state highway in section twenty-one, township twenty-nine north, range five east; thence westerly following the north side of said highway to the junction of Lost creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new state highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to where said survey crosses the north fork of Deer creek; thence southerly and westerly following said north fork of Deer creek and Deer creek to the point".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 6, line 29, of the printed bill, strike out all of that portion of the line following the word "the", and all of lines 30 to 35, inclusive, and insert in lieu thereof the following: "Hartman bar bridge on the middle fork of Feather river; thence north following Hartman bar trail to Gravel range road; thence along Gravel range road to Haskins valley; thence easterly along Haskins valley road to Sheep driveway; thence along sheep driveway to junction of Crescent hill mine road; thence south along Crescent hill mine road to its terminus on point of ridge above Crescent hill mine; thence down top of ridge to the middle fork of Feather river; thence southwesterly along middle fork of".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 6, line 47, of the printed bill, strike out the word "Duncan's", and insert in lieu thereof the word "Duncan".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 7, line 18, of the printed bill, strike out the words "Alpine state", and insert in lieu thereof the words "Carson pass".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 7, line 24, of the printed bill, strike out the word "three", and insert in lieu thereof the word "five".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 27, of the printed bill, strike out the words "one east; thence northwesterly", and insert in lieu thereof the following: "sixteen east; thence northeasterly".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 30, of the printed bill, strike out the word "westerly", and insert in lieu thereof the word "easterly".

Amendment adopted.

AMENDMENT NUMBER SIXTEEN.

On page 8, line 16, of the printed bill, preceding the word "Basin", insert the word "Walker".

Amendment adopted.

AMENDMENT NUMBER SEVENTEEN.

On page 8, line 30, of the printed bill, strike out the word "Medicine", and insert in lieu thereof the word "Egg".

Amendment adopted.

AMENDMENT NUMBER EIGHTEEN.

On page 8, line 34, of the printed bill, following the word "the", insert the word "northwest".

Amendment adopted.

AMENDMENT NUMBER NINETEEN.

On page 8, line 37, of the printed bill, following the word "Asp", insert the words "Egg Lake".

Amendment adopted.

AMENDMENT NUMBER TWENTY.

On page 8, line 44, of the printed bill, strike out the words "Tahoe state", and insert in lieu thereof the word "Lincoln".

Amendment adopted.

AMENDMENT NUMBER TWENTY-ONE.

On page 8, line 49, of the printed bill, following the word "Blakely", insert the word "Slickrock".

Amendment adopted.

AMENDMENT NUMBER TWENTY-TWO.

On page 9, line 37, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT NUMBER TWENTY-THREE.

On page 9, line 43, of the printed bill, strike out the word "eight" preceding the word "east", and insert in lieu thereof the word "eighteen".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 10, line 18, of the printed bill, strike out the period and insert in lieu thereof the following: ", and townships seventeen and eighteen north; range eighteen west".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 11, line 4, of the printed bill, preceding the word "Santa Cruz," insert the following: "San Mateo, Ventura,".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SIX.

On page 11, line 43, of the printed bill, strike out the word "Mazana", and insert in lieu thereof the word "Manzana".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SEVEN.

On page 12, line 3, of the printed bill, following the word "following", insert the words "Alder Creek and".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 12, line 14, of the printed bill, following the word "thence", insert the words "northerly and westerly".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-NINE.

On page 13, line 24, of the printed bill, strike out the word "Ask", and insert in lieu thereof the word "Ash".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY.

On page 13, line 31, of the printed bill, strike out all of that portion following the word "thence", and all of lines 32 to 39, inclusive, and insert in lieu thereof the following: "northerly from said junction to the north line of section thirty-one, township three north, range two east, San Bernardino meridian; thence easterly approximately five miles to the northeast corner of section thirty-six, township three north, range two east, San Bernardino meridian; thence south along the easterly line of section thirty-six and the easterly line of township two north, range two east, township one north, range two east and township one south, range two east, to where said easterly line of township one south, range two east crosses the".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-ONE.

On page 14, line 6, of the printed bill, strike out all of that portion of the line following the word "Bernardino", and all of line 7, and insert in lieu thereof the following: "national forest as established July 1, 1926, thence in a general north-westerly direction following said national forest boundary to a".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-TWO.

On page 15, line 9, of the printed bill, strike out the word "southerly", and insert in lieu thereof the word "northerly".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-THREE.

On page 16, line 6, of the printed bill, strike out all of that portion of the line following the word "of", and all of line 7, and insert in lieu thereof the following: "said Lockwood valley road to where said road".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-FOUR.

On page 16, lines 30 and 31, of the printed bill, strike out the words "Cleveland national forest in", and insert in lieu thereof the following: "San Bernardino national forest at".

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-FIVE.

On page 17, line 24, of the printed bill, following the word "Bar", insert the following: "to a line drawn from the western end of the railroad bridge across the entrance to Millerton gulch to Bailey's wharf at Inverness."

**Amendment adopted.**

## AMENDMENT NUMBER THIRTY-SIX.

On page 19, line 52, of the printed bill, following the word "include", insert the following: "all waters lying within the drainage area of the Rubicon and Little Rubicon rivers above their confluence; in section thirteen, township thirteen north, range thirteen east, Mount Diablo base and meridian; all waters lying within the drainage area of Silver creek and the American river above the confluence of said stream in section twenty-four, township eleven north, range twelve east, Mount Diablo base and meridian, except those waters lying within the boundary of fish and game district twenty-four;"

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 15—An act to amend section 634 of the Penal Code, relative to the protection of fish and game.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 41, of the printed bill, strike out lines 41 and 42, and insert in lieu thereof the following: "between the twenty-second day of September and thirtieth day of April of the year following, both dates inclusive, in fish and".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 3, line 2, of the printed bill, strike out the word "seventeenth", and insert in lieu thereof the word "twenty-second".

**Amendment adopted.**

## AMENDMENT NUMBER THREE.

On page 4, line 5, of the printed bill, strike out lines 5 to 9, inclusive, and insert in lieu thereof the following: "time, except when back and time, angles for, rods for, trawls for, takes, catches, or kills any salmon, or other fish, from the twenty-second day of September and the thirtieth day of April of the year following, both dates inclusive, angles for, rods for, trawls for, takes, catches, kills, buys, sells, offers or exposes".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 374—An act to add a new section to the Penal Code, to be numbered 80, relating to the publication of false or garbled matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the words "or garbled".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the words "or garbled".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 137—An act to add a new section to the Penal Code to be numbered 486c, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, strike out lines 9 to 12, inclusive, and insert in lieu thereof the following: "from the owner, is guilty".

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 669—An act to amend section 1525 of the Penal Code, relating to search warrants.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill following the word "offense", strike out the period, and insert in lieu thereof the following: "or to shelter, harbor, house or entertain any vagrant as defined by this code."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, after the word "for", insert the words "or in".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, strike out the semicolon after the word "inspection", and insert in lieu thereof a comma, and the following: "except to officers of the court and to attorneys at law;"

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Cobb, Allen and Sharkey.

The question being on the adoption of the Senate Judiciary Committee amendment to Senate Bill No. 280.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senator Mueller—1.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468*a*, 1468*b*, 1468*c* and 1468*d*, relating to the administration of estates having a net value of less than \$2,500.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "hundred", insert the word "dollars".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, strike out the words "money include.", and insert in lieu thereof the following: "may include".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 20, of the printed bill, after the period insert the following: "When such allegation is included in a petition for probate of will or for letters of administration, the petition shall be verified."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 8, of the printed bill, after the words "file a", insert the word "verified".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 23, of the printed bill, strike out lines 23, 24, 25, and insert in lieu thereof the following: "Ifion 1468a is included in any petition filed, the court shall forthwith appoint one inheritance tax appraiser, unless the whole estate consists of money, who shall appraise the property described in".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2, line 27, of the printed bill, strike out lines 27 to 34, inclusive.

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 3, line 4, of the printed bill, after the period following the word "discovered", in said line, insert the following: "But no widow or minor child having other estate of five thousand dollars in value, shall be entitled to such an assignment."

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 3, line 6, of the printed bill, after the comma following the word "dollars", in said line, insert the following: "or that the widow or minor child has other estate of five thousand dollars in value".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, after the phrase "an act", strike out all of line 1 of the title, and all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and insert in lieu thereof the following: "to provide procedure for determining whether or not a reclamation district to be known as "South Basin-South Basin Canal reclamation district" should be created; fixing the boundaries thereof in the event of the creation thereof; providing for the management and control thereof; vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district in the



event of its creation; granting to the city and county of San Francisco and its successors any title of the state in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin canal reclamation district."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, after the period following the phrase "Section 1", strike out all of line 1 and the balance of the lines on page 1, also all of the printed bill on pages 2, 3, 4, 5 and 6, and insert in lieu thereof the following:

"WHEREAS: To and commerce and navigation it is necessary to dredge South Basin and South Basin canal in the city and county of San Francisco, to dredge the shoals in the bay of San Francisco lying off the mouth of South Basin and South Basin canal and to reclaim the old salt marsh and lowlands now lying in the district hereinafter described so that they may become a useful adjunct to commerce and navigation; and whereas the government of the United States is to be requested to dredge said shoals, and the board of state harbor commissioners of the State of California is to be requested to dredge said South Basin and South Basin canal, provided the lands in said district be fully reclaimed, and thereby develop commerce and navigation, be it the estate created that the following procedure is established for the determination of whether or not a reclamation district to be called and known as "South Basin-South Basin canal reclamation district" should be created, with the powers and duties and exterior boundaries as hereinafter set forth and described.

SEC. 2. The said South Basin-South Basin canal reclamation district, if and when established, shall comprise those certain lots, pieces and parcels of land, streets and canals or portions thereof lying within the city and county of San Francisco, State of California, and within that territory whose exterior boundaries are described as follows:

Beginning at a point on north line of Evans avenue projected and intersecting Water Front street as such streets are shown upon the official map of the city and county of San Francisco; thence along the easterly boundary of said Water Front street southerly to its intersection with the boundary line of San Mateo county and the city and county of San Francisco; thence westerly along said boundary to its point of intersection with the shore line of the bay of San Francisco at mean high tide as depicted upon the maps of the United States coast and geodetic survey; thence following said shore line to the northerly line of Evans avenue; thence southerly along said line to the point of commencement.

SEC. 3. Except as otherwise provided in this act, the management and control of said South Basin-South Basin canal reclamation district, if and when created, is hereby made subject to the provisions of article two of chapter one of title eight of part three of the Political Code of the State of California, relating to reclamation districts.

SEC. 4. (a) Within thirty days after this act shall become effective the governor of the State of California shall appoint three trustees who shall be residents of the city and county of San Francisco, and who shall hold office until their successors are elected as hereinafter provided. Said persons so appointed by the governor shall take their oath of office and qualify within ten days after notice of their appointment and shall forthwith proceed to discharge their duties. Said trustees so appointed by the governor shall serve without compensation.

(b) Duties of Trustees. The said trustees so appointed by the governor shall forthwith proceed to obtain preliminary plans and specifications of the general nature and character of all work to be done for the purpose of reclaiming the said lands within said reclamation district, together with full, fair and correct estimates of the cost thereof. When said trustees shall have obtained said plans and specifications showing the nature and character of said reclamation work to be done, together with the estimate of the total cost thereof, they shall make an apportionment of the said estimated cost of said work against the property in said district and the estimated amount of governmental aid which may be received in aid of said work to the end that each property owner in said district shall be in a position to ascertain the estimated cost of said work to be done and the proportion thereof to be charged against each particular parcel of property affected, if and when said district is created; *provided, however*, that no error in said estimate shall invalidate any assessment thereafter levied against said property by virtue of the provisions of this act. That for the purpose of advising the owners of the property within said proposed reclamation district as to the estimated cost of said work to be done the said trustees shall keep on file in the office of said district all of said plans, specifications and estimates of cost, together with the estimated cost of said work to be borne by each parcel of real property in said proposed district, all of which shall be open for inspection by any interested property owner, his agents or representatives, and within ten days after said plans, specifications and estimates are placed in said office of said district for inspection and examination, the said trustees shall cause to be published once a week for four successive weeks in a newspaper of general circulation, published in the city and county of San Francisco, a notice which shall contain a statement of the filing of said plans, specifications and estimates, and that

the same shall be open for inspection and examination at the principal place of business of said district, specifying the same, for a period of sixty days from and after the date of the first publication of said notice. In the event that said trustees shall fail to obtain said preliminary plans and specifications and submit the same to the property owners within said district within one year after their appointment, no further proceedings shall be had or taken relative to the formation of said reclamation district under this act, and this act shall cease to be operative. The cost of all investigations, plans, specifications and estimates made by said trustees pursuant to this subdivision of this section shall create no lien or charge against any property within the said proposed district.

(c) Within sixty days after the expiration of said period of sixty days above mentioned the said trustees shall cause an election to be held among the property owners within said district for the purpose of determining whether or not said reclamation district should be created in accordance with the plans, specifications, estimates and apportionment hereinabove in section 4 (b) of this act referred to. The said trustees shall fix the date of said election and the place where the vote shall be cast and give notice of the time and place of said election by publication for not less than one month in the official newspaper of the city and county of San Francisco and by mailing notice thereof to each of said property owners at his last known address not less than thirty days before said election. Ballots shall be prepared in a form to be determined by said trustees and shall contain the following proposition: "Shall South Basin South Basin canal reclamation district be formed in accordance with the provisions of the South Basin South Basin canal reclamation district act enacted by the Legislature of the State of California, statutes 1924, page ----, and pursuant to the plans, specifications, estimates and apportionment on file in the office of the trustees of said proposed district? Yes----- No-----" In said election each bona fide owner of land in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote on said proposition for each square foot of property owned by him or her in the district, as shown by the assessment roll of the city and county of San Francisco. For the purposes of said election, the said trustees shall appoint from the property owners of the proposed district one inspector and two judges of election, who shall constitute a board of election of said district. Each member of the board of election must, upon entering upon his duties, be sworn to a faithful performance thereof by some officer authorized to administer oaths. The board of election shall canvass the votes cast and certify the result thereof to the trustees; and in the event that a vote representing more than fifty per cent of the area shall be cast in favor of the formation of said district, further proceedings under this act shall be taken, as hereinabove provided. In the event that a vote representing more than fifty per cent of said area shall not be cast in favor thereof, no further proceedings shall be had or taken relative to the formation of said reclamation district, and this act shall thereupon cease to be operative.

The trustees shall prescribe the form of the proxy hereinabove referred to.

(d) In the event that a vote representing more than fifty per cent of the area shall be cast in favor of the formation of said district, as hereinabove provided, the said trustees appointed by the governor, as aforesaid, or a majority of them shall cause an election for trustees of said district to be called and held pursuant to the provisions of section 3491 of the Political Code, so far as the same may be applicable to this act, and the persons elected at said election shall hold office for a term of four years and shall be deemed to be the successors of the trustees appointed by the governor, as hereinbefore set forth, and shall perform all of the duties and shall have all of the powers of the trustees of the reclamation district; and upon the election of said trustees, but not otherwise, said reclamation district shall thereupon be deemed to be organized and shall thereupon and thereafter possess the powers conferred upon said reclamation district by section 11 of this act.

(e) Aid from San Francisco. The board of supervisors of the city and county of San Francisco may appropriate to the said trustees appointed by the governor as in this section provided, and cause to be paid to said trustees from the general fund of said city and county, an amount sufficient to defray the cost of obtaining the preliminary plans, specifications and estimates provided for in this section, and said sum or sums so appropriated shall be used for said purpose and for none other; *provided, moreover*, that this provision shall not be construed to prohibit appropriation by said city and county for a portion of the cost of said reclamation work.

(f) Recall. Any person elected to the office of trustee of said district, and who shall have held such office for at least six months, may be recalled from his office by the owners of more than one-half of the property in the district (measured by area). The procedure for the removal of any trustee shall be as follows: A petition demanding the election of a successor to the person sought to be removed, signed by the owners of at least twenty-five per cent of the property within the district (measured by area), shall be filed with the secretary of the board of trustees of said district. Said petition shall contain a statement of the grounds or causes for which said recall is sought and shall be signed and acknowledged before a notary public by the property owner demanding or his agent authorized in writing so to do. Said petition may be all on one sheet or on several separate sheets, and the

insufficiency of the form or substance of any statement therein contained shall not affect the validity thereof; *provided*, that said statement is sufficient to advise the property owners in said district of the reasons for said recall. Within sixty days after the filing of said petition or petitions, the trustees of said district shall call an election to be held at the principal place of business of the district, notice of which election shall be given by publication of a notice of said election in a newspaper of general circulation published in the city and county of San Francisco for at least once a week for four successive weeks. The call for and notice of said election shall specify the date on which and place at which said election shall be held and the hours during which votes may be cast, which shall be during at least eight consecutive hours on said date. At said election the owners of all property in said district shall have the right to vote; *provided*, if more than one person is the owner of any particular parcel of property said owners shall have the right to register but one vote at said election. The question submitted at said election shall be in the following form: "Shall ----- a trustee of the South Basin-South Basin canal reclamation district be removed from his office as such trustee?"

If at said election the owners of more than one-half of the property in said district (measured by area) shall vote in favor of the removal of said trustee or trustees, the office of said trustee or trustees shall be deemed vacant and an election shall be called and held to fill the vacancy or vacancies caused by said recall, in the same manner as for the original election of trustees for said district. If more than one trustee is to be recalled, separate petitions shall be filed for the recall of each, and the proposition for the recall of each shall be separately stated on any ballot used at said recall election, but all of said recalls may be voted on at any one election. The secretary of said district shall provide the necessary ballots and appliances and appoint the necessary tellers for any election held pursuant to this section, and all ballots cast thereat shall be secret until the same are opened to be counted.

(g) In computing the area of said district for any of the purposes of this act, public streets, roads, lanes, alleys and places shall not be taken into consideration, and the area of said district shall be computed exclusive of said streets, roads, lanes, alleys and places, which may exist therein.

SEC. 5. The office and principal place of business of said district shall be in the city and county of San Francisco and in such place as the board of trustees may from time to time fix. All funds of said district shall be deposited with the city and county treasurer of the said city and county of San Francisco, and be placed by him to the credit of the district in a special fund to be known as the "South Basin-South Basin canal reclamation district fund," and shall be disbursed by the treasurer of said city and county in payment of the warrants of the district.

SEC. 6. The board of supervisors of the city and county of San Francisco shall have jurisdiction of all matters concerning said district to the same extent as if the said district were formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act.

SEC. 7. A majority of the board of trustees of said district shall adopt by-laws, not inconsistent with the laws of the State of California, for the government and control of the affairs of the district. The by-laws thus adopted must be signed by a majority of the board of trustees, and must be by them filed with the county recorder of the city and county of San Francisco, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted.

SEC. 8. The board of trustees may elect one of its members president thereof, may elect one of its members or any other person secretary thereof, may employ such clerks and legal counsel as may be necessary, and may employ engineers and others to survey, plan, locate and estimate the cost of work necessary for the reclamation of the lands of the district, and may fix or agree upon their compensation and provide for the payment thereof as an expense of said district.

SEC. 9. The said South Basin-South Basin canal reclamation district shall have power to reclaim and protect the lands of said district by making, constructing and maintaining such fills, drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants as in the opinion of said trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said district, and may contract for such material, supplies, labor and machinery as may be necessary for those purposes. The said district may fill the lands of said district in private ownership and the streets lying therein and thereby raise them to the official street grades as the same may be now or hereafter legally established, and to that end, if necessary, obtain the right to do so by purchase, by agreement with the owners thereof, by condemnation or other legal means. The said district may secure material to make such fills by contract or agreement with the United States and State of California and any department, bureau, agency or authorized officer or agent of either or both, including the board of state harbor commissioners of the State of California, and with the city and county of San Francisco, or any department, bureau, agency, or authorized officer or agent thereof, or with any other person, firm or corporation, and to secure material to make such fills, the said district may provide for the dredging and widening of that portion of South Basin and South Basin canal lying within the exterior boundaries of said district,



provided its plans for dredging or widening or in any way affecting said portions of South Basin and South Basin canal are first submitted to and approved by said board of state harbor commissioners. The Legislature of the State of California hereby declares that it is necessary for the reclamation of lands of said district not only that the proper drains, canals, sluices, bulkheads, water gates, levees and embankments and other usual works be constructed and maintained but that the lands thereof in private ownership and the streets lying therein be filled and raised to the official street grades as the same are now or may be hereafter legally established.

SEC. 10. In order to aid and assist the reclamation authorities by this act, there is hereby granted to the city and county of San Francisco, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California in and to all the public highways lying in said district and in and to the lands within the boundaries of such public highways; *provided, however*, that nothing contained in this act shall affect the jurisdiction, possession and control of the board of state harbor commissioners of the State of California, of those portions of those streets in said city and county of San Francisco lying in said district which are declared by the provisions of section 2524 of the Political Code of the State of California to be within their jurisdiction, possession and control, or shall affect the jurisdiction, possession and control of the said board of state harbor commissioners of any part of said South Basin and South Basin canal lying within the exterior boundaries of said district.

SEC. 11. The board of trustees of said district shall have power to adopt a plan or plans for the reclamation of said district, and thereafter at any time in its discretion may modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; *provided, however*, that any modification or change in the original plan or plans or apportionment of expense provided in section 4 (b) of this act shall be advertised, open for inspection and examination, and subject to approval or rejection by the property owners in the same manner provided by this act for the approval or rejection of said original plan or plans or apportionment of expense. In the event that said modification or change shall be rejected, the trustees shall within sixty days thereafter submit to the property owners the proposition whether or not further proceedings for the said reclamation shall be abandoned; and in the event that a vote representing more than fifty per cent of the area of said district shall be cast in favor of abandonment, no further proceedings whatsoever shall be had under this act, and this act shall forthwith cease to be operative for any purpose.

The said district shall have power to acquire by lease, purchase, agreement, condemnation or other legal means, all property, easements, rights of way and the right to take material for the construction of all works necessary for the accomplishment of its object, and the right to contract for all necessary labor, supplies, material and machinery and to lease or acquire by purchase, agreement, condemnation or other legal means, any works of reclamation, including drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants which in the opinion of said board of trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said lands. The said district shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, with the United States, the State of California, the city and county of San Francisco, or any of their departments, bureaus, agencies or authorized officers or agents, with the said board of harbor commissioners, or with other persons in the construction and maintenance of reclamation works and to contract for the same and to do all other acts incident or necessary, in the opinion of said board of trustees, to the reclamation of the lands of said district. Except as otherwise provided in this act, the said South Basin-South Basin canal reclamation district and its trustees shall be subject to and controlled by the provisions of the following sections of the Political Code of the State of California, viz., sections 3453, 3454, 3455, 3456, 3457, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3466½ (both sections bearing that number), 3471, 3476, 3480, 3480½ (both sections bearing that number), 3484, 3489a, 3491 and 3493, and all other provisions of said Political Code relating to reclamation districts, and said South Basin-South Basin canal reclamation district and its board of trustees shall have all the rights and privileges and may exercise all the powers any reclamation district or its trustees may have or exercise under said provisions of said Political Code, or under any general laws of the State of California relating to reclamation districts, and to provide for the costs of the works of reclamation and the other authorized expenses of said South Basin-South Basin canal reclamation district assessments may be made and levied upon the lands in said district and become a charge and lien thereon, warrants may be drawn and issued, and a bonded indebtedness may be created and bonds therefor may be executed, sold and issued in the manner authorized by said provisions of said Political Code or by the provisions of said general laws relating to reclamation districts.

SEC. 12. Nothing contained in this act shall authorize the extension of South Basin and South Basin canal into or through Third street or any part thereof, or the location thereof, if projected upon its present course, or authorize the charging or assessment of state or municipal property for the costs of the reclamation works authorized by this act or for any of the expenses of said district, or authorize the filling or raising of any streets lying in said district to the official street grades as

the same are now or may be hereafter legally established, unless the plans of said district therefor are first submitted to and approved by the board of supervisors of said city and county of San Francisco. Nor shall anything contained in this act affect the power of said city and county of San Francisco to open, extend, widen, pave, grade or otherwise improve or to close, abandon or otherwise dispose of any public highway in said district in the manner authorized by law.

SEC. 13. Any reclamation district wholly situate within the boundaries of said reclamation district is hereby dissolved, except for the purpose of liquidation, if such be necessary, and the disposition of its property, if any there be, and for this purpose only is the existence of such a district continued. Any land situate within the boundaries of South Basin-South Basin canal reclamation district is hereby excluded from any such reclamation district.

SEC. 14. The board of trustees of said South Basin-South Basin canal reclamation district may commence a proceeding in the superior court of the State of California in and for the city and county of San Francisco to determine the legality of the existence of said district and may prosecute such a proceeding to a final judgment therein in the manner authorized by the provisions of section 3452 of the Political Code of the State of California, and the other laws of the State of California applicable to such a proceeding.

SEC. 15. The Legislature of the State of California specifically declares and enacts that this act shall not be construed to impose or create any lien, charge or incumbrance of any kind or character upon any of the parcels of real property within said proposed district unless and until the property owners within said district shall vote in favor of the creation of said district as hereinabove provided.

SEC. 16. In any election held pursuant to this act, the board of trustees shall, prior to the election, cause to be prepared and certified by the assessor of the city and county of San Francisco and furnished to the board of election, a true and correct copy of the next preceding assessment roll of the properties within said district, and shall prepare and furnish to said election board a certified list showing the number of square feet held by each person in said district, and said assessment roll and list shall be used by said election board in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them. Unless inconsistent herewith, in which case this act shall control, the provisions of sections 3480 and 3491 of the Political Code of the State of California shall be expressly applicable for the purposes of this act in the holding of elections. In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or a certified copy of the record thereof in the office of the county recorder of the city and county of San Francisco. Any person not legally entitled to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

SEC. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 18. This act may be cited as the South Basin-South Basin canal reclamation district act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the sea coast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor; to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. A harbor district is hereby created to be known as the Orange county harbor district. The district shall embrace all of the territory of Orange county."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, following the word "at", strike out the words "the said"; also following the word "in", in said line, strike out the words "the said".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, line 26, of the printed bill, strike out the words "a majority", and insert in lieu thereof the word "two-thirds".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 5, line 33, of the printed bill, strike out the words "harbor commission", and insert in lieu thereof the words "board of supervisors".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5, line 37, of the printed bill, strike out the words "the commission", and insert in lieu thereof the words "Orange county".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 5, line 38, of the printed bill, strike out the words "president and secretary", and insert in lieu thereof the words "chairman of the board of supervisors and clerk of the county".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 5, lines 42 and 43, of the printed bill, strike out the comma and the following: "the commission and its officers acting in place of county officers".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 33, of the printed bill, strike out the words "and taxable personal".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 6, line 37, of the printed bill, strike out the comma and the words "and taxable personal property".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 6, line 38, of the printed bill, strike out the words "and taxable personal".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 6, line 40, of the printed bill, strike out the word "commission", and insert in lieu thereof the words "board of supervisors".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 46, of the printed bill, strike out the words "of supervisors of Orange county".

Amendment adopted.



## AMENDMENT NUMBER THIRTEEN.

On page 6, line 49, of the printed bill, strike out the words "and taxable personal property".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7 of the printed bill, strike out all of lines 1 to 26, inclusive, and insert in lieu thereof the following: "Tax 1933.

If, at any time, the revenues and current receipts of the harbor from wharfage, dockage, permits, tolls and rents shall appear to the commission to be inadequate to provide the funds needed for the current operation and maintenance of the harbor, the commission shall, not later than the Monday preceding the last Tuesday in August of the year, by resolution, determine the amount if any, necessary to be raised for current operation and maintenance which amount must not require a tax to exceed one and one-half mills on each dollar of the assessed value of the real property and improvements thereon in the district. A copy of said resolution duly authenticated by the signature of the chairman of the commission, or in his absence by the signature of such member as the commission shall designate, shall not later than the last Tuesday in August of such year, be filed in the office of the county clerk and a similar copy shall be filed at the same time in the office of the county auditor. The board of supervisors shall levy a tax upon the real property and the improvements thereon set forth in the county assessment roll sufficient to provide the funds needed but not to exceed the rate of one and one-half mills upon each dollar of the assessed value of the real property of the district including improvements thereon."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 8, line 27, of the printed bill, strike out the word "county", and insert in lieu thereof the word "district".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 9, line 8, of the printed bill, strike out the word "county", and insert in lieu thereof the word "district".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 9, line 40, of the printed bill, after the words "agency or", insert the words "with the approval of the board of supervisors".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 9 of the printed bill, strike out all of lines 44 to 52, inclusive, and insert in lieu thereof the following:

"Sec. 25. Whenever the bonded indebtedness aforesaid shall have been authorized the".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 10, line 10, of the printed bill, strike out the figures "27", and insert in lieu thereof the figures "26".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 10, line 18, of the printed bill, after the word "and", insert the following: "the board of supervisors shall".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 10, line 23, of the printed bill, strike out the figures "28", and insert in lieu thereof the figures "27".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 10, line 31, of the printed bill, strike out the figures "29", and insert in lieu thereof the figures "28".

Amendment adopted.

AMENDMENT NUMBER TWENTY-THREE.

On page 10, line 37, of the printed bill, strike out the figures "30", and insert in lieu thereof the figures "29".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 10, line 40, of the printed bill, strike out the figures "31", and insert in lieu thereof the figures "30".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 10 of the printed bill, strike out lines 44 and 45, and insert in lieu thereof the following:

"SEC. 31. This act shall be known as the Orange county harbor district act."

Amendment adopted.

AMENDMENT NUMBER TWENTY-SIX.

On page 8, lines 1 and 2, of the printed bill, strike out the following: "funds of all insurance companies, banks, both commercial and savings, and trust companies and for".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 797—An act providing for the formation, government, and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and or one or more municipalities; providing for the classification of such harbors and lands into a commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors and authorizing counties and cities, jointly and separately to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses either wholly or partially and authorizing differential special assessments within such district; and providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California and from any person or persons; and providing for the election within any such harbor districts formed under this act of a Board of Harbor Governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such Board of Governors.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 35, inclusive, and insert in lieu thereof the following :

"An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or wholly or partially including territory of one or more municipalities within such county or lying within unincorporated territory of said county and one or more municipalities therein; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the governing body of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; and providing for the appointment and election within any such harbor district formed under this act of a board of harbor governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors."

## Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, strike out all of lines 1 to 6, inclusive, and insert in lieu thereof the following :

"SECTION 1. Any portion of a county in this state, whether lying entirely within unincorporated territory of such county, or wholly or partially including territory of one or more municipalities within such county, or lying within unincorporated territory of such county and one or more municipalities therein, a part of the exterior boundaries of which said portion include a bay or portion of a bay, harbor, or inlet, or portion of the shore of the Pacific ocean, may be formed into a harbor district for the creation, improvement or development of such harbor, upon proceedings being had and taken as provided for in this act.

SEC. 2. Whenever fifty or more persons in any county of this state, the exterior boundaries of which county include a harbor or portion of the shore of the Pacific ocean, desire the formation of a harbor district within the county for the improvement or development of such harbor, they may present to the board of supervisors of said county a petition in writing signed by them, which petition shall state the name of the proposed harbor district, the official name or name by which such harbor is or shall be commonly known, and shall set forth the exterior boundaries of the proposed harbor district, which may include unincorporated territory of a county or wholly or partially including territory of one or more municipalities or including both unincorporated territory and territory within one or more cities, but which said district shall include the whole or some part of the harbor proposed to be developed or improved, and shall, generally, describe the improvement and development work proposed to be done in such harbor or to create such harbor, and which may include the dredging of channels, shipways, ship berths, anchorage places and turning basins, the construction of jetties, breakwaters, bulkheads, sea walls, wharves, slips, and warehouses, the acquisition under eminent domain proceedings in the manner provided by law of lands and property necessary, convenient or useful in the development, government or operation of such harbor, and to construct, own, operate and lease buildings, works and structures appurtenant to or useful in the creation, development, protection, operation, government or enjoyment of such harbor; but nothing herein stated shall be construed as a limitation upon the things which may be done hereunder to create, develop, improve, protect or operate such harbor or which might be deemed necessary or useful in its government, use or enjoyment, and in the future management and operation of such harbor, the



authority in charge thereof shall, within the limitations hereinafter stated, be empowered to do such additional work and provide such additional facilities, land and works as in the opinion of such governing authority shall be necessary for the creation, improvement, enlargement, development, protection, operation or government of such harbor, and any lands and works appurtenant thereto or which would be likely to increase the utility of said harbor.

Said petition shall further state whether said harbor is proposed as a recreational or commercial or recreational and commercial harbor, and such designation in said petition shall designate and fix the classification of such harbor if thereafter formed under the terms of this act.

Said petition shall further state the estimated cost of making such improvement or development and of the expenses incidental thereto and shall ask that the territory included within such boundaries be formed into a harbor district for the purpose of the creation, improvement, development, government or operation of said harbor.

SEC. 3. Each signer of the petition must be a registered voter, resident and freeholder within the proposed harbor district.

SEC. 4. The petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation printed in the county, together with a notice signed by not exceeding three of the petitioners, setting forth the day, hour and place where and when the petition will be presented to the board of supervisors of the county for hearing, and that all persons interested therein may at said time and place appear and be heard and upon the filing of said petition in the office of the county clerk of said county and ex officio clerk of the board of supervisors of said county, it shall be the duty of said clerk to record the fact and time of such filing and the petition shall be read to the board of supervisors at its next regular meeting and a time, at said meeting, fixed by the board for the hearing of said petition, which time shall be not less than three nor more than five weeks after such meeting.

SEC. 5. At the time and place specified in the notice, the board of supervisors shall consider the petition and may continue the hearing thereof from time to time, not exceeding, however, a period of ninety days. At the hearing by the board of supervisors a certificate issued by the assessor of the county, and filed in the proceedings, stating that the name of any signer or signers of the petition appear upon the last equalized assessment roll of the county for land assessed to any such signer or signers, and located within the boundaries of the proposed harbor district, shall be prima facie evidence that such signer is a freeholder within the proposed harbor district, and a certificate signed by the county clerk or county registrar of voters that the name of any signer or signers of the petition is registered and uncanceled as an elector of the county, residing within the boundaries of the proposed harbor district shall be prima facie evidence that such signer or signers are registered voters within the proposed harbor district.

SEC. 6. The board of supervisors at the hearing shall have the right, power, and authority to change the exterior boundaries of the proposed harbor district by including therein such other contiguous lands as, in the judgment of the board of supervisors, will be benefited by the improvement or development of the harbor; *provided*, that no land shall be added to or included in the proposed harbor district until notice is given by the board of supervisors of such proposed addition or additions to the harbor district by publication of its intention so to do, and said notice shall contain the text of the original petition, a description of the additional lands intended to be included in the proposed district, and fixing the day, hour and place for owners of land within such proposed addition to appear before the board of supervisors and state their objections, if any, to such inclusion. Such notice shall be printed at least two weeks in a newspaper of general circulation within the county and printed and published therein.

SEC. 7. In any case where all of the lands intended to be included within the proposed harbor district as described in the petition are included within the territory of one or more municipalities, and no part of same includes unincorporated territory, then the petition, instead of being filed with the county clerk and ex officio clerk of the board of supervisors of the county, may be filed with the clerk of the city of one of the cities whose territory is included within such proposed harbor district, and the legislative body of such city in which said petition shall be filed shall have the same powers and issue the same notice and be authorized hereunder to the same extent and in the same manner as is provided for boards of supervisors.

This act shall not operate to divest in any manner or to any extent any existing harbor board or governing body of any existing harbor district of any authority or jurisdiction to act in relation to the harbors and properties now under the control or management of such harbor board or harbor authority without the consent of such board or other authority. However, in any case where the control or management of any portion of the shore line or tidelands of the Pacific ocean have been granted to any municipality by the state, then it shall be deemed within the power of such city under said legislative grant to permit the county or any other city within the proposed harbor district to assume jurisdiction hereunder to create,

improve, develop, operate or govern a harbor, including some or all of said shore line or tidelands under the provisions of this act, and the act of said city or cities in so acquiescing and permitting such control to be vested in the board of supervisors or some other municipality is hereby approved and the right so to do granted.

In any case where, under freeholders' charter, any city whose territory or a portion thereof is included within the proposed harbor district, and the management of whose harbor matters or affairs relating to the shore line or tide lands of the Pacific ocean forming a part of the exterior boundary line of such city is vested in a board of harbor commissioners or other governing body, then such city and such governing body is hereby authorized to permit the board of supervisors or legislative body of another city to do the things herein provided relative to the formation of harbor districts, and by so doing the control, after the creation of such harbor district, may properly vest in the governing body of such harbor district rather than in the governing body of the charter city relinquishing its powers to administer such harbor or such harbor district. But nothing herein contained shall authorize any constituted harbor authority to relinquish the control or management of any harbor actually operating as such.

Before the board of supervisors of the county or the legislative body of any city within the proposed harbor district may conduct the hearing of any petition filed under this act, there must be on file in the office of the clerk of such board or clerk of said city, a resolution of the legislative body of the city or cities whose territory, or a portion thereof, is included within the proposed harbor district, reciting that a copy of the petition, identifying same, has been filed in its records, that it has been considered and that said legislative body requests the board of supervisors to act upon said petition and consenting to the jurisdiction of said board so to act in behalf of the city represented by said legislative body. The board of supervisors shall not act to fix a time and place for hearing the petition until resolutions, as provided above, are filed in the office of the county clerk and ex officio clerk of the board.

SEC. 8. The board of supervisors shall also investigate and determine whether or not the improvement or development work generally described in the petition is feasible and when completed will result in the improvement or development of the harbor, and whether the estimated cost thereof and the incidental expenses in connection therewith is the reasonable and necessary cost of such improvement or development work and incidental expenses, and for the purpose of such investigation and determination may submit the improvement or development work described in the petition to engineers for examination and report.

If it shall appear and the board of supervisors find that it is necessary in order to make sufficient and adequate examination upon which to determine such questions to continue the hearing beyond ninety days, the board of supervisors shall have power for the purposes of such investigation to continue the hearing for such a period of time as the board of supervisors may see fit, not longer, however, than six months from the date of the presentation of the petition. The board of supervisors shall not be bound by the improvement or development work described in the petition, or by the estimated cost thereof set forth, but may find that other, different, or a less amount of improvement or development work should be done, and the estimated cost thereof and of the incidental expenses in connection therewith.

SEC. 9. Upon final hearing, if it shall appear to the board of supervisors that the petition and notice of hearing has been duly published, and that the petition is signed by a sufficient number of persons who possess the qualifications in this act required, and that a harbor exists or may be created within the county, some portion of which is contained within the exterior boundaries set forth in the petition, and can be improved and developed as generally described in the petition, and at a cost not disproportionate to the benefit to be derived from such improvement and development, and that such improvement or development has the approval of the legislative bodies of every city whose territory or a portion thereof is included within the proposed harbor district, and such legislative bodies in witness thereof have filed a resolution or resolutions in accordance with the provisions thereof, as hereinbefore provided, then the board of supervisors shall cause to be entered upon the minutes of such meeting a finding of all such facts, setting forth the name of the proposed harbor district, as set forth in the petition, the official name or name by which such harbor is or shall be commonly known, and describing the exterior boundaries of the territory to be included within the proposed district, as originally set forth in the petition, or as the boundaries thereof may have been changed by the inclusion or exclusion of lands; the improvement or development work to be done and the estimated cost, and of the incidental expenses in connection therewith. Said findings shall be conclusive evidence of the existence of every fact so found by the board of supervisors and of the due signing and publication of the petition and of the publication or personal service of all prior notices, and shall vest the board of supervisors with authority to proceed under this act.

SEC. 10. The board of supervisors shall thereupon make and cause to be entered in said minutes an order finally determining and establishing the exterior boundaries of the district, the improvement or development work to be done in such harbor, and the estimated cost thereof, and of the incidental expenses in connection therewith, and shall pass a resolution calling an election therein for the purpose of sub-

mitting to the qualified voters thereof the proposition of the formation of the harbor district and incurring a bonded debt and the issuance and sale of the bonds thereof to pay the cost of the improvement or development work in a sum not greater than the estimated cost thereof, and of the incidental expenses in connection therewith, as found by the board of supervisors. The board of supervisors shall by said resolution fix the date of the election which shall be not less than thirty days nor more than sixty days after the date of the passage of the resolution, and shall subdivide the district into one or more voting precincts and generally describe the boundaries of each voting precinct, and shall designate a place within each voting precinct at which the polls will be opened for the purpose of the election on the date of the election, and shall also appoint a board of election for each voting precinct, consisting of one inspector, one judge, and one clerk. Every member of a board of election must be a registered elector of and reside within the voting precinct for which he or she is appointed. The resolution shall state the object and purposes for which the indebtedness is proposed to be incurred and the amount of the principal of the indebtedness, and shall recite a maximum rate of interest to be paid on such indebtedness, not exceeding seven per cent per annum, and which shall be paid semiannually, and which rate of interest shall not be exceeded in the bonds issued for such purpose, and shall also recite that under the terms of this act, assessment zones or zone shall be determined by competent authority fixing the proportionate rates to be paid on such bonds each year by each assessment zone, according to the benefits found by said authority to be enjoyed by each of such zones provided said authority shall determine that there are such varying benefits within the harbor district, and said resolution shall further state that all assessments shall be based upon the assessed value of the lands within the harbor district or proposed harbor district, and that the improvements thereon shall not be assessed or charged or taxed on account of said bonds or harbor improvement. The resolution shall also prescribe the manner of voting for or against the incurring of the indebtedness and for or against the formation of the harbor district, and in all particulars not recited in the resolution or as otherwise provided for in this act, the election shall be held in accordance with the general election law of the state, so far as the same is applicable; *provided*, that it shall not be necessary to mail or send out sample ballots or precinct polling cards.

SEC. 11. The resolution shall invite the qualified voters residing in the harbor district to vote upon the proposition by stamping a cross (x) on the ballot opposite the proposition of the formation of the harbor district and of the incurring of indebtedness thereby.

The ballot to be used at the election shall be substantially in the following form:

#### HARBOR DISTRICT.

##### Official Ballot.

Instructions to voters: To vote in favor of the formation of the harbor district and the incurring of the indebtedness thereby, stamp a cross (x) in the voting square at the right of the words "For the harbor district."

To vote against the formation of the harbor district and the incurring of the indebtedness thereby stamp a cross (x) in the voting square at the right of the words "Against the harbor district."

All erasures and distinguishing marks are forbidden and make the ballot void. If you wrongly stamp, tear, or deface this ballot, return it to the inspector of election and obtain another.

##### Proposition.

"For the harbor district" (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred, and the amount of the indebtedness).

"Against the harbor district" (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred and the amount of the indebtedness).

SEC. 12. The resolution calling the election shall be published seven times in a newspaper of general circulation printed, published, and circulated within the harbor district at least six days a week, or if there be no newspaper published therein at least six days a week, then the resolution shall be published twice in a weekly or semiweekly newspaper published within the harbor district. The passage of the resolution and the publication thereof, as provided for in this section, shall be and constitute the notice of election and no other or additional notice thereof need be given.

SEC. 13. On the day of the election the polls at each of the polling places designated by the board of supervisors shall be opened at the hour of six o'clock a.m. and must be kept opened until the hour of seven o'clock p.m. of the same day, when the polls shall be closed; *provided*, that any elector within the polling place or standing in line thereat, and who has not had an opportunity to vote and desires to vote, shall be permitted to vote after the hour of seven o'clock p.m. of the day of election.

When the polls are closed, the board of election in each precinct shall canvass the votes thereat, make up and certify the returns thereof as near as practicable in accordance with the election laws of the State of California governing general elections and deposit the same with the county clerk of the county in which the election was held.



SEC. 14. The board of supervisors at their first regular meeting after the date of the election shall canvass all of the returns of the election, and shall cause to be entered upon the minutes of said meeting a finding showing the number of votes cast in each voting precinct for the harbor district and the incurring of the indebtedness, and the number of votes cast against the harbor district and the incurring of the indebtedness, and the total number of votes cast in all the voting precincts for and against the harbor district and the incurring of the indebtedness.

If from said canvass it shall appear and the board of supervisors find that a majority of the votes were not cast for the harbor district and the incurring of indebtedness thereby, it shall enter that fact upon its minutes, and no further proceedings shall be taken under said petition; *provided*, that a new petition and notice may be signed, published, and filed and a new proceeding had thereunder pursuant to this act at the expiration of one year from the date of the election.

If from said canvass it shall appear and the board of supervisors find that a majority of the votes cast at the election were cast for the harbor district and the incurring of the indebtedness thereby, it shall cause that fact to be entered upon the minutes, together with a description of the boundaries of the harbor district, the name of the harbor district, and the official name or names by which said harbor district is or shall be commonly known, and enter an order of the board of supervisors declaring such harbor district to be duly formed, and to exist in the county in which the proceedings were had, and that an indebtedness of said harbor district is authorized in the principal sum specified, to pay the cost of making the improvement or development of such harbor, as set forth in the resolution.

SEC. 15. The clerk of the board of supervisors shall thereupon immediately make up and certify a copy of said minutes and order and transmit the same to the secretary of state of the State of California.

It is hereby made the official duty of the secretary of state to file said certificate in his office, and within five days thereafter to execute under the great seal of the State of California, and transmit to the clerk of the county in which the proceedings were had, his certificate that a harbor district under the name set forth in the petition has been formed and exists in said county. The clerk of the county shall file such certificate in his office and from the filing of such certificate of the secretary of state in the office of the county clerk, the formation of the harbor district shall be complete, with an authorized indebtedness in the sum specified in the resolution calling the election, and no action or proceeding of any character shall be thereafter maintained or prosecuted in any court whatever to test or to invalidate the formation of the district or the authorized indebtedness thereof unless the same shall be commenced in a court of competent jurisdiction within sixty days after the date of the filing of the certificate of the secretary of state in the office of the county clerk.

SEC. 16. The board of supervisors shall pass a resolution providing for the issuance and sale of bonds to represent the principal of the indebtedness authorized to pay the cost of the improvement or development work in such harbor, and shall prescribe the form of such bonds.

SEC. 17. All bonds issued under this act shall be payable substantially in the following manner: A part to be determined by the board of supervisors, which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place or places to be fixed by the board of supervisors, and designated in the bonds, together with interest on all sums unpaid at such date.

The bonds shall be issued in such denominations as the board of supervisors of the county may determine, except that no bond shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the date and at the place or places fixed in such bond, and with interest at the rate specified in the bond, which interest shall not exceed the sum of seven per cent per annum and shall be payable semiannually.

The bonds shall be signed by the chairman of the board of supervisors, and also signed by the treasurer of the county, and shall be countersigned by the auditor thereof. If proceedings are had hereunto by the legislative body of a municipality within the harbor district, then said bonds shall be signed by the presiding officer of the legislative body of such city, and by the mayor of said city, provided said presiding officer is not also ex officio such mayor, and by the treasurer of said city. The coupons upon said bonds shall be numbered consecutively and signed by the county treasurer or if issued by a city, then by the treasurer of said city. In case any of such officers whose signature or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until delivery of the bonds.

SEC. 18. All such bonds may be issued and sold by the board of supervisors of the county as they may determine, but for not less than their par value and the interest accrued thereon at the date of their delivery, and the proceeds of such bonds shall be placed in the treasury of the county to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the resolution and for which the same was voted.

SEC. 19. Whenever the money for which the indebtedness was incurred shall be in the treasury of the county, certification of the fact shall be made by the county treasurer to the county clerk and ex officio clerk of the board of supervisors and to

the county auditor. Thereupon, a board of governors of the harbor district shall be appointed, which board shall consist of three members. Each governor shall be a citizen of the State of California, residing within the harbor district and shall have so resided therein for a period of at least one year immediately preceding the date of his appointment or election. Said first board of governors shall be appointed as follows: One member by the governor of the State of California and the two other members by the board of supervisors.

The said board of governors so appointed shall hold office for the respective terms of six, four and two years from and after the date of the next general election held within the State of California after their appointment and until their successors have been elected and qualify, and the respective terms of the said members shall be decided by lot amongst them. The offices of the members of the board of governors as same expire shall be filled by election within the harbor district and such election shall be had in the manner provided by general law, and candidates for said office shall be presented for consideration at the primary election held within the State of California every two years, by nominating petitions prepared, presented, signed and filed as provided by law. Said nominating petitions shall contain the names of at least one per cent and not more than five per cent of the whole number of qualified electors within the harbor district registered thirty days prior to the last day for filing nominating petitions, and the two persons polling the greater number of votes at said primary election shall be nominated for the position and at the next general election held within the State of California thereafter, the one of said candidates receiving the highest number of votes shall be declared elected, and said election shall be for the term of six years. If there be but two candidates for the office at the primary election then the candidate receiving the majority of votes at said primary election shall be declared elected. In the event of a vacancy occurring in the office of member of the board of governors, said vacancy shall be filled by appointment by the board of supervisors, which said appointee shall hold office until his successor is elected at the next regular primary or general election and has qualified.

SEC. 20. The said board of governors shall serve without compensation and shall qualify for the office by having the oath of office administered to each of them singly by the county clerk and ex officio clerk of the board of supervisors, which said oath shall be as follows: "I do solemnly swear that I will well and truly perform the duties of a member of the board of governors of the harbor district in accordance with the constitution and laws of the State of California to the best of my ability, so help me God."

SEC. 21. Said board of governors shall choose one of its members as chairman and shall appoint a regular time and place for meetings, which said meetings shall be public and shall not occur less frequently than one meeting in each calendar month.

SEC. 22. The board of governors shall employ a clerk whose duty it shall be to keep a record of all the proceedings of said board, to execute the necessary contracts and/or other public records and documents relative to the business of the harbor district, and in attestation of the action of the board of governors, and said clerk shall maintain said records in the usual and designated meeting place of the board and have the custody and charge thereof and be responsible therefor, and during business hours shall, upon demand of any person or persons, permit the inspection thereof.

SEC. 23. Said board of governors shall appoint an engineer who shall be in charge of all technical work to be done in and about the construction and/or improvement and maintenance of the harbor and the works adjacent and appurtenant thereto. Said engineer shall hold office at the pleasure of the board and his compensation shall be fixed by said board and paid in monthly installments.

SEC. 24. Said board of governors may appoint an attorney to act as its legal adviser, or if it desires so to do, request the county counsel of the county wherein the harbor district is situate, if there be such county counsel, to act as its legal adviser. In the event of the appointment of an attorney for the board, his compensation shall be fixed by the board and paid in monthly installments, and said attorney shall hold his office at the pleasure of the board.

SEC. 25. Such assistants may be authorized and provided by the board of governors for the clerk, engineer and attorney as may be required and the cost thereof, as well as the respective salaries of said clerk, engineer and attorney, shall be a charge against the funds of the harbor district.

SEC. 26. All of the funds of said harbor district shall be deposited in the treasury of the county and disbursed by the treasurer thereof upon requisition signed by the chairman of the board of governors, attested by the clerk, and approved by the county auditor; and the county auditor shall, on or before the tenth day of each and every calendar month, transmit to the clerk of the board of governors of the harbor district a statement of the balances in said fund and the different accounts thereof, and all moneys received from the operation of the said harbor or works adjacent or appurtenant thereto by the board of governors shall, on or before the tenth day of each calendar month succeeding the date of such collection, be accounted for and paid into the harbor district fund so held by the county treasurer.

The clerk of the board of governors shall be the official collection agent for all of said moneys so received from the operations of said harbor district, and shall give bond for the faithful performance of his duties as such collection and accounting agent in a sum to be fixed and adjusted from time to time by the board of governors.

SEC. 27. Special meetings of the board of governors may be held on call of the chairman or upon call of the other two members of the board of governors.

SEC. 28. The first duty of the board of governors after the organization of the board shall be to have prepared an authentic map showing the whole harbor district to be assessed for the cost of said improvement. Said map shall show portion or portions of said district which will be benefited to a greater or less extent than the other portion or portions by said improvement, and the ratio of said benefit shall be determined and each such zone so delineated upon said map as a portion of the harbor district shall show the amount which, in the opinion of said board of governors, each of said zones should pay for the improvement, and said amounts so fixed for each zone in said harbor district shall bear the same proportion to the whole cost of the bonded indebtedness of the district as the proportionate benefits enjoyed by said zone bears to the benefits accruing to the whole harbor district, and for the purpose of this computation said total benefits shall be considered to be one hundred per cent to the whole district, and the benefits to each separate zone therein delimited shall be some percentage porportion of said one hundred per cent.

The said assessment map showing the zones, amounts, proportions and percentages, as above, with accompanying explanations thereof, so that the same may be understood, shall be kept on file in the office of the clerk of the board of governors, and open to inspection by the public at all times. A full, true and correct copy thereof shall be filed in the office of the city clerk of each city any portion of whose territory is within the said harbor district, and a copy shall also be filed in the office of the county clerk of the county in which said harbor district is located. Notice of the filing of said map shall be published once in a newspaper of general circulation within the harbor district.

Said notice shall recite the fact of the filing of said map; inform the public where the original and copies of said map may be inspected, and also fix a time for the filing of objections and protests to any part thereof or assessment zone therein fixed.

The time for filing said objections and protests will be not less than three weeks nor more than five weeks after the date of the first publication of the notice of the filing of the assessment map, and said notice shall recite the day, hour and place when such protests will be heard. All such protests and objections shall be in writing.

At the time and place fixed for the hearing of said protests and objections, said protests and objections shall be read to the board and considered by them and as the result of said hearing, said board of governors may amend in any manner their assessment zones and proportions theretofore fixed and after said hearing any action of the board of governors taken as a result thereof shall be final and conclusive upon the harbor district and each and every assessment zone therein fixed, and such action by said board of governors shall be a judicial determination by them as such board that the proportionate cost of the work charged against each zone in the harbor district is the fair proportion which such zone should be so charged and fairly represents the proportionate benefits which said zone will enjoy of the whole improvement.

The assessment map as originally filed showing the respective zones within said district shall be prepared and authorized in accordance with a resolution of the board of governors directing the preparation of same, and in said resolution there shall be described the boundaries of the respective zones within said harbor district, and as to each of such zones, said resolution shall state the proportionate benefit enjoyed by each zone on account of the whole improvement and the proportion of the cost of the whole improvement which each zone should bear.

After the hearing of all protests in accordance with the preceding provisions, the board of governors, if it desires to amend the original resolution, shall do so by assigning to the respective zones within the harbor district the amount each will be proportionately benefited by the whole improvement and the amount which each zone should pay for the cost thereof, and thereupon a conclusive assessment map showing the zones shall be prepared and a copy thereof filed in the office of the clerk of the board of governors, and two additional copies thereof signed by the chairman of the board of governors and attested by the clerk of said board, one of which said copies shall be filed in the office of the assessor of the county within which the harbor district is located and the other in the office of the county recorder of said county.

Said maps as so filed, shall be accompanied by authenticated, verified copies of the final resolution fixing the assessment zones within the harbor district, as hereinbefore provided, and said copies as so filed shall be conclusive records and the one filed in the office of the county assessor shall be and constitute a direction to him of the proportions to be annually charged upon the tax bills of lands located within the several zones in the said harbor district, to meet the annual bond and maintenance charge requirements of the harbor district, and the copy filed in the office



of the county recorder shall be constructive notice of the fact of the proportionate charges assessed against property within the said zones in said harbor district.

Sec. 29. No contract shall be let nor any commitment or obligation incurred as a charge against said harbor district excepting the office expenses and salaries for the clerk, the engineer and the attorney and their assistants unless and until the definitive assessment map showing the several assessment zones within the harbor district shall have been prepared, reviewed and finally approved and filed, in accordance with the preceding section.

Sec. 30. The board of governors shall be permitted their actual expenses incurred in the performance of their duties as such, and prior to the collection of same from the harbor district, vouchers therefor shall be presented to the whole board of governors and approved by them, but in no instance shall the expenses incurred by any member of the board of governors exceed in any one year the sum of three hundred dollars (\$300.00).

Sec. 31. The board of governors is authorized to employ and pay for the preparation of definitive plans, profiles and specifications for the doing of the work provided to be done under the bond issue and shall advertise for bids and let contracts for the doing of said work. All work done under this act shall be done by contract let to the lowest regular responsible bidder or bidders, and advertisement for bids for contracts shall provide for the day, hour and place for the opening of same and recite that each bid shall be accompanied with a deposit of a certified check or bond equal to at least ten per cent of the amount of the bid, guaranteeing that when and if a contract is awarded to such bidder, he will execute the necessary contract and surety bonds for the performance of the work so bid for. The board of governors, however, need not advertise for the doing of all of the work under the same contract but may segregate the work to be done thereunder and call for separate bids therefor, and fix the order in which the said work shall be done and if by reason of any proceeding or occurrence the board of governors shall be prevented or enjoined from doing any particular portion of the work required to be done, then the board may proceed to do all or any of the other work not so prevented or enjoined.

All contracts shall first be approved by the engineer of the board of governors and by the legal adviser of said board and shall recite that the harbor district, acting by and through authority of the board of governors thereof is party of the first part and the contractor is party of the second part, and the contractor, at the time of executing any contract hereunder, shall execute a bond to the satisfaction and approval of the board of governors running to the harbor district, in an amount not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract, and said bond shall be signed by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, and every contractor to whom is awarded any contract hereunder shall, before executing said contract, furnish and file with the board of governors a good and sufficient bond acceptable to and approved by said board of governors in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on or furnish materials to be used in the work or improvement to be done under the contract, and shall provide that if the contractor to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement or for any work or labor done thereon of any kind, the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation furnishing materials to be used in the performance of said work or improvement or who performed work or labor thereon, whose claim has not been paid by the said contractor or his assigns, shall severally have a first lien upon and against the money to be paid to cover the expenses of said work or improvement. Such laborer, materialman, person, company or corporation may, at any time prior to the payment of said money, file with the clerk of the board of governors of the harbor district and with the county treasurer a verified statement of the fact that he or it has furnished such labor or material and has not been paid therefor, stating the nature and amount of such labor or material and the amount due therefor, and claiming said amount, and, if he or they so elect, demanding the withholding of money in an amount sufficient to satisfy said claim.

The said treasurer shall, upon such a demand being made, withhold from the contractor or anyone claiming under him as assignee or otherwise, sufficient of said moneys to satisfy said claim and all costs which can reasonably be anticipated. If the claimant filing such statement shall, within ninety days after the date of issuance of the completion and acceptance notice of the contract work, commence an action to enforce his lien aforesaid, then said treasurer shall withhold and keep the moneys so

withheld, subject to final judgment in said action; but if such action is not so filed, the moneys so withheld shall be delivered to the contractor or his assignee. Such claimant, if he so elects and if he has not received said moneys, may as an alternative, at any time within six months after the filing of such statement and claim bring an action upon the bond of the surety or sureties in his own name, or if he has assigned his claim, the action may be brought in the name of the assignee, for the recovery of the amount due on said claim. Said amount, both in the case of an action to enforce the lien upon said moneys withheld and in the case of an action upon the bond of the surety, may include the costs incurred in said action, together with a reasonable attorney's fee to be fixed by the court for the prosecution thereof.

If the contractor or his assigns shall so desire, upon the filing of any claim or claims as aforesaid by any laborer or materialman, he or they may furnish and file an undertaking in an amount to be fixed by the said treasurer (but which amount shall not be less than the aggregate of the claim or claims, plus not less than fifteen per cent of said amount to cover court costs and attorneys' fees), which said undertaking shall be executed by said contractor or his assigns and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned therein, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, which said undertaking shall be to the satisfaction of said treasurer and shall provide that the said contractor or his assigns and the surety or sureties thereon will pay the amount, if any, which may be due on said claim or claims, with interest, court costs and attorneys' fees; whereupon said first lien upon and against said monies shall be discharged and said claimant shall thereupon look to said undertaking for recovery.

SEC. 32. Harbors created or improved under the provisions of this act shall be either recreational or commercial or recreational and commercial harbors, and their several definitions are as follows:

Recreational harbors are such as are intended to be used for the pleasure and recreation of the public, including as well as all others the boating, fishing and bathing facilities afforded thereby and no industrial or commercial activity shall be permitted on any pier, wharf, jetty, breakwater or portion of the strand comprising said harbor, or upon any works or property adjacent or appurtenant thereto excepting that, under the supervision of the board of governors of the harbor district, such commercial enterprises may be conducted as in the opinion of said board of harbor governors will be conducive to and aid the pleasure and recreational facilities of the people in their use thereof.

Commercial harbors shall be harbors in which any shipping activity may be conducted in accordance with law and in the vicinity and on the property of which any industry may be conducted not otherwise prohibited.

SEC. 33. The petition for the creation of a harbor district under this act shall provide, as hereinbefore contained, the classification of said harbor, whether the same be recreational or commercial or recreational and commercial, and the board of governors shall be and are hereby empowered to adopt and enforce ordinances protecting the character of the harbor and works placed under its control and to safeguard the classification thereof. Said board shall also have authority to adopt ordinances regulating the said harbor and appurtenances and works and its use, and to adopt reasonable rules and regulations in reference thereto and to provide in said ordinances that any violation of such ordinances shall be a misdemeanor and punishable by fine or imprisonment to be fixed by said board in said ordinances, or by both such fine and imprisonment. Said ordinances shall be enforceable as are ordinances of municipalities within the State of California and shall have the same binding force and effect as such city ordinances.

SEC. 34. The board of governors shall appoint a harbor manager who shall be charged with the custody of the harbor and the enforcement of the ordinances, rules and regulations of the board of governors, and said board of governors shall have authority to provide such assistants for said harbor manager as may be required and the cost of said management shall be a charge against said harbor district. Nothing in this act shall prevent or interfere with the usual police control to be exercised in and about said harbor and works by the county or city in which the same is located, but the ordinances and rules and regulations which the board of governors of said harbor district are hereby authorized to adopt and enforce shall be such only as are regulatory of said harbor and works and the use of same.

SEC. 35. The board of governors shall be authorized to lease for any period not exceeding the term provided by law any lands, works or facilities under its control to be used for purposes related to the harbor, and which, in the opinion of said board of governors, will promote the purposes of the said harbor and extend its use and enjoyment by the people, and may issue licenses and permits for privileges to be exercised in and about said harbor upon equal terms, and all the revenue arising from said leases, licenses and permits shall be accounted for and paid into the harbor district funds. Said board of governors may fix a schedule of docking, anchorage and storing fees and charges, which fees and charges shall be equal in their operation and fair and reasonable.

SEC. 36. The board of governors shall have power to acquire such lands as in its opinion will be necessary or proper for the creation, improvement, government or operation of the harbor, and the determination by resolution of the board of gov-

ernors that the lands described therein are necessary or proper for the creation, improvement, government or operation of said harbor shall be conclusive. The board of governors may acquire said lands so provided to be acquired by said resolution by agreement with the owner or owners thereof, which said agreement before the same shall be effective, shall be approved by a judge of the superior court of the county within which the harbor district is located, and in the application for the approval of any such agreement or agreements, the board of governors shall present to said court the appraisal of the lands so to be acquired by said agreement or agreements, and said appraisal shall be made by any three competent and responsible appraisers of real property within the county, and said court may, before approving or disapproving the said agreement or agreements, call in another or other appraisers of its own choosing. In the event that the board of governors and the owner or owners of the property intended to be acquired can not agree upon the price or terms upon which said lands so required shall be purchased by the harbor district, or in the event that the superior court will not approve any agreement or agreements between said board and the owner or owners of said property, then and in that event, the board of governors shall institute an action in the superior court of the State of California, in and for the county in which said harbor district is situated, in the name of the harbor district as party plaintiff, naming as defendants the owners of and all persons interested in the lands sought to be acquired. Said action shall recite the passage of the resolution under which said board proceeded to acquire said lands and shall allege the fact that the acquisition of said lands is necessary or proper for the creation, improvement, government, operation or enjoyment of the harbor; and in this particular, it is herein provided that as to recreational or commercial and recreational harbors, land for bathing and park use in or near any portion of the shore of the Pacific ocean or any bay or estuary thereof may be acquired for the recreation of the public, and that such park purpose is a proper purpose under this act.

Said complaint shall request that the court fix the amount required to be paid to the owners of said land therefor and for any damages incurred by such owners on account of the said taking, and at any time within six months after the judgment or verdict rendered in said case or within six months from the date of the final judgment, if an appeal has been taken therefrom, the board of governors of the district may pay to such owner or owners or deposit in court for their account the amount fixed by said judgment and required to be paid for said lands with interest thereon from date of judgment at the rate of seven per cent per annum and thereafter same shall be the property of the harbor district. However, should the board of governors deem it necessary or advisable to obtain immediate possession of the lands sought to be taken under said proceedings, then upon the filing of the complaint, as hereinbefore provided (which said complaint shall recite such necessity for immediately taking possession of said lands), the court shall appoint three competent responsible appraisers of real property within the county who shall appraise the lands sought to be taken and, in addition thereto, consider and fix the damages which the owner of said land is likely to incur on account of such taking, and they shall make their report to the superior court of the county. The superior court shall thereupon determine tentatively and for the purpose of fixing the surties to be given, the value of the lands sought to be taken, and, in addition thereto, the damages which the owner thereof will be likely to suffer on account of such taking and the board of governors may thereupon deposit in the office of the clerk of the court a sum equal to the said value and damages as so fixed by the court, and upon payment of said money into court the board of governors may thereupon take possession of the lands described in the complaint.

The preliminary fixing of values and damages as hereinbefore provided, prior to the trial of the issues, shall not be conclusive upon the owner of the lands taken when the cause is tried to determine the value of the lands taken and damages, if any, suffered by the owner on account of such taking, and such owner may require that the judge presiding at said trial shall not be the same judge who fixed the value and damages tentatively in the preliminary proceeding.

For the purpose of this section, the board of governors is authorized to draw a requisition upon the harbor district funds in the county treasury for the purpose of making the deposits required to be made hereunder in order to obtain possession of lands sought to be taken in advance of a determination as the result of the trial of the question of such value or damages. At any time after the moneys have been deposited in court, as provided herein, in advance of a trial, the owner of the lands possession of which is immediately sought, may accept the moneys so deposited in court by the harbor district in full satisfaction of all claims for the value of said lands and damages suffered by such owner on account of the taking thereof, and thereupon the proceeding to acquire said lands by court action shall be determined and the rights of the parties fixed and foreclosed.

Among other things, the complaint shall state the effect of the resolution ordering the acquisition but need not set up any other proceedings had or taken before the bringing of the action. Said resolutions shall be conclusive evidence, in such action, of the public necessity of the proposed acquisition and the improvement thereby effected, and that the property sought to be condemned is necessary therefor, and also that the same is located in the manner which will be most compatible with



the greatest public good and the least private injury; and, in the event that immediate possession of any lands sought to be taken is stated in the resolution of the board of governors ordering the acquisition to be necessary, then such statement of necessity shall be likewise conclusive.

SEC. 36. The board of governors may from time to time determine that additional funds should be provided by the issuance of bonds for extensions or additions or improvements to the harbor or works created hereunder, and in that event, may call elections within the harbor district for the purpose of deciding whether or not such additional expenses should be incurred and bonds voted to pay therefor. The resolution calling for such election shall recite the purposes for which said moneys are intended to be used, generally describing the work to be done, the property to be acquired and the probable cost thereof. Bonds shall provide for their retirement within a period of forty years from date and shall bear interest at a rate not in excess of seven per cent per annum, said interest to be payable semiannually. The bonds shall be payable in the same manner as is provided for the payment of the bonds to be originally issued hereunder. A call for said election within said district shall be published at least once for two successive weeks in a newspaper of general circulation within the harbor district and no further or other notice of said election shall be given, nor need any sample ballot be mailed to any of the electors within said district.

Election shall be held at a time not sooner than thirty days after the last publication of the election notice and the form of the ballot shall be substantially the same form as is provided to be used hereunder for the original election on bond issue within said district. When and if bonds are voted and authorized by the electors within the district, same shall be a charge against the land in said harbor district and not a charge against any of the improvements therein and shall be paid in the same proportions as fixed by the assessment zones theretofore filed in accordance with the provisions of this act and relating to the original bond issue. The vote at said bond election shall be canvassed as is provided for in such original election to be held hereunder, and if a majority of the electors voting thereat vote in favor of said bonds, same shall be considered approved and authorized, and in that event, the board of governors shall issue the said additional bonds and same shall be signed by the chairman of the board of governors, attested by the clerk, and the coupons attached to said bonds shall be signed by the treasurer of the county within which said harbor district is situated.

SEC. 37. The board of governors is hereby authorized to accept financial aid from the government of the United States of America and from the State of California and from any other political subdivision or person or persons; and in this particular, any county within which a harbor district formed hereunder is situated and any city comprising any portion of such harbor district may, out of its general fund, provide such sum or sums as in the opinion of the legislative body of said county or city may be required, necessary or expedient to be so provided in aid of said harbor or its extension or maintenance.

SEC. 38. The board of governors may use any lands acquired or owned by the harbor district for road or highway purposes, and if, in the opinion of said board, it shall be necessary or expedient to deed any of the lands owned by the harbor district for said road or highway purposes, then in that event, upon resolution of said board, said deed may be authorized to be given to the political subdivision entitled thereto and the chairman of the board of harbor governors and the clerk of said board shall be thereby authorized to execute such deed and deliver the same to the proper authority representing the grantee therein named.

SEC. 39. The board of governors shall have such other and further powers as may be necessary for the proper execution of its duties as the constructing, operating and regulating authority of said harbor and the works and lands adjacent and appurtenant thereto.

SEC. 40. All bonds issued under this act shall be the obligation of the harbor district and so long as any of said bonds shall be outstanding and unpaid, the board of supervisors of the county shall, at the time of fixing the general tax levy and in the manner for such general tax levy, provide, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the county set aside for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall have become due at the time for fixing the next general tax levy. The tax herein required to be levied shall be levied upon all of the lands within the harbor district and therein taxable for county purposes, excepting personal property and improvements upon said lands, and said taxes shall be in addition to all other taxes levied for county purposes and shall be collected at the same time and in the same manner as other county taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

The board of supervisors shall, at the same time and in the same manner, have power to levy upon the lands in the harbor district a tax sufficient to pay the ordinary annual expenses of the harbor district. The taxes so levied to meet the charge of said bonds and expenses, as herein provided, shall be levied upon the lands

within the respective zones of the harbor district, as a tax charge each year in accordance with the resolution and assessment map on file in the office of the county assessor.

Sec. 41. Nothing herein shall be construed to in any manner interfere with existing operating harbors or to prevent the formation, operation or government of harbors within the State of California under any other existing harbor act.

Sec. 42. This act shall in no wise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter, nor apply to any proceedings had thereunder; but it is intended to and does provide a legislative system for making the improvements and acquisitions provided for in this act and of accomplishing the purposes comprehended herein.

Sec. 43. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective. No error, defect, irregularity, informality and no neglect or omission of any officer of any county or municipality or board of governors in any procedure taken hereunder, which does not affect the jurisdiction of the legislative body to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any heads issued thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the legislative body, as heretofore provided. The sole writs necessary and essential to confer jurisdiction upon the legislative body to order the doing of the thing or things proposed to be done shall consist of the adoption of a resolution therefor and the publication of the same, as in this act provided.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 44. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Equalized harbor acquisition and improvement act of 1929", and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to."

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 493. An act to amend section 361, of the Political Code, and to add a new section to said code, to be numbered 361b, relating to the Department of Agriculture and the Division of Land Settlement thereof.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

In the title of the printed bill, strike out lines 1 to 4, inclusive, of the title, and insert in lieu thereof the following:

"An act making an appropriation to be expended by the state director of agriculture in the performance of his powers and duties in relation to land settlement and land settlement projects."

**Amendment adopted.**

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 26, inclusive; also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Out of any moneys in the state treasury not otherwise appropriated the sum of fifty thousand dollars is hereby appropriated to be placed in and credited to the land settlement fund and expended in accordance with law by the state director of agriculture in the performance of his powers and duties under the provisions of the act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and of any and all acts amendatory thereof and supplemental thereto, including the provisions of article two of chapter three of title one of part three of the Political Code, relating to land settlement and land settlement projects."

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 297—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 228—An act to add three new sections to the Political Code, to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor.

Senate Bill No. 561 ordered re-referred to Committee on Finance.

Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board or commission.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the word "any", strike out the balance of the line.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 3 of the title of the printed bill, insert a period after the word "board", and strike out the balance of the sentence.

Amendment adopted.



AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, after the word "any", strike out the words "state board, state commission".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 4, of the printed bill, strike out the words "board, commission or".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 7, of the printed bill, strike out the words "or commission", and insert a period.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following:

"767. The reporter of the decisions of the supreme court and of the district courts of appeal and not more than three assistant reporters thereof shall be appointed by the supreme court, and said court shall also appoint a clerk and a secretary to said reporter, each of whom shall be removable at the pleasure of the supreme court. The salary of the reporter of the decisions of the supreme court and of the district courts of appeal is six thousand dollars per annum; the salaries of the assistant reporters of decisions of the supreme court and of the district courts of appeal are one at four thousand five hundred dollars per annum and two at four thousand dollars per annum each; the salary of the clerk of said reporter is three thousand dollars per annum and the salary of the secretary to said reporter is one thousand eight hundred dollars per annum."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 479—An act to amend section 737q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the semicolon following the word "dollars"; also strike out all of lines 5 to 7, inclusive, and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 44, of the printed bill, as amended April 2, 1929, following the word "of", strike out the words "fishing or".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, as amended April 2, 1929, following the word "of", strike out the words "fishing or".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 22, of the printed bill, as amended April 2, 1929, following the word "down," strike out the word "multilates", and insert in lieu thereof the word "mutilates".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 24, of the printed bill, as amended April 2, 1929, following the word "hunting", strike out the words "and fishing".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

## SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 12—An act regulating the sale of agricultural seed and providing for a State Seed Arbitration Committee to investigate and make recommendations relative to disputes arising from violations of the provisions thereof;

Also: Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts;

Also: Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the Medical Corps of the Army, Navy and Public Health Service of the United States;

Also: Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor;

Also: Senate Bill No. 820. An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof."

approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 738—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor:

Also: Senate Bill No. 769—An act to repeal section 564 of the Code of Civil Procedure of California, and to enact a new section in lieu thereof, to be known as section 564 of the Code of Civil Procedure of California:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—5, absent—10.

INMAN, Vice Chairman.

Senate Bills Nos. 738 and 769 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41 and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add new sections to said act to be numbered 2a, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Senate Bill No. 184 ordered on file for second reading.

ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 433—An act to amend the title and sections 1, 2, 3 and 4 of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the State Fire Marshal, providing ways and means for enforcement, and providing penalties for violations," approved June 3, 1927, and to add two new sections thereto to be known as section 5, relating to hazardous buildings and equipment, and section 6 creating a division of Industrial Fire Safety in the Department of Industrial Relations, and transferring to said division the administration and enforcement of said act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

TUBBS, Chairman.

SECOND READING OF ASSEMBLY BILL NUMBER FOUR HUNDRED THIRTY-THREE.

Assembly Bill No. 433—An act to amend the title and sections 1, 2, 3 and 4 of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the State Fire Marshal, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, and to add two new sections thereto to be known as section 5, relating to hazardous buildings and equipment, and section 6, creating a Division of Industrial Fire Safety in the Depart-



ment of Industrial Relations, and transferring to said division the administration and enforcement of said act.

Bill read second time, and ordered on file for third reading.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 453. An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 453 ordered on file for second reading.

##### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll on Senator Swing's motion to refer Senate Bill No. 714 to Senator Fellom for amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Canepa, Crowley, Duval, Edwards, Fellom, Gray, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Swing, Tubbs, and West—17.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Evans, Garrison, Handy, Inman, Jones, Ray, McCormack, McKinley, Nelson, Sharkey, Slater, Wagy, Weller, and Young—19.

##### CONSIDERATION OF DAILY FILE.

##### CONSIDERATION OF SENATE BILL NUMBER SEVEN HUNDRED FOURTEEN.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Swing moved to refer Senate Bill No. 714 to Senator Fellom, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 40 of the printed bill, as amended April 2, 1929, between lines 46 and 47, insert the following:

"Section 155 of the California motor vehicle act is hereby amended to read as follows:

Sec. 155. Speed trap evidence inadmissible. Evidence based upon use of speed traps not to be admitted. No police or peace officer or other person shall use a speed trap as defined herein in arresting or participating or assisting in the arrest of any person or in securing evidence as to the speed of a vehicle for the purpose of a prosecution under this act, nor shall any evidence as to the speed of a vehicle operated on a highway by any person arrested for a violation of the provisions of this act be admitted in any court at the consequent trial of such person when such evidence relates to or is based upon the maintenance or use of a speed trap.

A speed trap within the meaning of this section is a particular section of, or distance on, any highway the length of which has been or is measured for distance and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Every officer when on duty for the purpose of enforcing the provisions of this act shall be dressed in a full distinctive uniform, and no officer shall use an automo-

bile for patrolling public highways in the performance of such duty, unless such automobile is painted a distinctive color such as may be determined upon by the division of motor vehicles.

In any prosecution under this act upon a charge involving the speed of a vehicle, any officer or officers arresting or participating or assisting in the arrest of the person so charged shall be incompetent as a witness or witnesses if any speed trap was used in such arrest, or when an automobile was used by such officer or officers in violation of the provisions of this act, or the officer or officers were not in full uniform, and the court shall be without jurisdiction to render a judgment of conviction upon the testimony procured by the use of a speed trap or by any such officer or officers so using an automobile not in conformity with this act or not in full uniform."

#### AMENDMENT NUMBER TWO

On page 40, line 47, of the printed bill, strike out the figures "70" following the word "SEC.", and insert the figures "71".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 714, with instructions to amend, respectfully reports the same back, amended as per instructions.

FELLOW, Special Committee.

Report read, and on motion of Senator Swing adopted.

#### RECESS.

At two o'clock and ten minutes p.m., on motion of Senator Sharkey, the President declared the Senate at recess until three o'clock and fifteen minutes p.m.

#### RECONVENED.

At three o'clock and fifteen minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 694—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending section 28, relating to the definition and regulation of the business of banking.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such insti-

tution and to make an appropriation therefor, as approved June 1, 1917," as amended.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 33, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twenty".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 82—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925 as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 592—An act to amend sections 51, 66, 72 and 73 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 757—An act to amend the Political Code by adding thereto a new section to be numbered 4310, providing a special fund for the sheriff, for the manner of making disbursements thereunder, for the use of the fund, and for the manner of accounting therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 791—An act to amend section 701 of the Code of Civil Procedure, relating to who may redeem real property from sale under a lien.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 787—An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 3, line 5, of the printed bill, strike out the word "grant", and insert in lieu thereof the word "claimant".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 789—An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "to", strike out the comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, after the word "therefor", strike out the comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 4—An act to amend section 653 of the Penal Code, relating to blacklisting and providing penalties for same.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, strike out the word "for", and insert in lieu thereof a comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537*f*, 537*g* and 537*h*, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor.

Assembly Bill No. 319 ordered re-referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 106—An act to amend sections 1 and 2 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 193—An act to provide for the standardization of cement pipes sold for irrigation purposes and providing for the enforcement thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, as amended in Assembly March 18, 1929, strike out the word "comply", and insert in lieu thereof the word "complies".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 42, of the printed bill, beginning in said line 42, strike out the heading as follows: "Required average crushing strength in pounds per lineal foot", and insert in lieu thereof the following heading: "Minimum ultimate bearing load in pounds per lineal foot".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, line 14, of the printed bill, immediately following the word "larger", insert a comma and the following: "of minimum shell thickness."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 5, line 22, of the printed bill, strike out all of said line 22.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5, line 26, of the printed bill, in the center of the page immediately following said line 26, insert the following:  
"IV. Workmanship and Finish."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 799.—An act to amend the California Irrigation District Act by amending section 18 thereof, relating to the distribution of water, so as to provide for the sale or lease of surplus water.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 165.—An act relating to the sale or exchange of surplus products between institutions owned, managed or controlled by the State, or the political subdivisions thereof, and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political subdivisions thereof," approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 178.—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 755.—An act to add a new section to the Political Code to be numbered 363½, relating to the preparation of plans for public buildings and other structures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 739—An act to add a new chapter 3 of title I of part III of the Political Code, to be numbered title IIa, embracing sections 376 to 376n, inclusive, relating to a Department of Professional and Vocational Standards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 203—An act to promote the better education of social service workers; to provide for and regulate the examination of social service workers; to provide for the issuance of licenses as social service workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions hereof; to provide penalties for the violations of any of the provisions hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 702—An act to add a new section to the Political Code, to be numbered 4041r, authorizing counties to expend money for flood protection and conservation of water resources.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly March 21, 1929, strike out all of line 3, and insert in lieu thereof the following: "investigation of watershed protection, reforestation and afforestation."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 156—An act to amend an act known as the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to disability indemnity and death benefits.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 5, line 40, of the printed bill, as amended in Assembly March 29, 1929, after the word "cents", insert the following: "*provided, however, that the maximum limit of three times the average annual earnings referred to in subdivision (c) of section 9 of this act shall be taken at not more than five thousand dollars*".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 20 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 489—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, providing for the securing of the payment of compensation by employers.

Bill read second time, and ordered on file for third reading.



## RECESS.

At three o'clock and forty minutes p.m., on motion of Senator Boggs, the President declared the Senate at recess until three o'clock and fifty minutes p.m.

## RECONVENED.

At three o'clock and fifty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED TWENTY-SEVEN.

## AMENDMENT NUMBER ONE.

On page 1, line 26, of the printed bill, after the comma following the word "municipality", insert the following: "not acquired for park purposes".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 427?

The roll was called, and Assembly amendment to Senate Bill No. 427 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fenton, Handy, Inman, Jones, Ray, Lyon, Mahoney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Senate Bill No. 427 ordered to enrollment.

## CONSIDERATION OF SENATE BILL NUMBER SEVEN HUNDRED FOURTEEN.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Canepa moved to refer Senate Bill No. 714 to Senator Edwards, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 30 of the printed bill, as amended, after line 26, insert a new section as follows:

## "Sec. 113. Restrictions as to speed.

(a) Any person driving a vehicle on the public highways of this state shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and no person shall drive any vehicle upon a public highway at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing;

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he

does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding.

4. Fifteen miles an hour when passing a school while persons are entering or leaving grounds of such school;

5. Fifteen miles an hour in a business district as defined herein;

6. Twenty miles an hour in a residence district as defined herein;

7. Forty five miles an hour under all other conditions. (c) In all charges for a violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as prima facie but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense."

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Breed, Canepa, and Tubbs.

The question being on Senator Canepa's motion to refer Senate Bill No. 714 to Senator Edwards, as a Special Committee of One, for amendment.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—30.

The Secretary announced the absentees.

Time, four o'clock and fifteen minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

##### REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

##### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman

Senate Bill No. 844 ordered on file for second reading.

##### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 8—Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

EDWARDS, Chairman.

Assembly Joint Resolution No. 8 ordered on file.

## ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 380—An act to amend an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin Drainage District to the Department of Public Works, and providing that the cost thereof shall be paid by the State for a limited period and relieving said district and the Reclamation Board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the Reclamation Board to levy a supplementary assessment and to order called assessments levied in connection with Project No. 6; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of Project No. 6 of said district; authorizing the validation of said bonds; authorizing the State Board of Control to purchase and invest in warrants and bonds of said district; authorizing land-owners within said Project No. 6 to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the Reclamation Board Act, approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, by adding a new section thereto, to be numbered section 17, relating to warrants held by reclamation, levee, or drainage districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

Assembly Bill No. 380 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 547—An act to amend section 3480a of the Political Code, relating to and providing for a method of refunding the installments of the principal of any reclamation district bonds now or hereafter issued as and when the said installments, or any thereof, or any part thereof, shall mature—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

Senate Bill No. 547 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 13—An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee districts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts:

Also: Assembly Bill No. 721—An act to add a new section to the Political Code of the State of California, to be numbered 3456c, relating to assessments levied by reclamation districts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

Assembly Bills Nos. 13 and 721 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

Senate Bill No. 847 ordered on file for second reading.



## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes, 6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 258 ordered on file for second reading.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Maloney:

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

Request referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section—and appointed Assemblymen Wright, Feeley and Arnold as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Inman, Boggs and Sharkey as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 167.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 135—An act to amend section 1859 of the Civil Code, relating to the liability of innkeepers, hotel keepers, apartment house keepers, furnished bungalow court keepers and boarding house or lodging house keepers;

Also: Assembly Bill No. 296—An act to add a new section to the Political Code to be numbered 3897a, relating to the termination of the right of redemption in tax-deeded lands;

Also: Assembly Bill No. 312—An act relating to elections of trustees in union or joint union high school districts;

Also: Assembly Bill No. 470—An act to add a new section to the Penal Code, to be numbered 415a, prohibiting the shooting or discharging of firearms upon the public highways of the State, and providing a penalty therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bill No. 135 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 296 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 312 read first time, and referred to Committee on Education.

Assembly Bill No. 470 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on April 2, 1929, passed as amended, Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivisions; providing penalties for the violations of the provisions thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; sale of lands for colonization or subdivision purposes; brokers' bonds; providing penalties for the violation of the provisions thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SEVENTY-SIX.

##### AMENDMENT NUMBER ONE.

On page 6, line 44, of the printed bill, after the words "real estate broker", add the words "or salesman or employee of said broker at any time when licensed".

AMENDMENT NUMBER TWO.

On page 7, line 3, of the printed bill, after the words "real estate broker", add the words "his salesmen or employees".

AMENDMENT NUMBER THREE.

On page 7, line 4, of the printed bill, strike out the first word "his", and insert in lieu thereof the word "Their".

AMENDMENT NUMBER FOUR.

On page 4, line 32, of the printed bill, strike out the words "thirtieth day of June", and insert in lieu thereof the words "thirty first day of December".

AMENDMENT NUMBER FIVE.

On page 2, line 27, of the printed bill, after the word "directly", insert the following: "perform any of the acts aforesaid with reference to his own property".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 176?

The roll was called, and Assembly amendments to Senate Bill No. 176 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mudgett, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and West—30.  
 NOES—None.

Senate Bill No. 176 ordered to print, and enrollment.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers—reports that it has had a like committee of the Assembly, consisting of Assemblymen Hoffman, Fry and McGinness, and that the Committee on Free Conference has agreed to recommend the following: That Senate Bill No. 608, as amended in Assembly March 28, 1929, be amended as follows:

AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 11 to 27, both inclusive, and insert in lieu thereof the following:

"(c) If the election officers for any precinct have not been appointed or can not serve, or the polling place therein has not been designated by the fifteenth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require."

CHRISTIAN,  
 MERRIAM,  
 BREED.

Senate Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Waggy, and West—27.

NOES—None.

Senate Bill No. 608 ordered to print, and enrollment.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Breed.



The Secretary was directed to call the roll on Senator Canepa's motion to refer Senate Bill No. 714 to Senator Edwards, as a Special Committee of One, for amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Maloney, Mueller, Murphy, Rochester, Swing, and Tubbs—14.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Duval, Evans, Handy, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—23.

#### LEAVE OF ABSENCE.

Senator Hurley was, on motion of Senator Crowley, granted leave of absence for the remainder of this day.

#### CONSIDERATION OF SENATE BILL NUMBER SEVEN HUNDRED FOURTEEN.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Garrison moved to refer Senate Bill No. 714 to Senator Swing, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 30 of the printed bill, as amended April 2, 1929, after line 26, insert a new section as follows:

"SEC. 113. Restrictions as to speed.

(a) Any person driving a vehicle on the public highways of this state shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and no person shall drive any vehicle upon a public highway at such speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing;

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding;

4. Fifteen miles an hour when passing a school while persons are entering or leaving grounds of such school;

5. Fifteen miles an hour in a business district as defined herein;

6. Twenty miles an hour in a residence district as defined herein.

(c) In all charges for a violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as prima facie but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense."

Motion lost.

##### MOTION TO SUSPEND RULES.

Senator Fellom moved, seconded by Senator Breed, that the Rules of the Senate be suspended for the purpose of considering at this time Senate Bill No. 714.

##### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Fellom, Breed, and Nelson.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, West, and Young—31.

NOES—Senator Tubbs—1.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

#### AMENDMENT TO TITLE.

Senator Breed moved to amend the title of Senate Bill No. 714 as follows:

#### AMENDMENT NUMBER ONE

After the comma following the figures "145" of the title of the printed bill, add the figures "155".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689 and 690, and to amend sections 662 and 675 of the code, all relating to the Department of Finance, and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 293 to Senator Murphy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, as amended, strike out the figures "656", and strike out the comma following said figures.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 293, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registration of motor vehicles.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Assembly Bill No. 594 to Senator Allen, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, as amended in the Assembly March 7, 1929, strike out the words "herein provided for", and insert in lieu thereof the following: "for the original registration of a motor vehicle".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 594, with instructions to amend, respectfully reports the same back, amended as per instructions.

ALLEN, Special Committee.

Report read, and on motion of Senator Baker adopted.  
Bill ordered to print.

Assembly Bill No. 597—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, relating to applications for operators' and chauffeurs' licenses.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Assembly Bill No. 597 to Senator Allen, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, as amended in the Assembly March 7, 1929, after the words "violation of", insert the following: "section 112, 121, 122, 125, 134 or 141 of".

## AMENDMENT NUMBER TWO.

On page 2 of the printed bill, as amended in the Assembly March 7, 1929, following line 21, insert a new paragraph to read as follows:

"(c) The division shall not issue an operator's or chauffeur's license to any person whose operator's or chauffeur's license previously granted in this or any other state has been suspended or revoked during the period of such suspension or within one year after a revocation."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 597, with instructions to amend, respectfully reports the same back, amended as per instructions.

ALLEN, Special Committee.

Report read, and on motion of Senator Baker adopted.  
Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 99 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, immediately following line 14, insert the following: "(1) In cases tried by the court without a jury, the court shall not be required to make any written findings of fact and conclusions of law where the matter involved is three hundred dollars (\$300) or less, exclusive of interest and costs, and in all other cases written findings of fact and conclusions of law shall be deemed to be waived unless they shall be expressly requested by one of the parties at the time of the trial."

## AMENDMENT NUMBER TWO.

On page 1, line 15 of the printed bill, strike out the figure "1", and substitute in lieu thereof the figure "2".

## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the figure "2", and substitute in lieu thereof the figure "3".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 99, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re engrossment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 560—An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add seven new sections to be numbered 8a, 8b, 8c, 8d, 14a, 16a and 17a of an act entitled "An act establishing and creating a Department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas, and providing for the protection of the natural resources of petroleum and gas from waste and destruction—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CANEPA, Chairman.

Senate Bill No. 560 ordered on file for second reading.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 212—An act to limit the liabilities of irrigation

district directors for the negligence of appointees and employees thereof in certain instances;

Also: Senate Bill No. 765—An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880;

Also: Senate Bill No. 766—An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this State other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 212, 765 and 766 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding four new sections to be numbered 11, 12, 13 and 14, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding three new sections to be numbered 11, 12 and 13, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED THIRTEEN.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the title of the printed bill, as amended in Senate, March 7, 1929, strike out the word "three", and insert in lieu thereof the word "four".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 413?

The roll was called, and Assembly amendment to Senate Bill No. 413 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, West, and Young—30.

NOES—None.

Senate Bill No. 413 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 108—An act to amend

section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly Amendments to Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED EIGHT.

##### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "instrument", insert the words "paper or notice".

##### AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, after the word "instrument", insert the words "paper or notice".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 108?

The roll was called, and Assembly amendments to Senate Bill No. 108 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—31.  
NOES—None.

Senate Bill No. 108 ordered to print, and enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 231 ordered on unfinished business file.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 233—An act to amend sections 5, 26, 31, 36, 45, 48, 49, 56, 58 and 60 of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas heaters and ventilation;

Also: Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages;

Also: Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees;

Also: Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925;



Also: Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended;

Also: Senate Bill No. 210—An act to add a new section, to be numbered 19c, to the "California Irrigation District Act," relating to elections, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 233, 234, 109, 110, 111 and 210 ordered to enrollment.

#### ADJOURNMENT.

At five o'clock and fifteen minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock and thirty minutes a.m., Friday, April 5, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, April 5, 1929.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Waggy, Weller, West, and Young—25.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Thursday, April 4, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### LEAVES OF ABSENCE.

Senators Hurley and Christian were, on motion of Senator West, granted leave of absence for this day.

Senator Inman was, on motion of Senator Boggs, granted leave of absence for this day.

Senator Canepa was, on motion of Senator Crowley, granted leave of absence for this day.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Shirley Bourne and Louise Nichols.

On request of Senator Cleveland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Loraine Dickey, deputy tax collector of San Mateo County.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. A. R. Asbill, E. R. Herriek and J. A. Ratchford of Middletown, California.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. E. Pemberton of Berkeley.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gladys Beverly Jean Booth, daughter of C. W. Booth, Assistant Chief Clerk of the Assembly.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles H. Brennan of San Francisco, California.

On request of Senator Jones, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the pupils of the eighth grade of the Wheatland Grammar School, Wheatland, California, as follows: Bill Ball, Robert Blackford, Harold Butler, Malcolm Dalbey, Francis David, Stanley Ferguson, John Layster, Cecil Rodriguez, Jewel Clark, Evelyn Glenn, Naomi Harding, Evalyn Lewis, Dorothy Reddick, Ruby Robbins, Melvin Baker, and Antonio Rodriguez, and Mrs. Genelle Stam, Mrs. Robert Blackford and Mrs. Tom Ferguson.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. Elwood Squires of Berkeley and Miss Marion Taylor of Grass Valley.

#### MOTION BY SENATOR BREED.

Senator Breed moved that the President of the Senate appoint a committee of three to invite Harvey Firestone to address the Senate.

Motion unanimously carried.

#### APPOINTMENT BY PRESIDENT.

In accordance with Senator Breed's motion, the President announced the appointment of Senators Breed, Slater and Wagy as such committee.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction work on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen who have had sufficient experience to do the work properly and understand necessary safety measures in protecting each other in case of accident in the doing of such work; and providing a penalty for the violation thereof;

Also: Assembly Bill No. 206—An act to amend sections 3 and 15 of an act entitled "An act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended;

Also: Assembly Bill No. 564—An act to amend section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such

seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to occupations to which act applies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Senate Bill No. 435 ordered on file for second reading.

Assembly Bills Nos. 206 and 564 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 197—An act to amend section 2009 of the Code of Civil Procedure, relating to the purposes for which an affidavit may be used;

Also: Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 1413, relating to the liability of an owner or driver or person responsible for the operation of a vehicle for the injury or death of a guest;

Also: Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act;

Also: Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State;

Also: Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises;

Also: Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the district courts of appeal;

Also: Senate Bill No. 652—A bill appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal;

Also: Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction, and equipment, of a State Armory at the city of Long Beach;

Also: Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the city of Oakland;



Also: Senate Bill No. 815—An act making an appropriation for the Bureau of Child Hygiene, State Department of Public Health;

And reports that the same have been correctly engrossed

JONES, RAY, Chairman

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers' College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925;

Also: Senate Bill No. 317—An act to add a new section to the Penal Code, to be numbered 626u, relating to the protection of game;

Also: Senate Bill No. 465—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Also: Senate Bill No. 526—An act to add a new section to the Political Code to be numbered 2087, relating to exhibitions by the Adjutant General of equipment, animals and property of the National Guard;

Also: Senate Bill No. 529—An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training control and government of the National Guard of California;

Also: Senate Bill No. 541—An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended;

Also: Senate Bill No. 542—An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the Direct Primary Law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919; and amended and approved May 31, 1927;

Also: Senate Bill No. 585—An act to amend sections 4, 6 and 9 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended;

Also: Senate Concurrent Resolution No. 8—Relative to reports of the Department of Encampment and the Annual Convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of April, 1929, at one o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of nine hundred ninety-four dollars and twenty-two cents (\$994.22) in favor of the Secretary of the Senate, in payment of the items set forth below, and the Treasurer is hereby directed to pay the same:

State Supply Department-----	\$622 83
Postage-----	300 00
Western Union Telegraph Company-----	25 07
Postal Telegraph Company-----	3 41
Bancroft-Whitney Company—One Supplement, 25-27-----	7 00
Cascade Towel Supply Company-----	39 32

\$994 22

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Follom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, and Weller—22.

NOES—None.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors.

Senator McKinley moved that Assembly Bill No. 213 be withdrawn from file and re-referred to Committee on Judiciary.

Motion carried, and such was the order.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly Amendments to Senate Bill No. 231—An act regulating the business of embalmers and funeral directors, and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violation thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED THIRTY-ONE.

##### AMENDMENT NUMBER ONE.

On page 1, lines 15 and 16, of the printed bill, strike out the words "The secretary shall receive a maximum annual salary of one thousand dollars", and insert in lieu thereof the following: "The salary of the secretary shall be fixed by said board with the approval of the department of finance".

##### AMENDMENT NUMBER TWO.

On page 5 of the printed bill, strike out lines 18 to 21, inclusive.

##### AMENDMENT NUMBER THREE.

On page 6, line 17, of the printed bill, change the period after "created" to a comma, and add "and made available for expenditures necessary to a proper administration of this act."

##### AMENDMENT NUMBER FOUR.

On page 6, following line 39, add the following:  
"SEC. 27. On the date this act takes effect any balance remaining in the embalmers' fund created under the provisions of the act repealed by the provisions of section 25 of this act shall be transferred to the state embalmers' and funeral directors' fund, and the said embalmers' fund shall be and is hereby abolished and any appropriation heretofore or hereafter made payable from the said embalmers' fund shall be payable from the said embalmers' and funeral directors' fund for the support of the state board of embalmers and funeral directors."

##### AMENDMENT NUMBER FIVE.

On page 6 of the printed bill, following the matter added by amendment four, add the following:

"SEC. 28. If a state department of professional and vocational standards is created by a statute adopted by the Legislature of California at the forty-eighth session thereof, said department shall succeed to and become vested with all the duties, powers, purposes, responsibilities, and jurisdictions of the state board of embalmers and funeral directors hereinbefore proposed and described and of the several officers, deputies, and employees of said board which duties, powers, purposes, responsibilities, and jurisdiction shall be administered by said department through the director thereof; *provided, however*, that nothing herein contained shall be construed

as abolishing said board of embalmers and funeral directors which said board shall be established and continued as heretofore provided for and shall retain the functions of setting standards, holding meetings, issuing certificates, passing upon the qualifications of applicants, conducting investigations, issuing citations, holding hearings for the revocation of certificates and imposing penalties as heretofore proposed and described, and the decisions of said board with respect thereto shall not be subject to review by the director of the department of professional and vocational standards. Except as to said powers, duties, and functions so expressly reserved to said board, the director of the department of professional and vocational standards shall have full authority to employ and appoint all employees necessary to properly administer the work of the board and the work of the department in accordance with civil service regulations, and upon recommendation of said board, with the approval of the director of the department of finance, the director of the department of professional and vocational standards shall employ investigators and attorneys to assist said board in prosecuting violations of this act. All moneys collected by the department of professional and vocational standards for and on behalf of the activities of the board of embalmers and funeral directors shall be remitted to the state treasurer in accordance with law and credited to the "state embalmers and funeral directors fund," herein created; however, that with the approval of the director of the department of finance a charge not exceeding the amount of the available balance in the "state embalmers and funeral directors fund" may at any time be levied by the director of the department of professional and vocational standards in advance against said fund to cover the aforesaid board's pro rata share of the estimated administration expenses of the department of professional and vocational standards; *provided, further*, that none of the moneys in said fund shall be used to pay the general expenses of any other board in the department. Upon proper presentation of claims by said department to the state controller, the latter shall draw his warrant or warrants against said fund to cover such estimated administration expenses."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 231?

The roll was called, and Assembly amendments to Senate Bill No. 231 concurred in by the following vote:

AYES—Senators Boggs, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Wagy, and Weller, 23.

NOES—None.

Senate Bill No. 231 ordered to print, and enrollment.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 738—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the forty-ninth session thereof."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, strike out lines 8 to 11, inclusive, and insert in lieu thereof the following:

"Sec. 2. Within ten days after the appointment of the commission it shall meet and organize by selecting one of its members chairman."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 15, of the printed bill, strike out lines 15 to 23, inclusive, and insert in lieu thereof a period, and the following: "The work of revision shall com-



prehend the preparation of a statutory record showing the status and disposition of all acts and parts of acts heretofore adopted; the codification, consolidation, compilation or revision of all statutes in force and the express repeal of all statutes heretofore repealed by implication, held unconstitutional by the supreme court of this state, or which will be rendered obsolete by the proposed revision if adopted; and whenever necessary the correction of errors in form or substance including such restatement as will best serve clearly and correctly to express the existing provisions of law. The commission shall prepare a report embodying therein among other things such legislative measures proposed by it as may be calculated to effect the adoption or enactment of such revision."

Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out all of lines 28 to 34, inclusive, and insert in lieu thereof the following:

"SEC. 6. The chief of the legislative counsel bureau shall be the secretary of the commission, and out of the appropriation for the support of his office shall defray all necessary expenses authorized by the provision of this act".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 769—An act to repeal section 564 of the Code of Civil Procedure of California, and to enact a new section in lieu thereof, to be known as section 564 of the Code of Civil Procedure of California.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, following the word "joint", insert "or common".

Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 2, line 12, of the printed bill, strike out all of the printed matter down to and including the period in line 17, page 2, and insert in lieu thereof the following:

"4. In cases where a corporation has been dissolved, or has become insolvent or is in imminent danger of insolvency, or when a majority of the board of directors of a corporation or the owners of more than one-half of its voting capital stock shall have been indicted on charges of fraud or other criminal conduct arising out of the management of its affairs."

Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 2, line 22, of the printed bill, strike out all the printed matter, including line 22, down to and including the period in line 25, and substitute therefor the following:

"7. In actions for divorce, annulment of marriage, separate maintenance or support of minor children, where it appears necessary for the enforcement of an order or a judgment, or for the protection of the rights of any party or of the rights of minor children of any party.

8. In all other cases where it shall appear to the satisfaction of the court or judge that irreparable injury or damage is likely to result unless a receiver be appointed and for which no other adequate remedy exists."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41 and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period

of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add 14 new sections to said act, to be numbered sections 2a, 2b, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of section 1 of the printed bill, as amended.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 11, line 18, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 14 of the printed bill, strike out all of line 12, and insert in lieu thereof "more than one-half".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 14 of the printed bill, commencing with the word "and" in line 23, strike out all to and including the word "body", in line 30.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 14 of the printed bill, commencing with the word "and" in line 42, strike out all to and including the word "hearing", in line 50.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 15 of the printed bill, commencing with the word "or", in line 48, strike out all to and including the word "body", in line 2, on page 16.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 16, line 9, of the printed bill, strike out the word "of", and insert in lieu thereof the word "or".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for

any violation of any of the provisions of this act," approved May 25, 1919, as amended.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "sixty".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 547—An act to amend section 3480a of the Political Code, relating to and providing for a method of refunding the installments of the principal of any reclamation district bonds now or hereafter issued as and when the said installments, or any thereof, or any part thereof, shall mature.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Amend the title to read as follows:

"An act to add section 3457a to the Political Code providing for the cancellation of warrants of reclamation districts and for the issuance of warrants of lesser denominations in lieu thereof, and to amend section 3480a of the Political Code, relating to providing for a method of refunding any or all of the installments of the principal of any reclamation district bonds now or hereafter issued."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

Amend section 1 of the bill to read as follows:

"SECTION 1. Section 3480a of the Political Code is hereby amended to read as follows:

3480a. Any reclamation district now existing or hereafter created may refund the whole or any part of any installment or installments of the principal of any bond issue now or hereafter outstanding in manner as follows:

Whenever in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the landowners therein to refund any installment or installments of the principal of any outstanding bonds of the said district or any portion of said installment or installments, the board of trustees of said district may, by order entered upon the records thereof, order a special election to be held at some place in said district to be designated by the board at which said election shall be submitted to the owners of land in said district the question of whether or not any installment or installments of the principal of the outstanding bonds of said district or any part of any such installment or installments, shall be refunded. Said order for said special election shall set forth the maturities and rate of interest of said refunding bonds and the total amount of the principal thereof, and shall designate the bonds which are to be refunded. The principal of the refunding bonds shall not exceed one hundred ten per cent of the principal amount of the bonds which is to be refunded.

Notice of such special election shall be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and, also, by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the district may be situate, and such notices shall be substantially in the following form: "Notice of special election to determine whether or not refunding bonds shall be issued.

Notice is hereby given that at a meeting of the board of trustees of reclamation district No. \_\_\_\_\_ held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a resolution and order was duly adopted by the said board calling a special election of the landowners of this district, for \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ in the county of \_\_\_\_\_ in said district, to determine whether or not \$\_\_\_\_\_ of the principal amount of the outstanding bonds of this district, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and maturing as follows, to wit:

\_\_\_\_\_ shall be refunded by the issuance of refunding bonds of said district of the aggregate principal amount of \$\_\_\_\_\_ and maturing as follows, to wit: \_\_\_\_\_



And notice is hereby further given that \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_, three landowners of said district, are hereby appointed to act as the board of election for said election.

The polls at said election will be open from ten a.m. of said day until four p.m. Witness the name and the seal of the said district this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Reclamation district number \_\_\_\_\_

[SEAL]

By \_\_\_\_\_

By \_\_\_\_\_

President.

Secretary.

Affidavits of publication and posting of such notices shall be filed with the county clerk of the county within which the said district or the greater part thereof is situate, together with a copy of the said order calling said election, certified by the president of the board of trustees, and attested by the secretary thereof, with the seal of the district affixed.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certificate roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Refunding bonds—yes," or the words "Refunding bonds—no," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of said refunding bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the board of trustees of the district shall prescribe the date and rate of interest of the refunding bonds authorized at such election and shall cause the same to be executed and delivered, together with a copy of said order of election, certified as aforesaid, to the treasurer of the said main county. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of the said main county, and shall be numbered consecutively in the order of their maturity and said refunding bonds shall bear interest at a rate not to exceed six per cent per annum from their dates, respectively, and such interest shall be payable semi-annually on the first day of January and the first day of July of each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of said interest shall be attached to said refunding bonds and shall bear the facsimile signature of the county auditor. The principal of

said refunding bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall, in any event, be payable serially within at least fifty years from and after their date.

Said bonds shall be in substantially the following form:

## UNITED STATES OF AMERICA

## STATE OF CALIFORNIA

County of \_\_\_\_\_

No. \_\_\_\_\_ \$ \_\_\_\_\_

Reclamation District No. \_\_\_\_\_ for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said \_\_\_\_\_ county, in the State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the sum of \$ \_\_\_\_\_ in gold coin of the United States of America, with interest thereon in like gold coin from the date hereof until paid at the rate of \_\_\_\_\_ per cent per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from \_\_\_\_\_ to \_\_\_\_\_ inclusive, amounting in the aggregate to the sum of \_\_\_\_\_ dollars, issued in accordance with section 3480a of the Political Code of the State of California pursuant to an election held in said reclamation district on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorizing their issuance, and are issued for the purpose of refunding \$ \_\_\_\_\_ the principal amount of the bonds of this district dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and outstanding on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and this bond is based upon and secured by assessments levied on the lands in said district, and filed in the office of the county treasurer of said county of \_\_\_\_\_ on dates as follows: \_\_\_\_\_, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

This bond is one of the bonds issued to refund \$ \_\_\_\_\_ principal amount of bonds of this district numbered \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and maturing \_\_\_\_\_, 19\_\_\_\_.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of \_\_\_\_\_ with his seal of office affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President of said board.

Attest: \_\_\_\_\_

Auditor of the county of \_\_\_\_\_, State of California.

And the interest coupons may be substantially in the following form:

No. \_\_\_\_\_ \$ \_\_\_\_\_

The county treasurer of \_\_\_\_\_ county, California, will pay to the holder hereof on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at his office in said county of \_\_\_\_\_ the sum of \$ \_\_\_\_\_ in gold coin of the United States out of the funds of reclamation district No. \_\_\_\_\_ for interest on refunding bond of said district numbered \_\_\_\_\_.

\_\_\_\_\_  
County auditor.

At any time within thirty days after said refunding bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said refunding bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said refunding bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and

judgment rendered declaring such matters so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all bonds therein and all owners thereof and other interested persons. The board of trustees of any reclamation district, with the consent of the holders of any or all of the outstanding bonds of such district to be refunded as hereinafter provided, may direct the county treasurer to deliver to such holders at any time in exchange therefor bonds issued pursuant to this section and having such maturities as may be agreed upon by and between said board of trustees and the holders of said bonds to be refunded; *provided*, that the aggregate principal amount of the bonds issued pursuant to this section and delivered to such holders shall not exceed the aggregate principal amount of the bonds exchanged therefor and that the bonds delivered to the district shall be immediately canceled by the county treasurer. Such outstanding bonds may be so refunded pursuant to the consent of the holders thereof at any time, either before or after the final maturity date of said bonds.

In lieu of exchanging said refunding bonds, or any thereof, as hereinafter provided, the board of trustees may declare by resolution that it will be for the best interests of the district to sell all or any specific portion of said refunding bonds; and thereafter and on or before February first or August first of any year, as the case may be, prior to the date of maturity of the outstanding bonds of the district next maturing and to be so refunded, either in whole or in part, the board of trustees of the said district may declare by resolution that any portion of the said refunding bonds available for the refunding of the said outstanding bonds so next maturing shall be sold as herein provided. The board of trustees may declare any unsold or undelivered portion of said refunding bonds of any maturity heretofore or hereafter authorized to be issued to be available for the refunding of any maturity of said outstanding bonds.

Said resolution shall direct the treasurer of the county to sell said refunding bonds on a date which shall not be less than five days nor more than ten days, prior to April first or October first of such year, as the case may be. Said resolution also shall declare whether or not, in the judgment of the board of trustees, said refunding bonds can be sold for not less than the par value thereof, plus accrued interest, and also whether or not, in the judgment of said board, it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded, and whether or not a supplemental assessment should be levied for either or both of said purposes, and if said resolution shall declare either that said refunding bonds can not be sold for as much as the par value thereof, plus accrued interest, or that it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded and that a supplemental assessment should be levied for either or both said purposes, such supplemental assessment shall be levied and collected in the following manner, to wit:

The board of trustees shall prepare and certify an assessment list for said assessment in the form prescribed by section 3461 of this code. The amount of said assessment of the outstanding bonds of such district to be refunded as hereinafter provided, may direct the county treasurer to deliver to such holders in exchange therefor bonds issued pursuant to this section and having such maturities as may be agreed upon by and between said board of trustees and the holders of said bonds to be refunded; *provided*, that the aggregate principal amount of the bonds issued pursuant to this section and delivered to such holders shall not exceed the aggregate principal amount of the bonds exchanged therefor and that the bonds delivered to the district shall be immediately canceled by the county treasurer.

Said list when completed shall be filed with the clerk of the board of supervisors of the county. The board of supervisors shall appoint a time when it shall meet for the purpose of hearing objections to said assessment and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in said county. At any time before the date of such hearing any person interested may file written objections to such assessment stating the ground of such objections, which statement shall be verified by affidavit of such person or some other person who is familiar with the facts. At said hearing the board of supervisors may correct any errors appearing in said assessment and shall then make any order approving said assessment and shall endorse such order upon said assessment list, which said endorsement shall be signed by the chairman of the board of supervisors and attested by the clerk thereof. Such decision of said board of supervisors except as hereinafter provided, shall be final and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law. The list shall then be filed with the county treasurer, or if the district is situated in more than one county then the original list must be filed in the county where the greater portion of the lands of said district is situated and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. No objection to such assessment shall be considered by the board of supervisors or allowed in any other action or proceeding unless such objection shall be made in writing to the board of supervisors as above specified. Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of such dis-



trict is situated to have said assessment corrected, modified or annulled. Such action must be commenced within five (5) days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within five (5) days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

After said approved assessment list has been so filed the charges therein specified shall be a lien upon the parcels of land so assessed and shall impart notice thereof to all persons. Said assessment shall be called for immediate payment and shall become delinquent by declaration made in said resolution at a specified date at least five days prior to the date fixed for the sale of said refunding bonds; and at least thirty days time to pay said assessment shall be given to the landowners between the date of call and the date of delinquency. Said assessment shall not bear interest and shall be payable only in gold coin of the United States. Notice of said assessment and of said call thereon must be personally served upon each owner of land in said district or in lieu of personal service must be sent through the mail addressed to said owner at his place of residence if known, or entered upon the assessment roll of the county and if not known, at the place where the principal office of the district is situated or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news within the district and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated. Upon delinquency a penalty of ten per cent shall be added. If the landowners in any district shall voluntarily pay to the treasurer of the county, on the call of the board of trustees without the levy of such assessment, the amount required by the board of trustees for the aforesaid purposes as prayed on the lands in the district as herein provided then no such assessment shall be levied.

If a sale of said refunding bonds is consummated by payment of the purchase price thereof and the delivery of the bonds then the board of trustees of the district shall proceed to enforce payment of any delinquencies in the said assessment in the manner set forth in section 3466 of this code, and the provisions of said section 3466 shall apply to all subsequent proceedings in enforcing collection of said assessment. For the sale of said bonds the said treasurer shall give notice by publication at least once a week for at least two weeks in a newspaper of general circulation published in the main county, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall be in any event at least ninety-five days prior to the date of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the county treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder, but at a price in no event less than ninety per cent of the full face value of said refunding bonds. The county treasurer may, and upon written request of a majority of the trustees, must, reject any and all bids. Any sale by the county treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the county treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the county treasury to the credit of the bond fund of the district, and the said proceeds shall be used and applied only in payment, in whole or in part, of the principal of the outstanding bonds to be refunded by the said refunding bonds so sold.

If the refunding bonds so offered for sale shall not be sold the same may again be offered for sale from time to time prior to their fixed maturity or may be exchanged for outstanding bonds as hereinbefore provided.

The principal and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section 3480 of this code.

If the amount for which any portion of said refunding bonds shall be sold exclusive of accrued interest shall be less than the face value thereof then to the extent necessary for the purpose the county treasurer shall use the proceeds of said assessment together with the proceeds from the sale of said refunding bonds to meet the principal of said bonds so next maturing. Interest on said refunding bonds from date of sale to the first interest payment date shall be paid from the proceeds of said assessment. Thereafter any surplus of said assessment shall be returned by the county treasurer pro rata to those who paid it.

Any refunding bonds heretofore or hereafter issued pursuant to the provisions of this section are hereby expressly declared to be issued as a step in the process of liquidating the original bond issue that is to be paid and discharged out of the proceeds of the sale of such refunding bonds. In the event any reclamation district shall have heretofore caused its bonds to be issued and thereafter, shall have been consolidated so as to become a part of a new district, the original district issuing such bonds shall be deemed as still in existence for the purpose of liquidating such original bond issue, either by making calls on the assessment securing said bond issue, from time to time as required, or by causing refunding bonds to be issued and

sold pursuant to the provisions of this section. Any refunding bonds heretofore authorized or issued by any such original reclamation district, if authorized and issued pursuant to the provisions of this section, as in force at the time, are hereby expressly declared to be valid and subsisting obligations of such original reclamation district, and to be secured by the assessments against the lands of said district that secured the bonds to be discharged out of the proceeds of the sale of said refunding bonds.

No act done or proceeding taken under the section of the Political Code of which this act is amendatory prior to the effective date hereof shall be invalidated hereby, and all proceedings commenced prior to the effective date hereof shall be completed in accordance with the provisions of this act, and all acts and proceedings taken after the effective date of this act whether relating to the authorization, issuance, exchange, sale, or delivery of bonds, or other thing, shall be valid and legally binding if taken in accordance with the provisions of this act."

Amendment adopted.

#### AMENDMENT NUMBER THREE

Add a section to the bill to be designated section 3 and to read as follows:

"Sec. 3. A new section is hereby added to the Political Code to be numbered section 3457a, and to read as follows:

3457a. The board of trustees, at the request of the holder of any warrant, may cancel it and issue two or more warrants in lieu thereof. If the canceled warrant has been registered each new warrant shall state that it is issued partly in lieu of such registered warrant, giving the dates of issuance and registration thereof, and upon registration of any such new warrant it shall be considered as registered upon the date of registration of the canceled warrant. Such new warrants shall be issued for the principal only of the old warrant, but, upon registration, shall bear interest from the date of registration of the canceled warrant."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Drainage, Swamp and Overflowed Lands.

Senate Bill No. 847--An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 258--An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the figures and commas "2, 3, 4, 6, 7, 14, 17, 18, 19 and 20", and insert in lieu thereof the following: "2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20 and 23".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 14 of the title of the printed bill, between the figures and comma "1927," and the word "relating", insert the following: "and to add new sections thereto to be numbered sections 3a, 14a and 20a."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, after the comma, insert the following: "except high frequency apparatus, other than violet ray and except x-ray apparatus or appliances, or any electrical machine of similar nature".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 17, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "Provided, that no provision herein shall in any way conflict with any provision of the state medical practice act".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 42, of the printed bill, after the word and comma "electrologist", insert the following: "or any other branch of cosmetology".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 52, of the printed bill, after the word and comma "thereof", insert the following: "or engage in the occupations of hairdresser and cosmetician or cosmetologist or electrologist or any other branch of cosmetology as a junior operator as herein defined,".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, between lines 15 and 16, of the printed bill, insert the following: "SEC. 2a. A new section to be numbered 3a is hereby".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 2, of the printed bill, beginning in said line 2, strike out the following: "and ten dollars for the correction of every fifty examination papers or fraction thereof," and insert in lieu thereof the following: "but not to exceed sixty per diem annually for each member for such board's meeting and five per diem for committee work in the correction of examination papers but not to exceed thirty per diems annually for each member for such committee work".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 3, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 10, of the printed bill, strike out the words and semicolon "and also a treasurer;".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 15, of the printed bill, strike out beginning with and including the words "The treasurer", down to and including the word "board" on page 4, line 20.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 23, of the printed bill, between the word "which" and the word "record", insert the word "said".

Amendment adopted.



## AMENDMENT NUMBER THIRTEEN.

On page 6, line 52, of the printed bill, between the word and comma "cosmetologist," and the word "in", insert the following: "or any of the branches thereof".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7 of the printed bill, strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "or any other branch of cosmetology, other than a student in any school of cosmetology only licensed and registered as herein provided, must have a license and certificate of registration as a junior operator issued by said board in the manner hereinafter provided. Every person who makes application to said board on such form as said board may prescribe accompanied by a photograph as specified in section 7 hereof and who is of good moral character and temperate habits, over the age of sixteen years and who, in the judgment of said board, possesses sufficient common or grammar school education to be fitted to engage as a junior operator as herein defined shall without payment of any fee be issued a license and certificate of registration as a junior operator."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 19, of the printed bill, after said line 19, insert the following: "SEC. 5a. Section 8 of said act is hereby amended to read as follows:

Sec. 8. All examinations of applicants shall include both practical demonstrations and written or oral tests (except where otherwise provided in this act); shall not be confined to any special system or method; shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a certificate of registration is sought.

Examinations for certificates of registration as hairdressers and cosmeticians shall include practical demonstrations in shampooing the hair, hairdressing, marcel waving, water waving, hair coloring, manicuring, facial massage, and scalp massage, with the hands; written or oral tests in antisepsis, sterilization, sanitation, and the use of mechanical apparatus and electricity as applicable to the practice of the occupations of a hairdresser and cosmetician, and may include such other demonstrations and tests as the board, in its discretion, may require.

Examinations for certificates of registration for the practice of permanent waving shall be by practical demonstration and written or oral tests of histology, reconstruction, waving, bleaching, coloring, arranging, and cleansing the hair.

The scope of examinations in any other branch of cosmetology shall be such as the board, in its discretion, may require.

Sec. 5b. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Upon application to the board in due form, as provided in section 7 hereof, accompanied by the required fee, a person registered as a hairdresser and cosmetician, or cosmetologist, or in any branch of cosmetology, under the laws of another state or territory of the United States, or District of Columbia, shall, without examination (unless the board, in its discretion, sees fit to require examination) or occupations in which such person was so previously registered, upon the following conditions: That the applicant is not less than eighteen years of age, of good moral character and temperate habits, and that the requirements for registration or licensing of hairdressers and cosmeticians, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or in the District of Columbia, were, at the date of such previous registration or licensing, substantially equal to the requirements thereof then in force in this state.

The fee for registration and licensing of applicants under the provisions of this section shall be, for hairdresser and cosmetician, or cosmetologist, fifteen dollars; for electrologist ten dollars; for permanent waver ten dollars, for manicurist five dollars.

In the event that reciprocity is not granted the fee may be transferred to apply on examination for hairdresser and cosmetician, or cosmetologist; or electrologist; or permanent waver; or manicurist.

In the event that the applicant does not desire to file application for examination, the board may, in its discretion, refund the fee at the request of the applicant."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 23, of the printed bill, after the portion of the word "cian", strike out the comma, and insert in lieu thereof the following: "or cosmetologist".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 33, of the printed bill, after the word "date", strike out the period and insert a comma and add the following: "and if not so paid at said date, a delinquency fee of two dollars shall be charged for renewal thereafter."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 34, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 7, line 37, of the printed bill, between the word "fee" and the word "provided", insert the following: "together with the delinquency fee or penalty".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 7, line 38, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 7, line 42, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 7, between lines 46 and 47, of the printed bill, insert the following:

"SEC. 6a. A new section to be numbered 14a is hereby added to said act to read as follows:

Sec. 14a. In the event that an applicant for examination for any certificate of registration or license which may be issued under the provisions of this act withdraws his or her application prior to the date set for examination, the board may in its discretion refund to the applicant the fee paid upon the making and filing of such application.

If for any reason two or more certificates of registration or licenses are issued in any one year to any cosmetological establishment or school of cosmetology or to any individual for hairdresser and cosmetician, or cosmetologist, or hairdresser and cosmetician or cosmetologist and one of the branches of cosmetology embraced and included in such other license, the board shall have power to cancel all but one of said certificates of registration or licenses so issued and refund to applicant the excess fee so collected.

SEC. 6b. Section 16 of said act is hereby amended to read as follows:

Sec. 16. Nothing in this act shall be construed to prohibit service contemplated by this act in cases of emergency or domestic administration, without compensation; and the following persons shall be exempt from the provisions hereof, namely: (a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, osteopathy, chiropractic, naturopathy or chiropody; (b) commissioned surgical and medical officers of the United States army, navy, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to the same; (c) barbers, in so far as their usual and ordinary vocation and profession is concerned."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 8, line 40, of the printed bill, strike out the period after the word "dollars", and insert a semicolon and add the following: "provided, however, that when said application is made between the first day of October and the thirtieth day of September following, there shall be paid to said board of cosmetology that portion of the registration fee specified in this section which the unexpired number of months in such year bears to the entire year including the month in which such application is made and in such cases said board of cosmetology shall issue a license for such fractional part of such year; provided, further, that nothing in this section contained shall be construed as authorization or permission to conduct a school of cosmetology without a valid, existing and unexpired certificate of registration."

Amendment adopted.

AMENDMENT NUMBER TWENTY-FOUR.

On page 8, line 44, of the printed bill, strike out the word "said", and insert in lieu thereof the words "each and every".

Amendment adopted.

AMENDMENT NUMBER TWENTY-FIVE.

On page 8, line 46, of the printed bill, between the word "cosmetician" and the word "who", insert the words "or cosmetologist".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SIX.

On page 9, line 9, of the printed bill, between the word and comma "cosmetician," and the word "and", insert the words "or cosmetologist".

Amendment adopted.

AMENDMENT NUMBER TWENTY-SEVEN.

On page 9, between lines 18 and 19, of the printed bill, insert the following:

"Certificates of registration for cosmetological establishments and schools of cosmetology shall be renewed and the registration fees herein provided for shall be due and payable to said board of cosmetology during the month of September of each and every year. If such certificates of registration be not so renewed and said fees be not so paid on or before the thirtieth day of September of each year, said certificate shall expire on said last mentioned date and may thereafter be renewed only upon payment of a delinquency fee or penalty of an additional two dollars.

The certificate of registration or license herein provided for authorizes the school of cosmetology holding the same to transact operations in this state during the year or fraction thereof for which such license is issued. "Year" within the meaning of this act means from and including the first day of October to and including the thirtieth day of September next thereafter."

Amendment adopted.

AMENDMENT NUMBER TWENTY-EIGHT.

On page 9, line 24, of the printed bill, between the portion of word and comma "metician," and the word "or", insert the words "or cosmetologist".

Amendment adopted.

AMENDMENT NUMBER TWENTY-NINE.

On page 9, line 25, of the printed bill, between the word "license" and the word "in", insert the words "or said certificate".

Amendment adopted.

AMENDMENT NUMBER THIRTY.

On page 9, line 28, of the printed bill, between the word and comma "cosmetician," and the word "or", insert the words "or cosmetologist".

Amendment adopted.

AMENDMENT NUMBER THIRTY-ONE.

On page 9, line 37, of the printed bill, after the word "applicant", strike out the period and insert in lieu thereof the following: "A fee of one dollar will be charged for the issuance of such duplicate license."

Amendment adopted.

AMENDMENT NUMBER THIRTY-TWO.

On page 10, line 4, of the printed bill, after the word and period "hereof.", add the following:

"SEC. 11. A new section, to be numbered section 20a, is hereby added to said act to read as follows:

Sec. 20a. There must be at least one covered waste receptacle and at least one airtight container in which to keep sterilized instruments in each cosmetological establishment or school of cosmetology. Each cosmetological establishment or school of cosmetology shall also be provided with such other sanitary facilities as may be necessary to conduct such establishment or school in a sanitary manner. A cosmetological establishment or school of cosmetology must be provided with suitable plumbing and fixtures that will permit of an adequate and readily available supply of hot and cold running water located within the working booths or work room. A violation of the provisions of this section shall constitute a misdemeanor punishable as provided in section 3 hereof.



SEC. 12. Section 23 of said act is hereby amended to read as follows:

Sec. 23. All fees collected on behalf of the board of cosmetology, and all receipts of every kind and nature, shall be reported at the beginning of each month together with a statement of refunds made or to be made under the provisions hereof, for the month preceding, to the state controller, and at the same time the entire amount of such collections, less such refunds for such month or preceding months not theretofore paid, shall be paid into the state treasury, and shall be credited to a fund to be known as the board of cosmetology's contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of cosmetology and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed three thousand dollars may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 279—An act to add a new section to the Penal Code, to be numbered 330b, relating to gambling devices.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 848—An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section, to be numbered 8, authorizing the issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929 as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor.

#### COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed amendment, strike out the word "refrigerators".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed amendment, strike out the words "and pre-cooling facilities".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed amendment, strike out the word "and", and insert in lieu thereof a comma, and after the comma following the word "orange", insert the following: "demurrage, switching and any and all collections now or hereafter authorized by law."

Amendment adopted.

Constitutional Amendment No. 28 read, ordered to print, engrossment, and on file for adoption.

Senate Constitutional Amendment No. 32—A resolution to amend the constitution of the State of California by adding a new article thereto, to be known as article XIII $\frac{1}{2}$ , relating to revenue and taxation.

## COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, after the word "for" insert "the purpose of"

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, strike out the word "for" following the word "taxation", and the words "state purposes" first appearing on line 18.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 10, of the printed bill, after the word "all", insert "of section 14 of article thirteen, except subdivision (g) thereof, and all other".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 11, of the printed bill, after the period following the word "repealed", strike out all balance of line 12, and lines 13 and 14 and insert the following: "Acts of the Legislature adopted pursuant to the provisions of this article shall not be subject to referendum when and if adopted by a two-thirds vote of all of the members of the Legislature elected to each of the two houses voting in favor thereof, but any act adopted pursuant to the provisions of this article by a vote of less than two-thirds of all of the members of the Legislature elected to each house voting in favor thereof, shall be subject to referendum as provided in this constitution."

Amendment adopted.

Senate Constitutional Amendment No. 32 ordered to print, engrossment, and on file.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section, to be numbered 6, relative to the issuance of bonds to the amount of \$20,000,000 for the acquisition of rights of way for railroad crossing eliminations on the roads within the State highway system and within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission.

## COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, strike out the words "twenty million", and insert in lieu thereof the words "seven million five hundred thousand".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 7 of the title of the printed bill, after the words "within the", strike out the following: "state highway system and within the".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 10, of the printed bill, strike out the words "twenty thousand", and insert in lieu thereof the words "seven thousand five hundred".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 17, of the printed bill, strike out the word "demonds", and insert in lieu thereof the word "demands".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 50, of the printed bill, after the words "between a", strike out the words "state or".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 13, of the printed bill, strike out lines 13 to 20, inclusive.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 21, of the printed bill, strike out line 21, and insert in lieu thereof the following: "fifty per cent of the fund shall be".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 25, of the printed bill, strike out lines 25 and 26, and insert in lieu thereof the following: "Obispo, Kern, Monterey, Kings and Tulare; and fifty per cent of such fund shall be used on railroad".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 29, of the printed bill, strike out lines 29 to 37, inclusive, and insert in lieu thereof the following: "Of the cost assigned to the county by the railroad commission for the acquisition of rights of way for railroad crossing eliminations and for the acquisition, construction, and improvement of railroad crossing eliminations upon county highways sixty per cent shall be borne by the state from this fund; *provided*, that the remaining forty per cent of such costs shall be paid by the county. Allotments of funds allocated under this act as directed by the railroad commission, contemplates payment of grade separation costs jointly by the county, by the railroad involved, and by any other party to the costs, as named by the railroad commission."

Amendment adopted.

Senate Constitutional Amendment No. 16 ordered to print, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 560—An act to amend sections 1, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add three new sections, to be numbered 8a, 16a and 17a, of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; and abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 4, line 14, of the printed bill, as amended, after the comma following the word "water", insert the following: "or to prevent the escape of water into underground formations."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, line 10, of the printed bill, as amended, after the period add the following: "The blowing, release or escape of natural gas into the air shall be prima facie evidence of unreasonable waste."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 7, line 13, of the printed bill, as amended, strike out the word "immediately".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 8 of the printed bill, as amended, strike out all of lines 13, 14, 15 and 16 and all of line 17 preceding the period, and insert in lieu thereof the following: "with the director of the department of natural resources. The director shall unless said order is complied with voluntarily, or at any time whether or not there has been any order may, have proceedings instituted in the name of the people of the State of California to enjoin unreasonable waste of gas".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 14, line 13, of the printed bill, as amended, strike out the word "officer", and insert in lieu thereof the word "department".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 21, line 29, of the printed bill, as amended, after the period following the word "act", begin a new line and add the following:

"SEC. 42. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of article four of the constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

At the present time in the oil and gas producing fields within the state there is now being blown into the air and wasted daily on the average approximately five hundred million cubic feet of gas. New fields producing heavily of natural gas are being opened up which will tend to add to the amount of natural gas being blown into the air and wasted and lost."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 614 passed by the following vote:

AYES. Senators Allen, Baker, Boggs, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Swing, Weller, West, and Young 24.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## RECESS.

At eleven o'clock and twenty minutes a.m., the President declared the Senate at recess to listen to an address by Harvey S. Firestone.

## RECONVENED.

At eleven o'clock and thirty minutes a.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved

May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senator Fellom: Senate Concurrent Resolution No. 25—Relative to reapportionment of the legislative districts of the State upon a basis of population as nearly equal as may be, and to the promulgation of a proclamation by the Governor for the calling of a special election.

Resolution referred to Committee on Reapportionment.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 153—An act to amend section 1½ of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of and government of parole prisoners, and repeal an act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners," approved March 23, 1893,' approved June 16, 1913, by adding thereto a new section to be numbered 1½, relating to the granting of paroles and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of Parole Commissioners," approved May 29, 1915, as amended, relative to conditions of parole.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS.

Senator Cleveland moved that Senate Bill No. 290 be withdrawn from file and re-referred to Committee on Military Affairs, and also that Senate Bill No. 291 be withdrawn from file and re-referred to Committee on Finance.

Motion carried, and such was the order.



Senate Bill No. 333—An act relating to pupils in the public schools.  
Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 333 to Senator Duval, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, immediately following said line 18, insert the following paragraph:

"The provisions of this section are to be carried out in accordance with rules and regulations to be established by the state department of education."

MOTION TO LAY ON TABLE.

Senator Carter moved, seconded by Senator West, that Senator Baker's motion to refer Senate Bill No. 333 to Senator Duval, as a Special Committee of One, for amendment, be laid on the table.

Senators Carter and West withdrew the motion to lay on the table.

MOTION BY SENATOR FELLOW.

Senator Fellow moved, seconded by Senator Maloney, that Senate Bill No. 333 and amendment, as contained in Senator Baker's motion to refer Senate Bill No. 333 to Senator Duval, as a Special Committee of One, be re-referred to Committee on Education.

Motion as offered by Senator Fellow ruled out of order.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and thirty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Breed, Baker and Murphy.

The question being on Senator Baker's motion to refer Senate Bill No. 333 to Senator Duval, as a Special Committee of One, for amendment.

The roll was called, and motion carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—30.

NOES—Senator Jones, Ray—1.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 333, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Baker adopted.  
Bill ordered to print, and re-engrossment.

Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIIk, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young 33  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Weller gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 289 was passed.

Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Baker moved to refer Senate Bill No. 334 to Senator Duval, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, immediately following said line 15, insert the following paragraph:

"The provisions of this section are to be carried out in accordance with rules and regulations to be established by the state department of education."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 334, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 335—An act relating to pupils in public high schools.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 335 to Senator Duval, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, immediately following said line 18, insert the following paragraph:

"The provisions of this section are to be carried out in accordance with rules and regulations to be established by the state department of education."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 335, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America

easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 843 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 to 375*d*, inclusive, relating to a Department of Investment for purposes of representation in the Governor's Council—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 2*l*, embracing sections 375 and 375*d*, inclusive, relating to a Department of Investment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 841 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

NOES—Senator West—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mt. Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mt. Diablo State Park fund.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 811 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 812 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At one o'clock p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until two o'clock p.m.

#### RECONVENED.

At two o'clock p.m., the Senate reconvened.

Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 675—An act to amend section 1965 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the fifth class:

Also: Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add 25 new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors:

Also: Assembly Bill No. 941—An act to amend section 2322~~2~~54 of the Political Code, relating to the horticultural commissioner of counties of the fifty-fourth class:

Also: Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—5; absent—4.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 675, 773, 941 and 1063 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

CLEVELAND, Vice Chairman.

GRAY,

SWING,

YOUNG,

EDWARDS.

Assembly Bill No. 332 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 142—An act to amend section 4041 of the Political Code, relating to the general powers of boards of supervisors:

Also: Assembly Bill No. 233—An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class:

Also: Assembly Bill No. 305—An act to amend section 4252 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the twenty-third class:

Also: Assembly Bill No. 306—An act to amend section 19a23 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twenty-third class:

Also: Assembly Bill No. 307—An act to amend section 2322a23 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class:

Also: Assembly Bill No. 333—An act to amend section 4253 of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class:

Also: Assembly Bill No. 505—An act to amend sections 5 and 9 of an act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department," approved March 4, 1881, as amended, relating to the support thereof:

Also: Assembly Bill No. 673—An act to amend section 2322a5 of the Political Code, relating to salaries of county horticultural commissioner, inspectors and clerks in counties of the fifth class:

Also: Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—8; absent—1.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 142, 233, 305, 306, 307, 333, 505, 673 and 674 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 44—An act to amend section 2 of an act entitled "An act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the State treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund:

Also: Senate Bill No. 177—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered

sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act;

Also: Senate Bill No. 197—An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county or city jail under judgment of imprisonment in a criminal action or proceeding;

Also: Senate Bill No. 196—An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under final judgment of imprisonment rendered in a criminal action may be required to labor;

Also: Senate Bill No. 252—An act authorizing the State Board of Forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 423—An act to amend sections 4, 7, 9, 10, 11, 12, and 13 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

Also: Senate Bill No. 508—An act to amend section 8 of "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1906.

Also: Senate Bill No. 781—An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses;

Also: Senate Bill No. 798—An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, as amended;

Also: Senate Bill No. 821—An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof;

Also: Senate Bill No. 833—An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation;

Also: Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of April, 1929, at four o'clock and forty five minutes p.m.

JONES, RAY, Chairman.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor;

Also: Senate Bill No. 353—An act relating to the passage of ordinances by cities, and authorizing cities to adopt ordinances relating to the regulation of traffic upon public highways by reference to printed codes or copies on such subjects; provided not less than three printed copies of such code or codes, or any amendments thereto in book or pamphlet form, have been filed with the city clerk;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Senate Bills Nos. 587 and 353 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing



for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two of more cities, cities and counties, or counties, and/or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith;

Also: Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to said act to be numbered 76½, relating to the foreclosure of bonds;

Also: Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12, 21 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Senate Bills Nos. 615, 359 and 406 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 382—An act prescribing limitations on the amount of indebtedness which may be placed upon lands or real property for street improvements or street acquisitions; providing procedure therefor; the effect thereof, and the conditions under which said limitations shall apply—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—4.

LYON, Chairman.

Senate Bill No. 382 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1058—An act to amend sections 851, 863, 874, 882 and 883 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class;

Also: Assembly Bill No. 923—An act providing for the creation, maintenance and operation of police relief, life insurance and pension funds in the cities and towns of the fifth and sixth class;

Also: Assembly Bill No. 189—An act to amend sections 3 and 79c of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended;

Also: Assembly Bill No. 250—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and/or unincorporated territory to municipal corporations and for the incorporation and consolidated of such annexed territory in and as a part thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Assembly Bills Nos. 1058, 923, 189 and 250 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 922—An act to amend an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 4, 1899, as amended, by adding a new section to be entitled "Section 17" and making said act inapplicable to cities of the fifth and sixth class;

Also: Assembly Bill No. 878—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, on the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter, the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended;

Also: Assembly Bill No. 937—An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, as amended, by amending section 1 thereof, relating to vacations of members of fire departments and extending the provisions of the act to include fire districts, county fire districts and fire protection districts.

Also: Assembly Bill No. 901—An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requests open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Assembly Bills Nos. 922, 878, 937 and 901 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 707—An act relating to the leasing of land property by the political subdivisions of the State and providing a procedure therefor, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Senate Bill No. 707 ordered on file for second reading.

#### ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 637—An act to amend section 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, fire engines, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

WAGY, Chairman.

Senate Bill No. 637 ordered on file for second reading.





resides. The person adopting a child, and the child adopted, and the other persons, if within or residents of said county, whose consent is necessary, must appear before the court, and the necessary consent must thereupon be signed and an agreement executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of said county, then their written consent, duly proved or acknowledged, according to sections 1182 and 1183 must be filed in said superior court at the time of the application for adoption."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 354, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Allen adopted.

Bill ordered to print, and re-engrossment.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON BANKING.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 373—An act to add a new section to the Civil Code to be numbered 3150a relating to the liability of banks on negotiable instruments forwarded for collection and the liability of the drawer of such instruments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

(Signed out)

WELLER, Chairman.  
BAKER.  
DUVAL.  
EDWARDS.  
MCKINLEY.  
MURPHY.  
NELSON.

Senate Bill No. 373 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 462—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Waggy, and Weller—24.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR CROWLEY IN THE CHAIR.

At two o'clock and thirty-five minutes p.m., Senator Crowley of the Twenty-second District was called to the chair.

Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of

the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof." approved May 24, 1921, relating to periods of extraordinary unemployment and resting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONCURRENT RESOLUTION No. 22.

Relating to radio interference by electrical transmission lines and other electrical equipment.

WHEREAS, Radio broadcast reception is subject to interference by high voltage transmission lines and other electrical equipment; and

WHEREAS, Under the laws of this State the operation of the lines, plants, or systems of electrical, telephone and telegraph corporations are subject to control and regulation by the Railroad Commission of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring.* That the Railroad Commission of the State of California be and it is hereby requested and directed to make a complete study of the interference with radio broadcast reception in the State of California caused by the operation of high voltage transmission lines and other electrical lines, equipment and devices, and shall report its investigation, conclusion and recommendation for eliminating or mitigating such radio interference in a report which it shall file with the Governor of the State of California not later than December 1, 1930.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—Senator Cleveland—1.

Title read and approved.

Senate Concurrent Resolution No. 22 ordered transmitted to the Assembly.

Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety, and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack,

McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 266. An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 1, 17, 18, 19, 21, 32, 35, 40, 51, 64b, 64c, 64d, 64e, 64f, 64g, 64h and 68 of said act—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 266 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 39—An act to amend section 5339 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 39 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Maloney, McCormack,



McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagv, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 40 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Slater, Tubbs, Wagv, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone and electric power corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 41 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagv, and Weller—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 187—An act to regulate employment where the work is to be performed outside of this State by persons hired within this State and prescribing punishment for the violation of the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagv, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to levy of taxes.

Bill read third time.

## URGENCY CLAUSE.

11. Inasmuch as this act provides the method by which the appropriations for the usual current expenses of the various counties and districts of the State are to be prepared and submitted and inasmuch as this information and data must be compiled before the beginning of the next fiscal year, it is hereby declared an urgency measure and shall under the provisions of section 1 of article IV of the constitution of the State of California take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.

NOES—Senator Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SECRETARY JOSEPH A. BEEK AT THE DESK.

Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATOR MALONEY IN THE CHAIR.

At three o'clock and twenty-six minutes p.m., Senator Maloney of the Twenty-third District was called to the chair.

Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 180 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229—An act adding a new section to the Political Code, to be numbered 694, relating to the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to



provide an appropriation therefor.' " approved March 18, 1899, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 829 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### LEAVE OF ABSENCE.

Senator Swing was, on motion of Senator Fellom, granted leave of absence for the remainder of this day.

Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 337 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Nelson, Sharkey, Slater, Tubbs, Wag, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 106—An act to amend "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice

of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended; by adding a new section to be numbered 20½, relating to the impersonation of investigators of the Board of Medical Examiners and providing a penalty for the violation of the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the Medical Corps of the Army, Navy and Public Health Service of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 213 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Duval, Evans, Fellom, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Evans, Fellom, Gray, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tibbs, Wagy, Weller, and Young 25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Carter:

WHEREAS, By an act of the Legislature approved May 28, 1917, Statutes 1917, page 1275, it was provided that every person who catches, catches, preserves or otherwise packs fish must first procure a license therefor and, in addition, pay a privilege tax to the Fish and Game Commission of 50 cents per ton for fish taken in the waters of the State or brought into the State in a fresh condition; and,

WHEREAS, Said act provides that all moneys collected from such licenses and privilege tax on fish shall be paid to the Fish and Game Commission and all moneys so collected shall be paid by the Fish and Game Commission into the State treasury to the credit of the fish and game preservation fund and shall be expended in conservation work for the benefit of the commercial fishing industries within the districts from which the revenues are derived; and,

WHEREAS, The reports of the Fish and Game Commission show that said commission has collected and received in excess of \$600,000 from the fish packing industry of California under said act; and

WHEREAS, No detailed report has ever been made by said Fish and Game Commission showing how said moneys have been expended for conservation work for said industry as required by said act, or the amount thereof which has been so expended; and,

WHEREAS, From the general financial reports issued from time to time by said commission, it can not be ascertained whether said moneys so collected have been used exclusively for conservation work for the benefit of the commercial industries within the districts from which the revenues were derived, as required by law; and

WHEREAS, The Fish and Game Commission has published in the January issue of its official publication "California Fish and Game," Volume 15, No. 1, page 44, that "A knowledge of the supply, breeding grounds, habits and other characteristics of fishes of commercial importance is not only a practical aid to the commercial fishing and canning industry, but also provides a means of more accurately determining the proper rules, regulations and laws necessary to insure their conservation"; and

WHEREAS, The commercial fishing industries are very desirous of such information, and wish for a report from the commission on the foregoing facts and such other practical information as may be of profit to them; and

WHEREAS, The Fish and Game Commission have omitted from the current budget for the next biennial period the yearly appropriation of \$15,000 made for the last three years to the Hooper Foundation for Medical Research of the University of California for the study of methods to prevent botulism spoilage in sardines, and experimental work in packing tuna, mackerel and sardines; which work is not only of utmost importance to the industry but is a safeguard to public health; now, therefore, be it

Resolved, That the Fish and Game Commission render to this Senate on or before one week from the adoption of this resolution:

First—A detailed statement of all moneys collected since July 27, 1917, under the provisions of the aforesaid act, specifying the districts from which the same were derived and the amounts from each district.

Second—A detailed statement of all expenditures of said moneys by districts and the purposes for which the same were expended.

Third—What program has been adopted, if any, for the current year in furtherance of said act.

Resolution referred to Committee on Fish and Game.

Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 216 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Jones, Ray; Maloney, McKinley, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco harbor improvement fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 389 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Senate Bill No. 664 to Senator Carter, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, strike out the words "purpose of purchase-", and strike out the following words in line 2 of the title of said bill: "ing a building site", and strike out the comma following the word "site" in said line 2 of the title.

AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, as amended, strike out the words "purchase of a building site", and strike out the comma following the word "site".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

Mr. President: Your Special Committee of One, to which was referred Senate Bill No. 664, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 225—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Cleveland, Crowley, Edwards, Fellom, Garrison, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—23.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WELLER IN THE CHAIR.

At four o'clock and ten minutes p.m., Senator Weller of the Thirty-sixth District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 433—An act to amend sections 2, 3 and 4 of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the State Fire Marshal, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, and to add a new section to be known as section 5.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 433 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—24.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—25.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and disposal of their proceeds; to empower sanitary boards to make and enforce sani-

tary regulations and providing penalties for violations thereof," approved May 17, 1923.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Bill No. 713 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 4, line 11, of the printed bill, beginning in said line 11, strike out all of lines 11 to 23, inclusive, and insert in lieu thereof the following:

"SEC. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of an outlying contiguous territory, as provided for in this act, shall determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying territory demands the construction or extension of a new or larger main or outfall sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued, or may levy a special tax as provided in section 14 of this act, for the construction or extension of a new or larger main or outfall sewer or for a different system from that already constructed for the disposal of sewage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

Mr. President: Your Special Committee of One, to which was referred Senate Bill No. 713, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print and re-engrossment.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 755—An act to add a new section to the Political Code, to be numbered 363j, relating to the preparation of plans for public buildings and other structures.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Assembly Bill No. 755 to Senator Allen, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, and in lines 2 and 3 of page 1 of the printed bill, strike out the letter "j" following the figures "363", and insert in lieu thereof the letter "n".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

Mr. President: Your Special Committee of One, to which was referred Assembly Bill No. 755, with instructions to amend, respectfully reports the same back, amended as per instructions.

ALLEN, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 607—An act relating to the use of public school-houses as civic centers.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 647—An act relating to courses of study in elementary schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 36—An act to amend an act entitled "An act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in public schools," approved March 13, 1909, by amending sections 1 and 2 thereof and adding a new section thereto, to be numbered section 3, all relating to the existence of secret fraternities in public schools.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, strike out the word "may", and insert in lieu thereof the word "must".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Education.

Assembly Bill No. 522—An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, as amended, strike out the following: "The kindergarten fund", and insert in lieu thereof the following: "Any balance remaining in the kindergarten fund, after a sufficient amount has been set apart for the payment of teachers' salaries".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 458—An act to amend section 737*dd* of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 13—An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee districts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 14, of the printed bill, strike out "receive a maximum of", and insert in lieu thereof the following: "receive not to exceed".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 15, of the printed bill, strike out "ten", and insert in lieu thereof the following: "eight".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 721—An act to add a new section to the Political Code of the State of California, to be numbered 3456c, relating to assessments levied by reclamation districts.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, after the word "lands", insert the following: "or rights of way".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 380—An act to amend an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin Drainage District to the Department of Public Works, and providing that the cost thereof shall be paid by the State for a limited period and relieving said district and the Reclamation Board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the Reclamation Board to levy a supplementary assessment and to order called assessments levied in connection with Project No. 6; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of Project No. 6 of said district; authorizing the validation of said bonds; authorizing the State Board of Control to purchase and invest in warrants and bonds of said district; authorizing land owners within said Project No. 6 to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the Reclamation Board Act, approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, by adding a new section thereto, to be numbered section 17.

Bill read second time, and ordered on file for third reading.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read, out of the regular order:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges, and authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state, and to acquire tubes, tunnels, rights of way, easements, franchises or other property rights used or to be used in conjunction with any of such bridges; also to operate and maintain such bridges and to fix and charge tolls for passage over the same; also to issue and sell revenue bonds secured as to the redemption thereof and interest thereon

only by the tolls or other revenues received from such bridge or bridges, and to prescribe the terms and conditions of such bonds; also authorizing any city, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or bridges and to issue and sell general obligation bonds for such purpose; also authorizing the Department of Public Works of the State of California to enter into agreements with any such political subdivisions for the repayment from tolls to be collected on such bridges, of amounts so advanced or contributed; also dedicating and granting rights of way over or across State owned lands; also providing for the method of acquiring property or rights of way over lands or property belonging to any city, county, city and county, incorporated city or town or joint highway district and for payment for such property or for damages thereto; also providing for the manner in which contracts shall be let for the building of bridges or approaches thereto; also providing that bridges or approaches thereto or appropriated to a public use by any person, firm or private corporation may be condemned or taken under eminent domain proceedings; and also providing for the elimination of toll charges on bridges acquired or constructed under this act; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds, and may be used as security for the performance of an act or the deposit of public moneys—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that they be adopted, and that the bill be printed, and be referred to this committee.

(Signed out)

MUELLER, Chairman  
BAKER.  
WELLER.  
COBB.  
BREED.  
TILLES.  
GARRISON.  
MALONEY.  
NELSON.

#### SECOND READING OF SENATE BILLS—RESUMED

Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges, and authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state, and to acquire tubes, tunnels, rights of way, easements, franchises or other property rights used or to be used in conjunction with any of such bridges; also to operate and maintain such bridges and to fix and charge tolls for passage over the same; also to issue and sell revenue bonds secured as to the redemption thereof and interest thereon only by the tolls or other revenues received from such bridge or bridges, and to prescribe the terms and conditions of such bonds; also authorizing any city, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or bridges and to issue and sell general obligation bonds for such purpose; also authorizing the Department of Public Works of the State of California to enter into agreements with any such political subdivisions for the repayment from tolls to be collected on such bridges, of amounts so advanced or contributed; also dedicating and granting rights of way over or across State owned lands; also providing for the method of acquiring property or rights of way over lands or property belonging to any city, county, city and county, incorporated city or town or joint highway district and for payment for such property or for damages thereto; also providing for the manner in which contracts shall be let for the building of bridges or approaches thereto; also providing that bridges



or any real or personal property, franchises or rights appurtenant thereto or appropriated to a public use by any person, firm or private corporation may be condemned or taken under eminent domain proceedings; and also providing for the elimination of toll charges on bridges acquired or constructed under this act; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds, and may be used as security for the performance of an act or the deposit of public moneys.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, as amended March 21, 1929, beginning in said line 1, strike out all of the lines 1 to 4, inclusive, and all of page 2, and lines 1 to 8, inclusive; on page 3, and insert in lieu thereof the following:

"An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California toll bridge authority and providing for membership thereof and specifying its duties and powers; also authorizing California toll bridge authority to authorize and direct the department of public works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the department of public works to make recommendations to the California toll bridge authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California toll bridge authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California toll bridge authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the department of public works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the department of public works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California toll bridge authority shall not constitute or be a debt or general obligation of the state and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California toll bridge authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also

authorizing California toll bridge authority to make agreements with steam, electric railroad and other transportation for the use of portions of toll bridges or other toll highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across state property for the construction of such toll bridges or other toll highway crossings; also appropriating fifty thousand dollars for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 6, line 38, of the printed bill, as amended March 21, 1929, beginning in said line 38, strike out all of the lines 38 to 51, inclusive, and all of pages 7 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. It is hereby declared to be the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the state, with the end in view of ultimately eliminating all toll charges thereon.

SEC. 2. The term "department of public works" when used in this act shall be construed to mean the department of public works of the State of California.

The term "bond" when used in this act, either in the singular or plural, shall be construed to mean any bond or other written evidence of indebtedness which the California toll bridge authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

SEC. 3. There is hereby created a board to be known as California toll bridge authority, composed of the governor, the director of the department of public works of the State of California and the chairman of the California highway commission, or in the event the office of director of the department of public works of the State of California and the office of chairman of the California highway commission or either of them hereafter be discontinued or abolished by law, then the governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office. All of said members shall serve thereon without compensation, and a majority of them shall be empowered to act for said authority. The California toll bridge authority may employ a secretary and such other persons as may be necessary to enable it to properly perform the duties imposed upon it by this act.

SEC. 4. The California toll bridge authority shall authorize and direct the department of public works to build toll bridges and other toll highway crossings and to acquire for and in the name of the State of California toll bridges or other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state, whenever in its opinion and in the opinion of the department of public works it is necessary or desirable so to do, and to pay for the same out of any fund or funds provided or made available by this act. The department of public works is hereby empowered to acquire by gift, by purchase or by eminent domain proceedings any bridge, franchise, rights, privileges, easements or other property either real or personal, when the acquisition or construction of any such toll bridge or bridges or other toll highway crossing is authorized by the California toll bridge authority.

SEC. 5. Whenever the department of public works determines that it is advisable or necessary to acquire either through eminent domain proceedings or otherwise any existing privately owned toll bridge or bridges and the approaches or other property, franchises or rights appurtenant thereto, or when the department of public works determines that it is for the best interest of the public highways in the state that a new toll bridge or bridges or other toll highway crossing be constructed and operated by the state, the said department shall submit its recommendation to that effect to the California toll bridge authority, together with preliminary estimates of the cost of such acquisition or construction and an estimate of the amount of revenue bonds which will be required to be issued for such purpose, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of such acquisition or construction. If a majority of the members of the California toll bridge authority concur in the recommendation of the department of public works the said California toll bridge authority shall adopt a resolution declaring that public interest and necessity require the acquisition of any such toll bridge or toll bridges or the construction of such toll bridge or toll bridges or other toll highway crossing and authorizing the issuance of revenue bonds in an amount to be therein specified to provide for such acquisition or construction. The issuance of bonds for the construction of more than one toll bridge or other toll highway crossing may be included in a single authorization. All such bonds so authorized shall be issued in the name of the California toll

bridge authority and shall be identified as toll bridge bonds, and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured only by the tolls or other revenues received from the operation of the particular bridge or bridges or other toll highway crossing for the acquisition or construction of which the bonds were issued, and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt or general obligation of the State of California; and all of said revenue bonds shall contain the further recital written or printed thereon that the California toll bridge authority reserves the right to retire and pay from any funds that may be available therefor all or any part of any issue of said bonds which may be outstanding after the expiration of five years from the date of the issuance thereof. Such bonds to be so retired at not less than par or at such other amount in excess of par as said California toll bridge authority may determine and recite on the face of said bonds when issued.

SEC. 6. All revenue bonds authorized under the terms of this act shall be issued and sold from time to time by the California toll bridge authority as and when money is needed by the department of public works for the acquisition or construction of any such toll bridges or other toll highway crossings, and to pay interest on outstanding bonds of any particular issue during the period of actual construction of any such bridge or bridges or other toll highway crossing and for a period of six months thereafter, and the proceeds thereof are hereby made available for such purposes. The California toll bridge authority shall determine the form, conditions and denominations of all such bonds, and from time to time as the sale of any portion of the bonds authorized for the construction of any particular toll bridge or bridges or other toll structures are to be issued and sold, said authority shall determine the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said authority according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said authority as to the rate of interest shall be conclusive as to the then prevailing market conditions; and the said authority shall also fix the time of maturity of all bonds issued and the time and place of payment of principal and interest thereon. All interest payments shall be made semiannually. All such bonds shall be signed by the director of public works and countersigned by the governor and the chairman of the California highway commission. The signatures of the governor and the chairman of the California highway commission may be by facsimile. All interest coupons shall bear the facsimile signature of the director of the department of public works. Said bonds shall bear the signatures of the persons holding the particular offices referred to at the time the bonds are issued. No bonds authorized under this act shall be sold for less than the par value thereof plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of any particular bridge or bridges or other toll highway crossing shall have equal preference with respect to the redemption thereof and the payment of interest thereon; *provided, however*, the California toll bridge authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the California toll bridge authority may deem proper. The said authority may reject any and all bids made for such bonds.

SEC. 7. The California toll bridge authority is hereby empowered to fix the rates of toll for all toll bridges or other toll highway crossings acquired or built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such bridge or bridges or other toll highway crossing and to the amount required annually to meet the redemption of bonds and interest payments thereon, and also to appropriations and contributions from other sources to aid in meeting any such payments. The tolls so fixed shall never be less than sufficient to meet the estimated operating and maintenance expenses and all redemption payments and interest charges of the bonds issued for any particular bridge or bridges or other toll highway crossing as the same fall due.

SEC. 8. The department of public works shall have full charge of the acquisition and construction of all such toll bridges and other toll highway crossing as may be authorized by the California toll bridge authority, the operation and maintenance thereof and the collection of tolls thereon.

SEC. 9. When the department of public works can not acquire any toll bridge or any toll highway crossing, or the real or personal property, franchises, rights, privileges or easements needed for bridge or highway crossing purposes or approaches thereto, by agreement with the owner or owners, it shall be lawful for the department of public works, and said department is hereby authorized, to condemn and take any such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements deemed necessary for such bridge or highway crossing or approach thereto, under the provisions of the laws of this state relating to



eminent domain proceedings. Said department shall not have power to commence any such proceedings in eminent domain unless and until the California toll bridge authority shall first have passed a resolution declaring that public interest and necessity require the acquisition, construction or completion by the state acting through the said department of public works of any such bridge or highway crossing, or the acquisition of any particular real estate, personal property, franchises, rights, privileges or easements, and that such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements are necessary therefor. Such resolution shall be conclusive evidence (a) of the public necessity of such acquisition, construction or completion; (b) that such property and said franchises, rights, privileges or easements are necessary therefor; and, (c) that such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department of public works to condemn any toll bridge or toll highway crossing, real estate, personal property, franchises, rights, privileges or easements used or to be used in connection with any such bridge or highway crossing, the attorney general of the state shall represent the department of public works, and shall upon his request, be assisted by the district attorney of the county or the city attorney of the city or city and county wherein lies the bridge, highway crossing, real estate, personal property, franchises, rights, privileges or easements sought to be acquired, and by the attorneys for the department of public works. In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridges or other toll highway crossing, real property, franchises, rights or other property appurtenant to any such bridges or highway crossing already appropriated to a public use by any person, firm or private corporation may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use to which such property has been so appropriated, or for any other public purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use than the public use to which such property has already been appropriated.

SEC. 10. Bonds issued under the provisions of this act shall not constitute or be a debt or general obligation of the state, and the payment of both principal and interest of all such bonds shall be secured only by the tolls or other revenues collected from the particular bridge or bridges or other toll highway crossings for which such bonds were issued, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available under the terms of this act.

SEC. 11. Any city, county, city and county, incorporated city or town, or joint highway district may, upon the request of the department of public works or of the California toll bridge authority advance or contribute money, rights of way, labor, materials and other property toward the expense of building, acquiring and maintaining the bridges or other highway crossings referred to in this act, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state. Any of the political subdivisions or public corporations mentioned in this section may also issue general obligation bonds for any of such purposes, and all proceedings for the authorization, issue and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation. Money or property so advanced or contributed may be immediately transferred or delivered to the department of public works or to the California toll bridge authority to be used for the purpose for which such advance or contribution was made. The California toll bridge authority may enter into a binding agreement with any city, county, city and county, incorporated city or town, or joint highway district to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of acquiring or constructing any bridge or other toll highway crossing acquired or constructed as provided for in this act; provided no repayment therefor shall be made until all obligations issued by the California toll bridge authority for the acquisition or construction of any such bridge or other toll highway crossing have been fully redeemed and paid, and then only out of the toll revenues received from the operation of any such bridge or highway crossing. After all bonds issued hereunder for the acquisition or construction of any bridge or other toll highway crossing have been fully redeemed and paid no further tolls shall be collected thereon unless, because of some extraordinary casualty or calamity, or unusually heavy maintenance requirements the California toll bridge authority shall determine it necessary to continue for a longer period the collection of tolls on such bridge or other toll highway crossing; and also unless the said California toll bridge authority shall determine to continue the collection of tolls for the purpose of repayment to any city, county, city and county, incorporated city and town, or joint highway district of any amount the California toll bridge authority shall have theretofore agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the acquisition or construction of any such bridge or toll highway crossing.

SEC. 12. When any privately owned toll bridge is acquired or the location of any toll bridge or other toll highway crossing to be constructed under this act is determined upon, and revenue bonds of the character herein provided for have been authorized for such acquisition or construction, no city, county, city and county, joint highway district, bridge and highway district, or other public corporation or district of the state shall build or authorize the building of any bridge, subway or other highway crossing or establish or authorize the establishment and maintenance of any free ferry across the same body of water within five miles on either side of any such bridge so acquired or the location of any such bridge to be constructed under this act, nor shall the department of public works build any additional bridge, subway or other highway crossing or establish any free ferry within said distance of five miles until all of said revenue bonds issued for such acquisition and construction, together with interest thereon, shall have been paid; *and provided, further*, that no city, county, city and county, joint highway district, bridge and highway district or other public corporation or district shall build or authorize the building of any bridge, subway or other highway crossing or authorize the establishment of any free ferry across the same body of water within a distance greater than five miles and less than fifteen miles on either side of any bridge acquired or constructed or for which bonds may have been issued under this act without the approval and consent of the California toll bridge authority, which approval and consent may be withheld in the discretion of said California toll bridge authority when the said authority reasonably determines that the establishment of such additional bridge, subway or other highway crossing or ferry would be competitive with any toll bridge acquired or constructed or to be acquired or constructed under this act; *provided, further*, that the limitations as to distance contained in this section shall not apply to the construction of any bridge which may hereafter be built across the Golden Gate from the city and county of San Francisco to the county of Marin by the Golden Gate bridge and highway district, organized and incorporated under the provisions of an act entitled, "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto", approved May 25, 1923, and all amendments thereto, or any bridge which may hereafter be built across said Golden Gate between the city and county of San Francisco and the county of Marin. If the California toll bridge authority shall authorize the acquisition or construction of any toll bridge designed for and limited to the carrying of a particular class or particular classes of traffic, or issue bonds therefor, the construction of other bridges designed for and limited to the carrying of different and distinct classes of traffic shall not be deemed competitive, and the limitations as to distance contained in this section shall not then apply. The provisions of this section relating to restrictions against the construction of competitive bridges, ferries, subways and other highway crossings may be recited in said revenue bonds as and as evidence of a contract to that effect between the California toll bridge authority and the holders of said revenue bonds. The California toll bridge authority may except any existing or proposed bridge, ferry, subway or other highway crossing from the limitations as to distance within which another bridge, subway or other highway crossing may be constructed by the proceedings authorizing the issuance of said revenue bonds provided recital of such exception is made on the face of said bonds.

SEC. 13. The proceeds from the sale of all bonds authorized under the provisions of this act shall be deposited forthwith by the California toll bridge authority in the state treasury to the credit of a fund to be designated as the acquisition and construction fund of the particular bridge, or bridges or other highway crossing for which such bonds were issued and sold.

All tolls or other revenues received from the operation of any bridge or bridges or other highway crossing acquired or constructed from the proceeds of bonds issued and sold hereunder shall be deposited by the department of public works at least monthly in the state treasury to the credit of a fund to be designated as the toll revenue fund of the particular bridge or bridges or other highway crossing producing such tolls or revenue.

From the money so deposited in each separate acquisition and construction fund as hereinabove provided, the state treasurer shall, upon the demand of the California toll bridge authority, transfer to a special fund to be designated as a bond interest and redemption fund such sums designated by the California toll bridge authority as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of any particular bridge or bridges or other toll highway crossing during the period of actual construction and during a period of six months immediately thereafter. The treasurer shall thereafter transfer from each such separate toll revenue fund into said bond interest and redemption fund, such sums designated by the California toll bridge authority as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the

particular bridge or bridges or other highway crossing producing the tolls or revenues so deposited in said toll bridge revenue fund.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as heretofore provided shall be devoted to the payment of the costs of operation and maintenance of such bridge or bridges or other highway crossing to the extent necessary therefor. Any balance remaining in said fund after paying such operation and maintenance expenses may be allocated and used for such other purposes incidental to the acquisition, construction, operation and maintenance of such bridge or bridges or other highway crossing as the California toll bridge authority may determine.

The principal of and interest on all said bonds which may be sold shall be paid by the state treasurer at the time the same become due from said bond interest and redemption fund upon presentation of the bonds or bond interest coupons of the holders thereof. Warrants for such payment shall be duly drawn by the state controller upon request of the state treasurer.

Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition or construction of any particular bridge or bridges or other highway crossing, or to meet the costs of operating, maintaining and repairing the same shall be paid from the proper fund therefor as herein provided upon demand of the department of public works and after audit thereof in the manner provided by law and upon warrants drawn by the controller.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund from which said interest is derived.

SEC. 14. Nothing in this act shall be construed to prevent the state from making appropriations from time to time in aid of the acquisition or construction of any such toll bridge or bridges or other toll highway crossing, or property, franchises or rights appurtenant thereto, or for the purpose of making preliminary surveys, plans and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature may deem proper.

SEC. 15. Any city, county, city and county, incorporated bridge and highway district, or joint highway district may by proper resolution of its governing body petition the California toll bridge authority requesting said authority to authorize the acquisition or construction of any toll bridge or other toll highway crossing across any waters, bays, arms of bays, rivers or streams wholly within, or bordering upon, or wholly without the limits of any such political subdivision or public corporation herein mentioned. If the California toll bridge authority refuses to authorize the acquisition or construction of any such proposed toll bridge or other toll highway crossing, or in the event said authority does not within three years from the receipt of said petition authorize the acquisition or construction of such toll bridge or other toll highway crossing, then any such city, county, city and county, incorporated bridge and highway district or joint highway district, either singly or in conjunction with other cities, counties, cities and counties, incorporated bridge and highway districts or joint highway districts, may acquire or construct such toll bridge or other toll highway crossing, subject, however, to the limitations of section 12 of this act relative to the building of bridges in competition with bridges acquired or constructed.

SEC. 16. Bonds issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds, and whenever any money or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in the said bonds issued under this act and in accordance with its provisions, and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act and in pursuance of its provisions may be so used.

SEC. 17. The California toll bridge authority is authorized to enter into agreements with steam and electric or other railroad or transportation companies for the use of portions of such bridges or other toll highway crossings at such charges or tolls as may be mutually agreed upon should the California toll bridge authority consider such agreements advisable or necessary for the financing of such bridges or highway crossings, and for the best interests of the state.

SEC. 18. The department of public works, through its own engineers or through such other engineers or experts it may employ, shall design all bridges to be built under the authority of this act, and may build the same or any portions thereof either by its own employees or by contract with any person, firm or corporation. The cost of any or of all such bridges shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations from other sources as herein provided. Any such bridge or bridges or portions thereof shall be built by the department of public works under and in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation





Also: Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

CLEVELAND, Vice Chairman.

Assembly Bills Nos. 143 and 345 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 4, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman

Senate Bill No. 846 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1079—An act to add a new section to the Political Code to be numbered 2321, relating to the office of county agricultural commissioner—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Agriculture and Live Stock.

Committee membership—9; committee vote: Ayes—6; absent—3.

CLEVELAND, Vice Chairman.

Assembly Bill No. 1079 ordered re-referred to Committee on Agriculture and Live Stock.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 67—An act to repeal section 2572 of the Political Code, relating to the Board of Harbor Commissioners of the port of Eureka on Humboldt Bay and to the officers and employees thereof;

Also: Assembly Bill No. 550—An act to add two new sections, to be numbered 13 and 14, to an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to withdrawal and annexation of territory in public cemetery districts;

Also: Assembly Bill No. 85—An act to amend section 2640 of the Political Code, relating to the acquisition of new roads and the grading, regrading, paving, macadamizing, surfacing, repairing and maintaining of existing roads;

Also: Assembly Bill No. 86—An act to amend section 2713 of the Political Code, relating to the construction and repair of bridges;

Also: Assembly Bill No. 239—An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses;

Also: Assembly Bill No. 468—An act to amend section 1946 of the Civil Code, relating to the hiring of real property;

Also: Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners, and to repeal sections 18, 18a and 1588 of the Penal Code, relating to terms of imprisonment;

Also: Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code, and to add a new section to said code, to be numbered 2176a, all relating to the Department of Institutions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 67 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 550, 239 and 468 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 85 and 86 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 977 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 983 read first time, and referred to Committee on Governmental Efficiency.

#### ADJOURNMENT.

At four o'clock and thirty-five minutes p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned until ten o'clock a.m., Monday, April 8, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, April 8, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Friday, April 5, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### LEAVES OF ABSENCE.

Senator Gray was, on motion of Senator Crowley, granted leave of absence for this day.

#### PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal:

By Senator Lyon:

#### RESOLUTION.

At a special meeting of the board of directors of the Affiliated Improvement Associations of the city and county of Los Angeles, held on the twenty-eighth day of March, 1929, the following resolution was adopted:

WHEREAS, It has come to the attention of the board of directors of the Affiliated Improvement Associations of the City and County of Los Angeles that a certain bill, No. 813, has been introduced in the lower house of the Legislature of the State of California, entitled "An act to amend section 702 of the Code of Civil Procedure of the State of California by adding thereto a provision relating to redemption from sales under foreclosure of mortgages," which bill provides that the period of redemption from a sale of real property on foreclosure of any mortgage hereafter executed shall be one hundred twenty days after the day of sale; and



WHEREAS, The period heretofore and now for such redemption is twelve months, which year redemption period from sale under mortgage foreclosure is now and has been for many years a bulwark of the law, a protection to the property owner, and an advantage and impetus in the promotion of real estate transactions, permitting a choice between the twelve months redemption of mortgages, and the four months required to foreclose rights under trust deeds; and

WHEREAS, The change proposed by this bill is in the latter part thereof and is camouflaged by being preceded by the first part of section 702 of the Code of Civil Procedure as it now stands, and in the failure to state in the title of said bill the true purport thereof; and

WHEREAS, By legal construction and court interpretation when two provisions or clauses of an act are contradictory, the latter one is held to prevail, which rule of statutory construction would bring about a reduction from twelve to four months of the right of redemption from mortgage foreclosure sales; if this bill should become a law; now, therefore, be it

*Resolved*, That the Affiliated Improvement Associations of the City and County of Los Angeles does hereby place itself on record as strenuously opposed to this bill and the proposed amendment therein contained for the reasons heretofore set forth, and do most earnestly request all members of the Legislature to oppose its enactment; and it is hereby further

*Resolved*, That a copy of this resolution be mailed to every member of the Legislature from the county of Los Angeles.

BOARD OF DIRECTORS OF THE AFFILIATED IMPROVEMENT ASSOCIATIONS OF THE CITY AND COUNTY OF LOS ANGELES.

J. C. EDWARDS, Secretary.

By JAMES B. RIDD, President.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 7. A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 48 of article VI thereof, relating to the ineligibility of judges to other office—and reports that the same has been correctly engrossed.

Also:

JONES, RAY, Chairman.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates;

Also: Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California, and making the same an urgency measure;

Also: Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended;

Also: Senate Bill No. 793—An act to amend sections 290, 290a, 296, 297, 301, 308, 309, 343, 354, 359, 362 and 593 of the Civil Code, to add two new sections to said code numbered 296a and 326a, respectively, and to repeal sections 290c, 290d, 290f, 290g, 290h, 291, 293, 294, 295, 321a, 344, 361, 403 and 604a, all relating to corporations;

Also: Senate Bill No. 794—An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter 6, title I, part IV, division I of the Civil Code, and to add two new sections to said chapter, to be numbered 411 and 412, respectively, all relating to foreign corporations;

Also: Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act;

Also: Senate Bill No. 618—An act to add a new section 3474 to the Penal Code, relating to the sale and use of poisons and providing a penalty for the violation thereof;

Also: Senate Bill No. 27—An act to amend section 626a of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings;

Also: Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners;

Also: Senate Bill No. 848—An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances;

Also: Senate Bill No. 228—An act to add three new sections to the Political Code, to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor;

Also: Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act;

Also: Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California;

Also: Senate Bill No. 466—An act to amend an act entitled "American River Flood Control District Act," approved May 28, 1927, by amending sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding four new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees; a new section to be numbered section 11a, providing for a bond validation proceeding; a new section to be numbered section 18a, making an appropriation in the sum of \$25,000 to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment; a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Also: Senate Bill No. 763—An act to amend sections 14, 15 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15a and 37a, respectively, relating to the crediting of canceled warrants and providing for the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year 1930, being Public Law No. 843, seventieth Congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith;

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article XI of said constitution, relative to elections and eligibility of voters, disabilities and absent voters; And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 353—An act relating to the passage of ordinances by cities and authorizing cities to adopt ordinances relating to the regu-

lation of traffic upon public highways by reference to printed codes or copies on such subjects; provided that not less than three printed copies of such code or codes, or any amendments thereto in book or pamphlet form, have been filed with the city clerk.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 615.—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions, providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, insert before the word "to", the following: "or representatives".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, after the word "duties", insert the words "or method of removal".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 40, of the printed bill, strike out the words "Any appointive member", and the remainder of said line, and all of lines 41 to 50, inclusive, and all that portion of line 51 reading "from time to time until concluded", and insert in lieu thereof the following: "Any appointive member of the planning commission may be removed by the appointing official, at his pleasure, with the concurrence of the legislative body".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 4, line 28, of the printed bill, strike out the words: "or embellishment".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 5, line 25, of the printed bill, strike out the word "Provided", and all of the remainder of said line, and all of lines 26, 27, 28 and 29, and insert in lieu thereof the following: "Provided, that if such additions or changes be disapproved by the commission, a majority vote of the entire membership of the legislative body shall be necessary to pass any ordinance overruling such disapproval by the commission".

Amendment adopted.



## AMENDMENT NUMBER SIX.

On page 5, line 35, of the printed bill, after the word "otherwise", insert "except by bequest".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 5, line 44, of the printed bill, strike out the words "shall only have", all of line 45, and to the word "membership" in line 46, and insert in lieu thereof the words "may overrule such disapproval by a majority vote of its entire membership".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 51, of the printed bill, strike out the words "a two-thirds vote of the entire membership", and strike out all of line 1, page 7, and all of line 2, page 7, and insert in lieu thereof the following: "a majority vote of the entire membership of the legislative body shall be required to pass any ordinance adopting such changes or additions".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 7, line 2, of the printed bill, strike out the period, and insert thereafter the following:

"In case of any substantial difference between the master plan adopted by a regional or county planning commission and the master plan adopted by any municipality therein, it shall be the duty of the city planning commission of the municipality and the regional and or county planning commission of the district to hold joint conferences between them for the purpose of reconciling such differences, at which joint conferences members of the city council of the municipality and members of the board of supervisors of the county in which the district is situated may be invited to participate to the end that such differences may be reconciled and the master plans of the city and the district made to harmonize".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 7, line 18, of the printed bill, strike out the words "whenever the city" and all of the rest of said line, and lines 19 to 28, inclusive, and insert in lieu thereof the following: "Whenever the city, city and county, or county, shall have established a planning commission pursuant to and in accordance with the provisions of this act and shall have adopted rules governing subdivisions, which rules thereafter have been officially adopted by ordinance by the governing body of said city, city and county, or county, such planning commission shall have such control over subdivisions as is granted to it by such regulations and by the statutes of the State of California".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 7, line 30, of the printed bill, strike out the words "or lay or authorize", and strike out all of line 31 of the printed bill.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 8, line 17, of the printed bill, strike out the words "a public hearing thereon", and insert in lieu thereof the following: "at least two public hearings thereon, said hearings to be not less than thirty or more than sixty days apart,".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 8, line 18, of the printed bill, strike out the words "such hearing", and insert in lieu thereof the following: "the first of such hearings".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 8, line 20, of the printed bill, strike out "five (5)", and insert in lieu thereof the following: "fifteen (15)".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 8, line 26, of the printed bill, strike out "ten (10)", and insert in lieu thereof "Fifteen (15)".

**Amendment adopted.**

## AMENDMENT NUMBER SIXTEEN.

On page 8, line 26, of the printed bill, strike out the word "aforesaid", and insert in lieu thereof the following: "first of the said".

**Amendment adopted.**

## AMENDMENT NUMBER SEVENTEEN.

On page 8, line 27, of the printed bill, strike out the word "Hearing", and insert in lieu thereof the following: "hearings".

**Amendment adopted.**

## AMENDMENT NUMBER EIGHTEEN.

On page 8, line 35, of the printed bill, strike out "ten (10)", and insert in lieu thereof the following: "fifteen (15)".

**Amendment adopted.**

## AMENDMENT NUMBER NINETEEN.

On page 8, line 35, of the printed bill, insert before the word "said", the following: "the first of".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY.

On page 8, line 36, of the printed bill, strike out the word "hearing", and insert in lieu thereof the following: "hearings".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-ONE.

On page 8, line 44, of the printed bill, strike out "ten (10)", and insert in lieu thereof the following: "fifteen (15)".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-TWO.

On page 8, line 45, of the printed bill, strike out the words "said hearing", and insert in lieu thereof the following: "the first of said hearings".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-THREE.

On page 9, line 1, of the printed bill, strike out the word "hearing", and insert in lieu thereof the following: "hearings".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FOUR.

On page 9, line 16, of the printed bill, strike out the words "13 and 14", and insert in lieu thereof the following: "13, 14, 14a, and 14b."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FIVE.

On page 9, line 24, of the printed bill, strike out the word "from", and all the rest of said line and all of lines 25 to 52, both inclusive, of said page, and all of lines 1 to 19, both inclusive, of page 10, and insert in lieu thereof the following:

"If any owner of property contained within the boundaries of any such future street lines or owning any interest therein, shall claim that the adoption of said precised street plan constitutes the taking of his property by the said city, city and county, or county, he shall, within three months from the date of filing such map in the county recorder's office, file notice of his claim with the clerk of the governing body thereof and record a copy thereof showing filing of the original with the clerk of the governing body. In the event that said city, city and county, or county shall fail within three months after filing of the claim as aforesaid to acquire a limited easement over said property for the life of the said precised street plan, or to begin condemnation proceedings for the acquisition thereof, or to vacate by ordinance the precised street plans so far as it applies to claimant's property, then said precised street plans shall automatically be declared, so far as claimant's

property is concerned to be vacated and he shall hold the same free from any claim under the provisions of this act for the control of said property. Said owner or claimant of an interest therein shall be entitled, upon demand, to a certificate from the clerk of the governing body of the city, city and county, or county, that said city, city and county, or county has failed to acquire such limited easement or begin condemnation proceedings as required by this section for the acquisition thereof, and said certificate duly filed in the office of the county recorder shall constitute conclusive evidence of the removal of any cloud on his title by virtue of the adoption of said precised street plan.

In the event that any owner of property lying within the boundaries of such precised street plans or any claimant of interest therein shall fail to file a claim as specified in this section, such owner or claimant shall be conclusively deemed to have waived any claim for damages by reason of the easement over and across his property or the property in which he claims an interest by virtue of said street plan except as hereinafter provided, but he shall not be deemed to have waived any title to the property within any precised street plan or any interest therein other than the right to erect or construct thereon a building without first complying with the provisions of section 14a of this act.

SEC. 14a. No person who has been compensated in accordance with the provisions of section 14 or who has waived his right to indemnity thereunder, shall erect or construct, or begin to erect or construct, any building capable of human habitation or use, fences and walls excluded, within the boundaries of any street shown on such precised street plan until three months after he has filed with the clerk of the governing body an affidavit setting forth his intention immediately to build thereon, the character of the proposed building, its estimated cost, the price at which he will convey to said city, city and county, or county a street easement over his property in accordance with the provisions of said precised street plan. He shall thereafter record a certified copy thereof showing the original to have been so filed in the office of the county recorder. The governing body may at any time within three months after the filing of such affidavit purchase or commence eminent domain proceedings for the acquisition of a street easement across said property in accordance with the provisions of said precised street plan. The cost of acquisition of said street easement may be made a part of the preliminary expenses of any acquisition of the entire street as shown on said precised street plan by a subsequent special assessment proceeding and in said case out of the funds obtained from the special assessment proceedings, if provided by the resolution of intention therein, there shall be returned to the revolving fund established by section 14b of this act, the cost of acquisition of the street easement over said particular parcel.

If the city, city and county, or county, fails to purchase or commence eminent domain proceedings for the acquisition of such a street easement across the parcel of said claimant within the time above stated, or such shorter time when the governing body has given formal notice of its intention not to secure such easement at said time, copy of such notice, properly attested, to be recorded in the office of the county recorder, then the owner thereof may construct such building free from any claim of the city, city and county, or county, to control the use of said property by reason of the adoption of the precised street plan under the provisions of this act.

No damage shall hereafter be awarded in any eminent domain proceedings for the taking of or damage to any structure located within the right of way shown upon such precised street plan by reason of the carrying out of the proposed public improvement shown upon such a precised street plan where the owner of any parcel contained therein has failed to file the affidavit or failed to wait thereafter the prescribed time, or in excess of the amount of damage which would have been awarded had the structure built been fairly included within that set forth in the description contained in the affidavit filed by such person; *provided, however*, that nothing contained herein shall be construed to prevent an owner from filing subsequent and different affidavits and offers when his plan for the proposed structure are changed, said additional affidavits and offers to be subject to all provisions of this section.

From and after the filing for record of any precised street plan no permit shall be issued for the construction of any building or structure or any part thereof: fences and walls excluded on any part of the land right between the future lines of any street shown on such precised street plan until the applicant therefor can demonstrate to the body issuing such permits that such property has been released from the effects of said precised street plan under the provisions of section 14 or this section of this act.

SEC. 14b. Any city, city and county, or county, is hereby authorized to levy a tax of not to exceed two mills per dollar of assessed valuation for the purpose of creating a revolving fund for the purpose of compensating property owners under the provisions of sections 14 and 14a of this act, and are further authorized to expend any and all unappropriated funds of said city, city and county, or county for the purposes set forth in said sections. Any compensation paid under sections 14 or 14a of this act may, in the discretion of the governing body of the city, city and county, or county, be made a charge against any special assessment district later established for the purpose of acquiring a street easement in accordance with the provisions of such precised street plan. In the event that such compensation is made a charge against any special assessment district, the proceeds derived from



such special assessment district to compensate the city, city and county, or county therefor shall be paid into the special fund created by such tax if originally paid therefrom, or such other fund as it may in the first instance have been paid from".

### Amendment adopted.

#### AMENDMENT NUMBER TWENTY-SIX.

On page 11, line 1, of the printed bill, strike out the word "one", and insert in lieu thereof the word "five".

### Amendment adopted.

#### AMENDMENT NUMBER TWENTY-SEVEN.

On page 11, line 6, of the printed bill, strike out the words "upon the same day", and insert in lieu thereof the words "Within a period of ten days".

### Amendment adopted.

#### AMENDMENT NUMBER TWENTY-EIGHT.

On page 11, line 9, of the printed bill, strike out all of lines 9 to 13, inclusive, and insert in lieu thereof the following: "A request for the formation of a regional planning district and for the creation of a regional planning commission therefor".

### Amendment adopted.

#### AMENDMENT NUMBER TWENTY-NINE.

On page 11, line 20, of the printed bill, after the words "assessed valuation", insert the words "of real property".

### Amendment adopted.

#### AMENDMENT NUMBER THIRTY.

On page 11, line 23, of the printed bill, strike out all of lines 23 to 26, inclusive.

### Amendment adopted.

#### AMENDMENT NUMBER THIRTY-ONE.

On page 11, line 27, of the printed bill, strike out the letter "(c)", and insert in lieu thereof the letter "(e)".

### Amendment adopted.

#### AMENDMENT NUMBER THIRTY-TWO.

On page 11, line 31, of the printed bill, strike out lines 31 to 52, inclusive; also strike out pages 12 to 13; also strike out lines 1 to 20, inclusive, on page 14, and insert in lieu thereof the following:

"The clerk of the board of supervisors of the county or counties affected shall make an examination of the petition and within ten days after the filing of same shall submit the petition, together with his findings thereon, to the said board of supervisors at the next regular meeting of the board following the expiration of said period.

The board of supervisors shall, upon determining that the certificates and statements submitted to it are to the effect that such petition complies in all respects to the provisions of this act, thereupon call a special election for the submission of the matter proposed in said petition to the electors residing within the proposed district, and for the election of members of a regional planning commission. The form and wording of the question to be submitted shall be specified in the petition. At such special election only qualified electors shall be permitted to vote and the election shall be conducted in the manner provided by law, except in so far as is in conflict with the provisions of this act. Notice of the election shall be given for a period of at least one week prior thereto by publication in a newspaper or newspaper of general circulation in the proposed district. The expenses incurred in the holding of such election shall be paid by each county in which said election is held.

Each person who desires to be a candidate at such election for a member of the regional planning commission shall file with the clerk of the county in which he resides within thirty days after the filing of the petition requesting that said special election be held, a properly executed nomination petition signed by at least five qualified electors residing within the proposed regional planning district in which he resides. The county clerk with whom the nomination petition is filed shall satisfy himself as to the sufficiency of the signatures thereon and shall within ten days after the filing of said petition certify to the sufficiency of said petition. The names of all persons thus nominated shall be placed upon the ballot for such special election in all precincts embraced within said proposed district.

The regional planning commission shall consist of five members, who shall be residents of said district and all of whom shall be elected at the special election creating the regional planning district. The three candidates receiving the highest number of votes shall be the long-term members of the commission, and the remaining

candidates shall be the short-term members of the commission. The short-term members shall serve until the first day of January next following the general biennial election occurring after the special election creating the district. The long-term members shall serve until the first day of January next following the general election occurring after the terms of the short-term members have expired. Thereafter vacancies occurring in the commission on account of the expiration of terms shall be filled by election at general elections and said term of office shall be for four years. Candidates for members of a regional planning commission at any general election shall file nomination petitions as heretofore provided in this act.

Whenever a proposed regional planning district embraces lands lying in more than one county the board of supervisors of the county within which the largest area of the proposed planning district is situated shall be and is hereby constituted the proper legislative body to hear all petitions to organize a regional planning district and to order and conduct elections and to do all other acts necessary to the proper organization of said proposed planning district.

Any special election called under the provisions of this act by a board of supervisors must be called not less than thirty and not more than sixty days after the petition calling for the organization of a regional planning district has been filed with said board of supervisors.

Any regional planning commission created under the provisions of this act may petition the proper board of supervisors at least sixty days before the date of any regular election to submit to the voters of the district a proposal to enlarge or reduce the area included in said district and may also petition said board to submit to the electors a proposal to increase the maximum tax levy authorized hereunder, to an amount not to exceed two mills per dollar of assessed valuation of real property if a lower maximum than two mills has previously been set, and said board of supervisors thus petitioned must cause such questions to be included and placed upon the ballot at the next general election."

#### Amendment adopted.

##### AMENDMENT NUMBER THIRTY-THREE.

On page 14, line 49, of the printed bill, strike out all of lines 49 to 52, inclusive, and insert in lieu thereof the following: "The treasurer of the county in which the board of supervisors has organized a regional planning district shall act as treasurer for said district".

#### Amendment adopted.

##### AMENDMENT NUMBER THIRTY-FOUR.

On page 15, line 5, of the printed bill, strike out the words "and personal".

#### Amendment adopted.

##### AMENDMENT NUMBER THIRTY-FIVE.

On page 15, line 16, of the printed bill, strike out lines 16 and 17, and insert in lieu thereof the following: "general election, by the governor. Failure by any member of the commission to attend".

#### Amendment adopted.

##### AMENDMENT NUMBER THIRTY-SIX.

On page 15, line 27, of the printed bill, after said line 27, insert the following: "The holder or holders of the office of a member of any regional planning commission shall be subject to the provisions of section 4021a of the Political Code to the same extent and in the same manner as though they were holders of an elective office of a county, township, or supervisorial district thereof".

#### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments

for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, and to add a new section to said act, to be numbered section 76½, relating to the foreclosure of bonds.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the title of the printed bill, strike out the figure "1", and insert in lieu thereof the letter "a".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, strike out the words "or resolution".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 6, of the printed bill, following the word "due", insert the following: "upon any bond issued under part 3 of this act."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 23, of the printed bill, strike out the figure "1", and insert in lieu thereof the letter "a".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 25, of the printed bill, strike out the figure "1", and insert in lieu thereof the letter "a".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 29, of the printed bill, commencing with the word "four", strike out all printed matter down to and including the word "to" in line 30, and insert in lieu thereof the words "three months after".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 31, of the printed bill, strike out the words "or resolution".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 33, of the printed bill, strike out the following: "four (4)", and insert in lieu thereof the following: "three (3)".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 40, of the printed bill, following the word "brought", insert the following: "at any time following the expiration of".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12, 21 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement,



and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, strike out the comma following the figures "12", and the figures "21" immediately following.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 7, line 47, of the printed bill, as amended, strike out the words "such petitioner", and insert in lieu thereof the word "owner".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 7, line 48, of the printed bill, as amended, following the period after the word "improvement", insert the following: "Any property owner who fails to file any such petition shall be deemed to have waived his right to a hearing with respect to any damages to any property owned by him, and to object to the amount of such damages fixed by said commission."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 9, line 49, of the printed bill, as amended, strike out the figures "21", and insert in lieu thereof the figures "46".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 9 of the printed bill, as amended, commencing with line 51, strike out all printed matter down to and including line 34 on page 10.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 352—An act prescribing limitations on the amount of indebtedness which may be placed upon lands or real property for street improvements or street acquisitions; providing procedure therefor; the effect thereof, and the conditions under which said limitations shall apply.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 373—An act to add a new section to the Civil Code, to be numbered 3150c, relating to the liability of banks on negotiable instruments forwarded for collection and the liability of the drawer of such instruments.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of the title of said bill, and insert in lieu thereof "An act to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 20, inclusive, and insert in lieu thereof the following:

"SECTION 1. For the purposes of this act:

(a) The term "bank" shall include any corporation or association, engaged in the business of receiving and paying deposits of money within this state. A branch or office of any such bank shall be deemed a bank for the purpose of this act.

(b) The term "item" means any check, note or other instrument providing for the payment of money.

SEC. 2. Except as otherwise provided by agreement and except as to subsequent holders of a negotiable instrument payable to bearer or indorsed specially or in blank, where an item is deposited or received for collection, the bank of deposit shall be agent of the depositor for its collection and each subsequent collecting bank shall be sub-agent of the depositor but shall be authorized to follow the instructions of its immediate forwarding bank and any credit given by any such agent or sub-agent bank therefor shall be revocable until such time as the proceeds are received in actual money or an unconditional credit given on the books of another bank, which such agent has requested or accepted. Where any such bank allows any revocable credit for an item to be withdrawn, such agency relation shall nevertheless continue except the bank shall have all the rights of an owner thereof against prior and subsequent parties to the extent of the amount withdrawn.

SEC. 3. A credit given by a bank for an item drawn on, or payable at such bank shall be provisional, subject to revocation at or before the end of the day on which the item is deposited in the event the item is found not payable for any reason. Whenever a credit is given for an item deposited after banking hours such right of revocation may be exercised during the following business day.

SEC. 4. An indorsement of an item by the payee or other depositor "for deposit" shall be deemed a restrictive indorsement and indicate that the indorsee bank is an agent for collection and not owner of the item.

An indorsement "pay any bank or banker" or having equivalent words shall be deemed a restrictive indorsement and shall indicate the creation of an agency relation in any subsequent bank to whom the paper is forwarded unless coupled with words indicating the creation of a trustee relationship; and such indorsement or other restrictive indorsement whether creating an agency or trustee relationship shall constitute a guaranty by the indorser to all subsequent holders and to the drawee or payee of the genuineness of and the authority to make prior indorsements and also to save the drawee or payee harmless in the event any prior indorsement appearing thereon is defective or irregular in any respect unless such indorsement is coupled with appropriate words disclaiming such liability as guarantor.

Where a deposited item is payable to bearer or indorsed by the depositor in blank or by special indorsement, the fact that such item is so payable or indorsed shall not change the relation of agent of the bank of deposit to the depositor, but subsequent holders shall have the right to rely on the presumption that the bank of deposit is the owner of the item. The indorsement of an item by the bank of deposit or by any subsequent holder in blank or by special indorsement or its delivery when payable to bearer, shall carry the presumption that the indorsee or transferee is owner provided there is nothing upon the face of the paper or in any prior indorsement to indicate an agency or trustee relation of any prior party. But where an item is deposited or is received for collection indorsed specially or in blank the bank may convey such an indorsement into a restrictive indorsement by writing over the signature of the indorser the words "for deposit" or "for collection," or other restrictive words to negative the presumption that such bank of deposit or indorsee bank is owner; and in the case of an item deposited or received for collection payable to bearer, may negative such presumption by indorsing thereon the words "received for deposit" or "received for collection" or words of like import.

SEC. 5. It shall be the duty of the initial or any subsequent agent collecting bank to exercise ordinary care in the collection of an item and when such duty is performed such agent bank shall not be responsible if for any cause payment is not received in money or an unconditional credit given on the books of another bank, which such agent bank has requested or accepted. An initial or subsequent agent collecting bank shall be liable for its own lack of exercise of ordinary care but shall not be liable for the neglect, misconduct, mistakes or defaults of any other agent bank or of the drawee or payor bank.

SEC. 6. (a) Where an item is received on deposit or by a subsequent agent bank for collection, payable in another town or city, it shall be deemed the exercise of ordinary care to forward such item by mail, not later than the business day next following its receipt either (1) direct to the drawee or payor in the event such drawee or payor is a bank or (2) to another bank collecting agent according to the usual banking custom, either located in the town or city where the item is payable or in another town or city.

(b) Where an item is received on deposit or by a subsequent agent bank for collection, payable by or at another bank in the same town or city in which such agent bank is located, it shall be deemed the exercise of ordinary care to present the item for payment at any time not later than the next business day following the

day on which the item is received either (1) at the counter of the drawee or payor by agent or messenger or (2) through the local clearing house under the regular established procedure, or according to the usual banking custom where the collecting or payor bank is located in an outlying district.

(c) The designation of the above methods shall not exclude any other method of forwarding or presentment which under existing rules of law would constitute ordinary care.

SEC. 7. Where the item is received by mail by a solvent drawee or payor bank, it shall be deemed paid when the amount is finally charged to the account of the maker or drawer.

SEC. 8. Where an agent bank forwards an item for collection, it shall not be responsible for its loss or destruction in transit, or, when in the possession of others, for its inability to repossess itself thereof, provided there has been no lack of ordinary care on its part.

SEC. 9. Where ordinary care is exercised, any agent collecting bank may receive in payment of an item without becoming responsible as debtor therefor, whether presented by mail, through the clearing house or over the counter of the drawee or payor, in lieu of money, either (a) the check or draft of the drawee or payor upon another bank or (b) the check or draft of any other bank upon any bank other than the drawee or payor of the item or (c) such method of settlement as may be customary in a local clearing house or between clearing banks or otherwise; *provided*, that whenever such agent collecting bank shall request or accept in payment an unconditional credit which has been given to it on the books of the drawee or payor or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

SEC. 10. Where ordinary care is exercised, any agent collecting bank may receive from any subsequent bank in the chain of collection in remittance for an item which has been paid, in lieu of money, the check or draft of the remitting bank upon any bank other than itself or the drawee or payor of the item or such other method of settlement as may be customary; *provided*, that whenever such agent collecting bank shall request or accept an unconditional credit which has been given to it on the books of the remitting bank or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

SEC. 11. Where an item is duly presented by mail to the drawee or payor, whether or not the same has been charged to the account of the maker or drawer thereof or returned to such maker or drawer, the agent collecting bank so presenting may, at its election, exercised with reasonable diligence, treat such item as dishonored by nonpayment and recourse may be had upon prior parties thereto in any of the following cases:

(1) Where the check or draft of the drawee or payor bank upon another bank received in payment therefor shall not be paid in due course;

(2) Where the drawee or payor bank shall without request or authority tender as payment its own check or draft upon itself or other instrument upon which it is primarily liable;

(3) Where the drawee or payor bank shall give an unrequested or unauthorized credit therefor on its books or the books of another bank; or

(4) Where the drawee or payor shall retain such item without remitting therefor on the day of receipt or on the day of maturity if payable otherwise than on demand and received by it prior to or on such day of maturity.

*Provided, however*, that in any case where the drawee or payor bank shall return any such item unpaid not later than the day of receipt or of maturity as aforesaid in the exercise of its right to make payment only at its own counter, such item cannot be treated as dishonored by nonpayment and the delay caused thereby shall not relieve prior parties from liability.

*Provided, further*, that no agent collecting bank shall be liable to the owner of an item where, in the exercise of ordinary care in the interest of such owner, it makes or does not make the election above provided or takes such steps as it may deem necessary in cases (2), (3) and (4) above.

SEC. 12. In case of the dishonor of an item duly presented by mail as provided for in the next preceding section, notice of dishonor of such item to prior parties shall be sufficient if given with reasonable diligence after such dishonor; and further in the event of failure to obtain the return of any such item notice of dishonor may be given upon a copy or written particulars thereof, and delay in giving notice of dishonor caused by an attempt with reasonable diligence to obtain return of such item shall be excused.

SEC. 13. 1. When the drawee or payor, or any other agent collecting bank shall fail or be closed for business by the superintendent of banks, or any other qualified public official, or by action of the board of directors or by other proper legal action, after an item shall be mailed or otherwise entrusted to it for collection or payment but before the actual collection or payment thereof, it shall be the duty of the receiver or other official in charge of its assets to return such item, if same is in his possession, to the forwarding or presenting bank with reasonable diligence.



2. Except in cases where an item or items are treated as dishonored by nonpayment as provided in section 11, when a drawee or payor bank has presented to it for payment an item or items drawn upon or payable by or at such bank and at the time has on deposit to the credit of the maker or drawer an amount equal to such item or items and such drawee or payor shall fail or close for business as above, after having charged such item or items to the account of the maker or drawer thereof or otherwise discharged his liability thereon but without such item or items having been paid or settled for by the drawee or payor either in money or by an unconditional credit given on its books or on the books of any other bank, which has been requested or accepted so as to constitute such drawee or payor or other bank debtor therefor, the assets of such drawee or payor shall be impressed with a trust in favor of the owner or owners of such item or items for the amount thereof, or for the balance payable upon a number of items which have been exchanged, and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

3. Where an agent collecting bank other than the drawee or payor shall fail or be closed for business as above, after having received in any form the proceeds of an item or items entrusted to it for collection, but without such item or items having been paid or remitted for by it either in money or by an unconditional credit given on its books or on the books of any other bank which has been requested or accepted so as to constitute such failed collecting or other bank debtor therefor, the assets of such agent collecting bank which has failed or been closed for business as above shall be impressed with a trust in favor of the owner or owners of such item or items for the amount of such proceeds and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

SEC. 14. The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

SEC. 15. In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

SEC. 16. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. 17. This act shall be known as the "Bank collection act."

SEC. 18. All acts or parts of acts inconsistent with this act are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, after the "." following the word "county", said word first appears in said line 1, strike out all of the remainder of the printed bill and insert in lieu a "," and the following: "or county is the owner of real property which has been acquired for a particular purpose by purchase with funds derived from an assessment district, and it appears to the legislative bodies of said city, city and county, or county that it is to the advantage of the property owners lying in said city, city and county, county or assessment district to use said property for purposes other than those for which said property was acquired, power is hereby granted to said legislative bodies to lease said property, subject to the following terms and conditions. Said property shall be leased by said legislative body upon said legislative body receiving a petition signed by the owners of at least fifty-one per cent of the property lying in the assessment district created for the purpose of acquiring said property, and which said owners of property have paid, or are paying special assessment taxes or assessments for the purchase of said property. Said petition may set forth the terms and conditions under which said property may be leased by said legislative bodies for purposes other than that for which said property was acquired. The legislative bodies of said city, city and county, county or assessment district shall have no power to lease said property or to use the same other than for the purposes for which it is acquired in the absence of a petition signed by

the owners of at least fifty-one per cent of the property as hereinabove set forth, and then only according to the terms and conditions set forth in said petition.

SEC. 2. Said petition shall be in general language and to particular requirements shall be necessary for the validity of said petition, save and except that said petition shall provide that said property shall only be leased to the highest bidder as hereinbefore set forth.

SEC. 3. Upon receiving said petition, said legislative body may pass a resolution of intention to lease said property according to the terms and conditions set forth in said petition. Said resolution of intention shall be sufficient if it states in general terms, the terms and conditions set forth in said petition, the location of the property proposed to be leased and the purpose for which said property is proposed to be leased. Said resolution of intention shall also contain a notice of the day, hour and place, when and where any and all persons having any objection to the proposed leasing of said property may appear before the legislative body and show cause why said proposed leasing should not be carried out in accordance with said resolution of intention and the terms and conditions of said petition. Said time shall be not less than fifteen, nor more than forty days from the date of the passage of said resolution. The clerk of said legislative body shall cause said resolution of intention to be published once a week for two successive weeks in one or more daily newspapers published and circulated in said city, city and county, or county. Any property owner whose property has been, or is being assessed to pay the costs and expenses of purchasing said property to be leased, may at the time fixed in the resolution of intention for hearing of objections to the proposed leasing, appear before the said legislative body and make objections to the said lease. The failure to make objection at said time shall be deemed to be a waiver of all objections to the proposed leasing, and shall operate as a bar to any subsequent action looking to the prevention of said leasing.

SEC. 4. At any time not later than the hour set for hearing objections to said proposed leasing as provided in section 1 herein, any owner of property which is being assessed, or has been assessed for the purchase of said property to be leased, may make written protest against the proposed leasing, such protest must be in writing and must be delivered to the clerk of said legislative body and no other protest or objections shall be considered. At the time set for hearing protests, the said legislative body shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive. In the event that a majority of the persons owning property which has been, or is being assessed in said city, city and county, or county, for the purchase of said property, shall protest against the leasing of said property according to the terms set forth in said petition, then and in that event, the said legislative body shall cease all further proceedings and no further steps shall be taken for the leasing of said property. Upon the time fixed for the hearing of protests, evidence may be produced going to any of the matters to be determined and in such order as the legislative body may summarily direct. Said hearing may be continued from time to time upon the order of the legislative body. Upon such hearing, all objections and protests to the leasing of the property proposed to be leased shall be heard and considered. In the event that no protests have been received by the legislative body, said legislative body may proceed to lease said property in the manner hereinafter set forth, and according to the terms and conditions set forth in the petition of said assessment paying property owners.

Unless the power to proceed shall have ceased as hereinbefore provided, the legislative body shall at the conclusion of the aforementioned hearing and on a determination of all questions arising thereon, by resolution to be entered upon its minutes, declare its finding that the owners of more than one-half of the area of the property included in the assessment district created for the purchase or improvement of said property have not made written objection to the leasing of the property proposed to be leased. Said legislative body shall also pass upon the protests filed by other persons than those petitioning for the leasing of said property and if in the opinion of a majority of said legislative body said protests are valid and the terms and conditions set forth in the petition of the petitioning property owners will not result in the leasing of the property to the best interests of said property owners, said legislative body may deny said petition and decline to proceed further with said leasing unless a majority of said property owners consent to such terms and conditions as shall be embodied in a protest which has been allowed by said legislative body.

In the event that said legislative body shall have denied said protests, or in the event that no protests have been made, the said legislative body shall proceed by resolution to order the property leased according to the terms and conditions set forth in said petition. In said resolution the legislative body shall therein fix a time for receiving bids for the leasing of said property and direct the clerk thereof to give notice accordingly inviting sealed bids. The time for receiving bids shall not be fixed until the first regular meeting of the legislative body after the expiration of fifteen days following the passage of said resolution ordering said property to be leased. Said legislative body shall also cause a notice to be posted conspicuously for five days, on or near the legislative body chamber door, containing terms and conditions set forth in the petition. Said notice shall also contain an invitation inviting sealed proposals or bids for the leasing of said property, and said notice

shall be published once a week for two successive weeks in a daily, semiweekly or weekly newspaper published or circulated in said city, city or county, county or assessment district.

In the event that the property is offered for lease at a monthly rental, all proposals or bids offered shall be accompanied by a bond, signed by the bidder and two good and sufficient sureties who shall justify under oath in double an amount to be fixed by the legislative body in the resolution calling for bids, over and above all statutory exemptions. In the event that the petition signed by the property owners as hereinbefore set forth requires the making of certain improvements upon said property, and the payment of rentals in products from the land, royalties or commissions, the bidder shall furnish with said proposal a bond to be fixed in an amount by the legislative body in the resolution calling for bids, which said bond shall be signed by the bidder and two good and sufficient sureties who shall justify under oath in double said amount, over and above all statutory exemptions, and which said bond shall be conditioned for the faithful performance of the obligations to be assumed by said bidder. Said legislative body shall award the lease to the highest responsible bidder.

After said bid has been accepted by said legislative body, said legislative body shall proceed to enter into a lease with said highest bidder, which said lease shall contain all the terms and conditions set forth in the petition of said property owners, and which said lease shall provide for the payment of rentals, commissions or royalties, in an amount equal to the amount set forth in said accepted bid.

SEC. 5. This act shall be liberally construed to the end that its purposes may be effected.

Any section, subsection, sentence, clause or phrase which is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that one or more section, subsection, sentence, clause or phrase be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 637—An act to amend section 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

To amend the title thereof by striking out the present title and substituting in lieu thereof the following:

"An act to amend the title and sections 1 (c), 2 and 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

To amend the bill itself by striking out line 1, on page 1, of the printed form down to and including line 20, on page 2, and substitute in lieu thereof the following: "SECTION 1. The title of the auto stage and truck transportation act, approved May 10, 1917, as amended, is hereby amended to read as follows:

An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by motor propelled or motor drawn vehicles; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.



SEC. 2. Section 1 (c) of said act is hereby amended to read as follows:

SEC. 1. (c) The term "transportation company" when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, and motor propelled or motor drawn vehicles used in the business of transportation of property, or as a common carrier of property, for compensation, over any public highway in this state between fixed termini or over regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county. *Provided*, that nothing in this act shall apply to the transportation of baggage and express when transported by a passenger stage corporation as defined in section 24 of the public utilities act.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

SEC. 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any motor propelled or motor drawn vehicles for the transportation of property for compensation on any public highway in this state except in accordance with the provisions of this act.

SEC. 4. Section 5 of said act is hereby amended to read as follows:

SEC. 5. No transportation company shall hereafter begin to operate any motor propelled or motor drawn vehicles for the transportation of property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the fixed termini between which or the route over which it is actually operating in good faith at the time this act becomes effective, or for operations exclusively within the limits of an incorporated city, town, or city and county. Any right, privilege, franchise or permit held, owned or obtained by any transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require; *provided*, that no such certificate may be granted to a foreign corporation.

The railroad commission may at any time for good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard, revoke, alter or amend any certificate issued under the provisions of this section.

Every application for a certificate of public convenience and necessity must be accompanied by a fee of fifty dollars."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 265—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act, approved April 23, 1915, as amended."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 206—An act to amend sections 3 and 15 of an act entitled "An act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 564—An act to amend section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to occupations to which act applies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 675—An act to amend section 19.5 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add twenty-five new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 941—An act to amend section 2322.54 of the Political Code, relating to the horticultural commissioner of counties of the fifty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 142—An act to amend section 4041 of the Political Code, relating to the general powers of boards of supervisors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 233—An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 305—An act to amend section 4252 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 306—An act to amend section 19x23 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 307—An act to amend section 2322x23 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 333—An act to amend section 4253 of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 505—An act to amend sections 5 and 9 of an act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department," approved March 4, 1881, as amended, relating to the support thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 673—An act to amend section 2322x5 of the Political Code, relating to salaries of county horticultural commissioner, inspectors and clerks in counties of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1058—An act to amend sections 851, 863, 874, 882 and 883 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Assembly, March 15, 1929, strike out said line 1, and insert in lieu thereof the following: "An act to amend sections 851, 863, and 874 of an act".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 3, line 16, of the printed bill, as amended in Assembly, March 15, 1929, strike out lines 16 to 38, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 923—An act providing for the creation, maintenance and operation of police relief, life insurance and pension funds in the cities and towns of the fifth and sixth class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, line 2 thereof, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, strike out said line 15, and insert in lieu thereof the following: "fund, the same may be transferred to the general fund."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 189—An act to amend sections 3 and 79c of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"An act to amend sections 3 and 79c of an act known as "The improvement act of 1911," approved April 7, 1911, as amended, relating to publication of notice of improvements."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 250—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended in Assembly March 20, 1929, strike out the words "and/or", and insert in lieu thereof the following: "and unincorporated territory or incorporated or".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, as amended in Assembly March 20, 1929, after the word "corporation", insert the following: "to which it is contiguous:".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 922—An act to amend an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 4, 1899, as amended, by adding a new section to be entitled "section 17," and making said act inapplicable to cities of the fifth and sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 878—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, or the construction of sewers, septic tanks, and other sanitary disposal of sewage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 937—An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 901—An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, strike out said line 13, and insert in lieu thereof the following: "two thousand one hundred per annum, one".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, after the comma in said line 16, insert the following: "one deputy clerk, who shall be appointed by the county clerk and shall receive the sum of one thousand five hundred dollars per annum,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 24, of the printed bill, after the comma in said line 24, strike out the words "one thousand dollars", and insert the following: "eight hundred dollars".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 12, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "four".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out said line 7, and insert in lieu thereof the following: "the second, third, fourth, fifth and sixth class, in which city justices".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

Bill read second time, and re-referred to Committee on County Government.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees and costs in justices' courts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—5; absent—10.

WEST, Second Vice Chairman.

## SECOND READING OF SENATE BILL.

Senator West asked for and was granted unanimous consent to have Senate Bill No. 54 read second time.

Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees and costs in justices' courts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, amend the title by striking out all after the comma following the figures and letter "4300m", and insert in lieu thereof the following: "relating to salaries of justices of the peace in townships in cities, counties, and cities and counties, providing for offices and necessary equipment by the supervisors of each county, the payment of clerks and other clerical help, and providing a salary therefor and the manner of payment thereof, the issuance, filing and entry of papers, docu-



ments and processes in such justices' courts, the disposition of moneys collected by such justices' courts, and prescribing the oath of office and bonds for officers of said courts."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out all of lines 3 to 8, inclusive, and insert in lieu thereof the following:

"4300m. (a) In counties and cities and counties, every justice of the peace in townships with a population of thirty thousand or more, shall receive a salary of six thousand dollars per annum. In counties and cities and counties, every justice of the peace in townships with a population of less than thirty thousand and over ten thousand shall receive a salary of two thousand four hundred dollars per annum. In counties and cities and counties, every justice of the peace in townships with a population of less than ten thousand shall receive a salary of one thousand five hundred dollars per annum. The compensation of such justices of the peace shall be paid in the same manner as salaries of county officers.

(b) The board of supervisors in each county and city and county shall provide necessary offices, court rooms, office and court room equipment, and supplies for each township justice's court within its county or city and county.

(c) In counties and cities and counties having townships with a population of thirty thousand or more, there shall be one clerk and such deputy clerks as may be needed in each of the justice courts in such townships, who shall be appointed by the justice of the peace or justices, if more than one, subject to the approval of the board of supervisors of such county, and each of such clerks shall receive a salary not to exceed two hundred dollars per month and each of such deputy clerks shall receive a salary not to exceed one hundred seventy-five dollars per month. Said salaries shall respectively be payable by warrants drawn each month upon the salary fund or, if there be no salary fund, then upon the general fund of such county, such warrants to be audited and paid as salaries of county officers, and said salaries shall be in full compensation for all services rendered by such clerks, deputy clerks and office assistants of said courts. In any township now provided by law with a clerk, deputy clerk or office assistants, such clerk, deputy clerk and office assistants may continue in office under the provisions of this section. Each of such clerks, and deputy clerks shall be authorized to administer oaths, take and certify affidavits, issue and sign writs, summons and all other process in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in such township, in the name of the justice before whom the same is pending or out of whose court the same is issued.

(d) All legal papers of every kind in actions or proceedings in such justices' courts, and all papers, transcript or records which are required to be issued, signed or certified by a justice of the peace in such courts, may be signed, issued or certified by such clerk and his deputies, and all complaints, answers and other papers required to be filed in such justice's court may be filed with such justice's clerk, and such justice's clerk and his deputies shall be authorized and empowered to make entry in the official docket, and other books required to be kept by such justice of the peace, of the actions and proceedings in such court, and such clerk and his deputies shall have all the powers of justice's clerks and deputy justice's clerks now or hereafter provided by law. Such clerk shall take charge of and safely keep, or dispose of, according to law, all books, papers and records which may be filed or deposited in his office, and he shall act as clerk of the justice's court and he shall attend each session thereof and upon the justice at chambers, when required.

(e) Each such justice's clerk and deputy clerk shall be in attendance at his office in the discharge of official business daily from nine a.m. until five p.m., except Sundays and holidays.

(f) All fees and moneys collected by such clerk and deputy clerk shall be paid to the county treasurer as provided by law.

(g) Each such clerk and deputy clerk shall take the oath of office prescribed for county officers and shall give bond in the sum of three thousand dollars, conditioned on the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as the bonds of county officers; the premium, in the case of a surety company bond being given, to be paid by the county as provided for payment of premium on bonds of county officers."

### Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Weller moved to reconsider the vote whereby Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof, was passed.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 289 was passed, carried by the following vote.

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 289 to Senator Young, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the amended printed bill, after the numeral "7", insert the word "of".

## AMENDMENT NUMBER TWO.

On page 2, line 11, of the amended printed bill, after the word "clerk," insert the following: "of the municipal court in cities of the first and one half class".

## AMENDMENT NUMBER THREE.

On page 2, line 24, of the amended printed bill, after the comma, strike out the words "two hundred fifty", and insert in lieu thereof the words "three hundred".

## AMENDMENT NUMBER FOUR.

On page 2, line 26, of the amended printed bill, strike out the word "fifteen", and insert in lieu thereof the word "eighteen".

## AMENDMENT NUMBER FIVE.

On page 2, line 27, of the amended printed bill, strike out the word "six", and insert in lieu thereof the word "eight".

## AMENDMENT NUMBER SIX.

On page 2, line 28, of the amended printed bill, strike out the word "twenty-nine", and insert in lieu thereof "thirty-six".

## AMENDMENT NUMBER SEVEN.

On page 2, line 29, of the amended printed bill, strike out the words "twenty-eight", and insert in lieu thereof "thirty-two".

## AMENDMENT NUMBER EIGHT.

On page 2, line 30, of the amended printed bill, strike out the word "three", and insert in lieu thereof the word "four".

## AMENDMENT NUMBER NINE.

On page 2, line 33, of the amended printed bill, after the word "marshal", insert the following: "of the municipal court in cities of the first and one-half class".

## AMENDMENT NUMBER TEN.

On page 2, line 36, of the amended printed bill, after the semicolon at the end of the line, insert the following: "one deputy (chief clerk) at two hundred fifty dollars;".

## AMENDMENT NUMBER ELEVEN.

On page 2, line 39, of the amended printed bill, strike out the word "Two", and insert in lieu thereof the word "Three".

## AMENDMENT NUMBER TWELVE.

On page 2, line 40, of the amended printed bill, strike out the words "forty-four", and insert in lieu thereof the words "forty-six".

## AMENDMENT NUMBER THIRTEEN.

On page 2, line 42, of the amended printed bill, strike out the word "five", and insert in lieu thereof the word "six".

## AMENDMENT NUMBER FOURTEEN.

On page 2, line 43, of the amended printed bill, strike out the word "five", and insert in lieu thereof the word "six".

## AMENDMENT NUMBER FIFTEEN.

On page 2, line 43, of the amended printed bill, after the word "hundred", strike out the words "twenty-five", and insert in lieu thereof the word "thirty".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 289, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Baker moved to refer Senate Bill No. 132 to Senator Duval, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, as amended in Senate March 11, 1929, strike out the period, and insert in lieu thereof a comma and the following: "*provided, however,* that this shall not apply to physicians, surgeons, nurses, pharmacists or any persons in charge of hospitals, who are employees of public service corporations, except, in cases of injuries coming to the attention of such employees, which have been inflicted by one person upon another by means of a knife, gun, pistol or other deadly weapon, or in cases where injuries have been inflicted upon any person in violation of any penal law of this state."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 132, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print, and re-engrossment.

## RECESS.

At ten o'clock and fifty minutes a.m., on motion of Senator Tubbs, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.



## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs.

CARLOS S. HARDY }

SENATE CHAMBER, April 8, 1929.

Eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Felton, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY ANNOUNCED.

Walter J. Little, a Manager of the Assembly, announced the Managers of the Assembly and counsel present as follows: Managers Melvyn I. Cronin, Harry F. Sewell, William B. Hornblower and Walter J. Little, and counsel Pembroke Gochnauer.

## COUNSEL OF DEFENSE ANNOUNCED.

Carlos S. Hardy, defendant, announced the counsel of defense present as follows: Mr. Ray E. Nimmo, Mr. Rex Hardy, Mr. Frank M. Carr, and stated that Mr. W. Joseph Ford may appear as counsel for the defense at a later date.

## PRELIMINARY STATEMENT OF THE CASE AGAINST CARLOS S. HARDY.

Mr. Walter J. Little, a Manager of the Assembly, made a preliminary statement of the case of the Managers of the Assembly against Carlos S. Hardy.

## MOTION BY MR. RAY E. NIMMO.

Mr. Ray E. Nimmo of counsel for the defense moved that the Senate furnish to the defendant a copy of the transcript of the proceedings each day, at the expense of the Senate.

Motion carried.

## RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That Rule 16 governing the impeachment trial be amended to read as follows:

16. After date the Court of Impeachment shall be in session from ten a.m. to twelve m. and from two p.m. until four p.m. each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the court or Senate.

Resolution read.

## AMENDMENT OFFERED BY SENATOR CARTER.

During the reading of the resolution Senator Carter moved to amend the resolution so as to make adjournment daily at five o'clock p.m. instead of at four o'clock p.m.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cleveland, Cobb, Duval, Edwards, Garrison, Hurley, Inman, McKinley, Pedrotti, and Weller—14.

NOES—Senators Boggs, Breed, Cassidy, Christian, Crowley, Evans, Fellom, Handy, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—23.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Crowley, Evans, Fellom, Handy, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—23.

NOES—Senators Baker, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Garrison, Hurley, Inman, McKinley, Pedrotti, and Weller—14.

WITNESS CALLED.

Charles J. Hagerty was called to the witness stand by the Managers of the Assembly, was sworn, and testified.

HOOR OF RECESS EXTENDED.

At twelve o'clock m., the hour of recess was extended until twelve o'clock and thirty minutes p.m.

MOTION BY SENATOR MERRIAM.

At twelve o'clock and twenty-eight minutes p.m., Senator Merriam moved that the court recess until two o'clock p.m.

Motion lost.

RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That Rule 16 governing the impeachment trial be amended to read as follows:

16. After date the Court of Impeachment shall be in session from ten a.m. to twelve m. and from one o'clock and thirty minutes p.m. until four o'clock and thirty minutes p.m. each day, except Sundays and holidays, unless otherwise ordered by a majority of the members of the court or Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—Senators Christian, Cleveland, Cobb, Fellom, and Hurley—5.

RECESS.

At twelve o'clock and thirty minutes p.m., the President declared the court at recess until two o'clock p.m.

RECONVENED.

At two o'clock p.m., the court reconvened:

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Lamm, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Harry F. Sewell, and Melvyn I. Cronin.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

Charles J. Hagerty was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Eugene Danney, Arthur W. Moore and Brooke Hawkins.

## RECESS.

At three o'clock and twenty minutes p.m., the President declared the court at recess until three o'clock and thirty minutes p.m.

## RECONVENED.

At three o'clock and thirty minutes p.m., the court reconvened.

## WITNESS CALLED.

William H. Levings was called to the witness stand by the Managers of the Assembly, was sworn, and testified.

## ADJOURNMENT.

At four o'clock and thirty-five minutes p.m., the President declared the court adjourned until ten o'clock a.m., Tuesday, April 9, 1929.

## IN SENATE.

At four o'clock and thirty-seven minutes p.m., the Senate reconvened. President pro tempore Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON RULES.

## SENATE CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Maloney to introduce a bill entitled—An act making an appropriation to pay the claim of Pietro Cadie against the State of California—has had the same



under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator McKinley to introduce a bill entitled—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of, an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure thereon—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Maloney: Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator McKinley: Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act sup-

plementary to and amendatory of, an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853,' approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein.

Bill read first time, and referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1102—An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego:

Also: Assembly Bill No. 1118—An act making an appropriation for repairs, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators:

Also: Assembly Bill No. 546—An act making an appropriation to pay the claim of Arthur B. Eddy against the State of California:

Also: Assembly Bill No. 905—An act appropriating money to pay the claim of Mr. S. W. Moore against the State of California:

Also: Assembly Bill No. 906—An act appropriating money to pay the claim of Grove J. Pink against the State of California:

Also: Assembly Bill No. 907—An act appropriating money to pay the claim of Fred A. Taylor against the State of California:

Also: Assembly Bill No. 909—An act appropriating money to pay the claim of E. E. Purrington against the State of California:

Also: Assembly Bill No. 913—An act to pay the claim of Hans Hansen against the State of California:

Also: Assembly Bill No. 914—An act appropriating money to pay the claim of the city controller of the city of Los Angeles against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1102 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bills Nos. 1118, 546, 905, 906, 907, 909, 913 and 914 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State Teachers College:

Also: Assembly Bill No. 448—An act making an appropriation for the purchase of a land site and the construction and equipment of a warehouse thereon, for the use of the Division of Motor Vehicles, and such other State uses as may be approved by the Director of Finance; transferring certain moneys to the general fund and abolishing the transfer and operators' license fund:

Also: Assembly Bill No. 503—An act appropriating money for premiums at fairs or exhibitions held by the Thirty-second District Agricultural Association during the eighty-first and eighty-second fiscal years:

Also: Assembly Bill No. 1053—An act to accept the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor:

Also: Assembly Bill No. 1067—An act making an appropriation to meet a deficiency in the appropriation for support of the Railroad Commission for the seventy-ninth and eightieth fiscal years:

Also: Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital:

Also: Assembly Bill No. 1083—An act authorizing the State Department of Finance to select and acquire additional land for the State Hospital at Patton, California, and to that end to sell or exchange certain property belonging to the

State and situated in the county of San Bernardino, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 436, 448, 503, 1053, 1067, 1076 and 1083, read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 416—An act concerning the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921:

Also: Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts:

Also: Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime:

Also: Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital:

Also: Senate Bill No. 491—An act relating to courses of study for special day and evening classes in high schools;

Also: Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it:

Also: Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance Fund:

Also: Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 416, 142, 201, 202, 491, 602, 604 and 601 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 568—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 11a, embracing sections 376 to 376½, inclusive, relating to a Department of Penology—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 568 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 51—An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs and plants—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 51 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 603—An act to amend section 26½, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance Fund against



liability under the United States Longshoremen's and Harbor Workers' Compensation Act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 603 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 534—An act to amend section 19a24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class:

Also: Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses:

Also: Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 834, 801 and 166 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 915—An act appropriating money to pay the claim of H. L. Preston against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 915 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 10—Relative to memorializing Congress to increase the pension of Eda B. Funston, widow of Major General Frederick Funston.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 10 read, and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 527—An act to amend section 2322a of the Political Code, relating to county horticultural commissioners—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 527 ordered to unfinished business.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 8, 1929.

*To the Senate of the State of California.*

Senate Bill No. 656 is herewith returned without my approval.

The purpose of the bill, as stated by its author, is good, viz: to guarantee the faithful performance of their contract on the part of those engaging in the business of selling a form of burial insurance and issuing burial contracts or certificates therefor. However, it is very doubtful if the bill as now drawn accomplishes the purposes intended. There is no definition of "burial contracts or certificates" and the bill might possibly be held void for uncertainty.

On the other hand the present language is broad enough to include fraternal societies now providing funeral benefits for their members, which is not intended.

Assembly Bill No. 957 is an identical bill and can be easily amended to take care of these objections. Assemblyman Woolwine has agreed to amend his bill accordingly. For these reasons the Attorney General and the Legislative Counsel, as well as others who have studied the measure and commented thereon, including the author, Senator Rochester, agree that my approval should be withheld.

Respectfully submitted.

C. C. YOUNG, Governor.

Governor's message ordered to unfinished business.

#### ADJOURNMENT.

At four o'clock and fifty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Tuesday, April 9, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, April 9, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—26.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Monday, April 8, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. Louderback, wife of Federal Judge Harold Louderback.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104a, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court;

Also: Senate Bill No. 137—An act to add a new section to the Penal Code to be numbered 496c, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof;

Also: Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 17, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927;

Also: Senate Bill No. 301—An act to prohibit any board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board;

Also: Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property;

Also: Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass;

Also: Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468a, 1468b, 1468c and 1468d, relating to the administration of estates having a net value of less than \$2,500;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman

Also:

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 71, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 155 and 159 and by adding thereto new sections to be numbered 81, 224, 234, 284, 304, 314, 451, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1504, 1524, 1534, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semi-trailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act;

Also: Senate Bill No. 128—An act to amend an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau;

Also: Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts;

Also: Senate Joint Resolution No. 9—Relative to Dale-Lehbach Retirement Bill; And reports that the same have been re-engrossed.

EDWARDS, Acting Chairman.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 38—An act to provide proper sanitary conditions at railroad terminals for the preservation of the health of employees, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 38 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology: to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of



registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act." approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 258 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 340—An act providing for the conditional retirement and service of justices of the supreme and appellate courts and judges of the superior and municipal courts, and prescribing their compensation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Senate Bill No. 340 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 51—An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs and plants.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIFTY-ONE.

##### AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, as amended in Senate March 6, 1929, after the comma immediately following the word "way", insert the following: "*provided, however,* that the provisions of this section shall not be construed to apply to any employee of the state or of any political subdivision thereof engaged in work upon any state, county or public road or highway while performing such work under the supervision of the state or of any political subdivision thereof."

##### AMENDMENT NUMBER TWO.

On page 2, after line 33, of the printed bill, as amended in the Senate on March 6, 1929, insert the following paragraph:

"The provisions of this act shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs or ferns if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 51?

The roll was called, and Assembly amendments to Senate Bill No. 51 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—26.  
 NOES—None.

Senate Bill No. 51 ordered to print, and enrollment.

#### SENATOR MALONEY IN THE CHAIR.

At nine o'clock and forty-five minutes a.m., Senator Maloney of the Twenty-third District was called to the chair.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 527—An act to amend section 2322a of the Political Code, relating to county horticultural commissioners.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED TWENTY-SEVEN.

## AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, strike out the word "the", and insert in lieu thereof the word "an."

## AMENDMENT NUMBER TWO.

On page 5, between lines 33 and 34, of the printed bill, insert the following as a paragraph:

"(2) The board of supervisors of any county, or city and county, may authorize the county horticultural commissioner to contract with state and federal agencies and with persons, firms, associations, and corporations, including municipal and other public corporations for municipal purposes, owning or controlling within the county, or city and county, property or premises infested or infested with plant diseases, insect or other animal pests, or noxious weeds, for the purpose of eradicating, destroying or controlling the same on such infested or infested property or premises: *provided*, that no contract so made shall impose any cost or obligation on the county, or city and county, other than may be authorized by said board of supervisors."

## AMENDMENT NUMBER THREE.

On page 5, line 37, of the printed bill, after the word "controlling", insert the words "or administering".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 527?

The roll was called, and Assembly amendments to Senate Bill No. 527 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—26.  
NOES—None.

Senate Bill No. 527 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 603—An act to amend section 36½, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance Fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED THREE

## AMENDMENT NUMBER ONE.

Strike out lines 4 to 12, both inclusive, of the printed bill, as amended, and insert in lieu thereof the following:

"Sec. 36½. The state compensation insurance fund may insure employers against their liability for compensation or damages under the United States longshoremen's and harbor worker's compensation act and any amendments which may from time to time be enacted thereto, as fully as any private insurance carrier. The said fund may also insure an employer against his liability for damages under the laws of the State of California arising out of bodily injury to or death of his employees occurring within the State of California: *provided*, said fund shall have insured said employer against his liability to pay compensation to said employees under the workmen's compensation, insurance and safety act of the State of California and amendments thereto."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 603?

The roll was called, and Assembly amendment to Senate Bill No. 603 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West and Young—26.  
 NOES—None.

Senate Bill No. 603 ordered to print, and enrollment.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 723 to Senator Mueller, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 2, line 27, of the printed bill, as amended in the Senate April 3, 1929, after the word "state," insert a new sentence reading as follows: "Whenever supervision of safety of design or construction of a proposed or existing dam is exercised by the United States or any of its agencies pursuant to a jurisdiction superior to that of the state, and the requirements made under authority of such jurisdiction are so contradictory with requirements made by the department under this act that a compliance can not be made which will meet both federal and state requirements, then the state requirements shall be modified by the department sufficiently to make possible compliance with both federal and state requirements."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 723, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUELLER, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print, and re-engrossment.

#### RECESS.

At ten o'clock a.m., on motion of Senator Breed, the Presiding Senator declared the Senate at recess, to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

VS. }

CARLOS S. HARDY }

SENATE CHAMBER, April 9, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.



## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Walter J. Little and Harry F. Sewell.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

William H. Levings was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Jackson Berger, Frank D. Dewar and Frank W. Moody.

## RECESS.

At eleven o'clock a.m., the President declared the court at recess for five minutes.

## RECONVENED.

At eleven o'clock and five minutes a.m., the court reconvened.

## READING OF TRANSCRIPT OF TESTIMONY.

Transcript of testimony of Judge Thomas, taken before the Managers of the Assembly at a hearing held in Los Angeles on February 4, 1929, was read by Mr. Clare Woolwine, a Manager for the Assembly.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagye, Weller, West, and Young—37.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, William B. Hornblower, Harry F. Sewell, Clare Woolwine and Melvyn I. Cronin, and counsel Pembroke Gohnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS CALLED.

J. W. Buchanan was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## WITNESS RECALLED TO STAND.

Jackson Berger was recalled to the witness stand by the defense, and testified.

## WITNESS CALLED.

Joseph W. Arthur was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## DEMAND BY SENATOR FELLOM.

Senator Fellom demanded that the question as to whether the journal of Angelus Temple should be admitted as evidence be argued by counsel of both sides, and decided by the Senate.

## STATEMENT BY PRESIDENT.

The President called the attention of the court to Rule 7 of the Rules of the Senate governing procedure of the Senate when sitting as a Court of Impeachment, and asked if any Senators other than Senator Fellom joined in the same demand.

No other Senators joining in the demand, the President ruled that the journal of Angelus Temple should be admitted as evidence without argument or decision by the Senate.

## RECESS.

At three o'clock and fifteen minutes p.m., the President declared the court at recess until three o'clock and thirty minutes p.m.

## RECONVENED.

At three o'clock and thirty minutes p.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Arthur W. Moore was recalled to the witness stand by the defense, and testified.

Also: Joseph W. Arthur was recalled to the witness stand by the Managers of the Assembly, and testified.

## ADJOURNMENT.

At four o'clock and thirty-five minutes p.m., the President declared the court adjourned until ten o'clock a.m., Wednesday, April 10, 1929.

## IN SENATE.

At four o'clock and thirty-seven minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair Secretary Joseph A. Beek at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Gray to introduce a bill entitled—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted. Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellow, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCosack, McKinley, Merritt, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Welser, West, and Young—33.  
NAYS—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Gray: Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Bill read first time, and referred to Committee on Finance.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Slater moved to refer Assembly Bill No. 1028 to Senator Handy, as a Special Committee of One, to amend as follows:

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1028, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Slater adopted.

Bill ordered to print.

Assembly Bill No. 203—An act to promote the better education of social service workers; to provide for and regulate the examination of social service workers; to provide for the issuance of licenses as social service workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions hereof; to provide penalties for the violations of any of the provisions hereof.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Assembly Bill No. 203 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the title of the printed bill, strike out the semicolon and all of the matter following the semicolon in the title, and substitute in lieu thereof a period.

## AMENDMENT NUMBER TWO.

On page 3 of the printed bill, strike out all of lines 25, 26, 27, 28 and 29.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 203, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print.

Assembly Bill No. 233—An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Edwards moved to refer Assembly Bill No. 233 to Senator Evans, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 10, line 35, of the printed bill, as amended in Assembly March 22, 1929, between lines 35 and 36 insert the following:

"4. Auditor. The auditor, four thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: one chief deputy, two thousand seven hundred dollars per annum; three deputies, one thousand eight hundred dollars each per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require: *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of five thousand four hundred dollars in any one year; and *provided*, further, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 233, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 302—An act to permit any producer or grower of agricultural products to vend, hawk, peddle, sell or offer for sale such products in any county, town, village, incorporated city or municipality in the State of California

without paying a license therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 302 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1079—An act to add a new section to the Political Code to be numbered 2321, relating to the office of county agricultural commissioner;

Also: Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks shall be sold and purchased as part of the same transaction, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—10; noes—1; absent—2.

BOGGS, Chairman.

Assembly Bills Nos. 1079 and 97 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 732—An act to amend section 2319i of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Assembly Bill No. 732 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 432—An act to add a new section to be numbered 7a to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Assembly Bill No. 432 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 806—An act to amend section 4149a of the Political Code, relating to the duties of the live stock inspector;

Also: Assembly Bill No. 1090—An act to amend sections 17 and 18 of an act entitled "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927; relating to the packing and sale of avocados and berries;

Also: Assembly Bill No. 225—An act to amend section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended, relating to the disposition of fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Assembly Bills Nos. 806, 1090 and 225 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 111—An act relating to the regulation and licensing of dealers in live market poultry and providing penalties for the violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

BOGGS, Chairman.

Assembly Bill No. 111 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1065—An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

BOGGS, Chairman.

Assembly Bill No. 1065 ordered on file for second reading.

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 684—An act relating to the maintenance of the Professorship of Nursing Education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 684 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1101—An act to regulate and control the operation of aircraft; providing who may operate aircraft; declaring it unlawful for certain persons to operate aircraft; providing penalties for violations; repealing acts in conflict herewith and particularly that certain act entitled "An act concerning the registration, numbering and use of aircraft and the licensing of operators thereof," approved June 3, 1921—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

SHARKEY, Chairman.

Assembly Bill No. 1101 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 1413, relating to the liability of an owner or driver or person responsible for the operation of a vehicle for the injury or death of a guest—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

SHARKEY, Chairman.

Senate Bill No. 23 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for



political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

MERRIAM, Chairman.

### Senate Bill No. 43 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 680—An act to repeal chapter 1 and articles I to VI, inclusive, of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code, all relating to partnerships; and to make the Partnership Law of the State of California uniform with the law of other states;

and to amend article VII of chapter 2 of title X of part IV, division III, of the Also: Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

### Senate Bills Nos. 680 and 681 ordered on file for second reading.

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—15.

HANDY, Chairman.

### Senate Bill No. 388 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries:

Also: Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor;

Also: Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries;

Also: Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

### Senate Bills Nos. 503, 561, 787 and 855 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 149—An act to amend section 737*ii* of the Political Code, relating to the salary of the judge of the superior court of San Benito County—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

Assembly Bill No. 149 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 881—An act to amend sections 1 and 5 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add a new section thereto to be numbered section 5*a*:

Also: Assembly Bill No. 249—An act to amend sections 2979*b* and 2979*c* of the Political Code, relating to the character, treatment, transportation and physical rehabilitation of physically defective and handicapped persons, under the age of 18 years, by and under the direction of the State Board of Health and by and under the direction of the county board of supervisors, procedure thereof, waiving of fees, providing for collection and disposition of moneys collected, and continuing of revolving fund;

Also: Assembly Bill No. 591—An act to add a new section to the Code of Civil Procedure, to be numbered 1822*c*, relating to the sale of property of missing persons;

Also: Assembly Bill No. 202—An act to revise an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended;

Also: Assembly Bill No. 105—An act to amend section 384 of the Penal Code, relating to fires.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 881 read first time, and referred to Committee on Insurance.

Assembly Bill No. 249 read first time, and referred to Committee on County Government.

Assembly Bill No. 591 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 202 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 105 read first time, and referred to Committee on Conservation.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 51—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property;

Also: Assembly Bill No. 56—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment in justices' courts;

Also: Assembly Bill No. 57—An act to amend section 540 of the Code of Civil Procedure, relating to the form of the writ of attachment;

Also: Assembly Bill No. 832—An act to amend section 323 of the Political Code, relating to the time when statutes take effect;

Also: Assembly Bill No. 1033—An act to add a new section to the Penal Code, to be numbered 1618, relating to county and city jails and medical care of persons therein;

Also: Assembly Bill No. 1095—An act to cure defects in maps or plats filed for record prior to March 1, 1929, and in deeds or conveyances referring to such maps;

Also: Assembly Bill No. 1117—An act to amend section 84 of the Civil Code, relating to children of annulled marriages;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bills Nos. 51, 56, 57, 832, 1033, 1095 and 1117 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 69—An act to amend section 694 of the Code of Civil Procedure, relating to the conduct of sales of property on execution or under power contained in any trust deed hereafter executed, and designating the county wherein such sales must be held—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—7; nays—1; absent—7.

INMAN, Vice Chairman.

Assembly Bill No. 69 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 52—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 54—An act to amend section 4300½ of the Political Code, relating to sheriff's fees;

Also: Assembly Bill No. 55—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions;

Also: Assembly Bill No. 194—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended;

Also: Assembly Bill No. 377—An act to amend section 849 of the Code of Civil Procedure, relating to summonses, by whom and how served and returned;

Also: Assembly Bill No. 378—An act to amend section 902 of the Code of Civil Procedure, relating to writs of execution;

Also: Assembly Bill No. 379—An act to amend section 905 of the Code of Civil Procedure, relating to proceedings supplementary to execution;

Also: Assembly Bill No. 454—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court;

Also: Assembly Bill No. 501—An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to the levy of taxes for public cemetery districts and fixing the maximum tax which may be levied therefor;

Also: Assembly Bill No. 559—An act to add two new sections to be numbered 13 and 14 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to withdrawal and annexation of territory in public cemetery districts;

Also: Assembly Bill No. 682—An act to add a new section to the Civil Code to be numbered 2924a, relating to sales of trust property;

Also: Assembly Bill No. 693—An act to amend section 340 of the Code of Civil Procedure, relating to the time for commencement of actions;

Also: Assembly Bill No. 737—An act to amend section 13 of the Juvenile Court Law, approved June 5, 1915, relating to transfers of cases from one county to another;

Also: Assembly Bill No. 747—An act to amend section 86 of the Code of Civil Procedure, relating to the justices' clerks and their appointees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bills Nos. 52, 54, 55, 194, 377, 378, 379, 454, 501, 550, 682, 693, 737 and 747 ordered on file for second reading.



## ADJOURNMENT.

At five o'clock and five minutes p.m., on motion of Senator Tubbs, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Wednesday, April 10, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 10, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, April 9, 1929, the further reading was dispensed with, on motion of Senator Slater.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 253—An act to provide for the maintenance and establishment of a school for the education and training of pupils from the various counties in the State in the science and practice of navigation, seamanship, steam and electrical engineering;

Also: Assembly Bill No. 942—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge;

Also: Assembly Bill No. 948—An act creating the California Crime Commission, defining its duties, and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act;

Also: Assembly Bill No. 936—An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a Probation Committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Assembly Bill No. 1121—An act to amend section 2322r2 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the second class;

Also: Assembly Bill No. 243—An act to amend section 4281 of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class;

Also: Assembly Bill No. 486—An act to amend section 161a of the Weights and Measures Act approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 253 read first time, and referred to Committee on Education.

Assembly Bill No. 942 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 948 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 1121, 936, 243 and 486 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 452—An act to add a new section to the Code of Civil Procedure, to be numbered 1161a, relating to persons holding over in case of the sale of real property by virtue of execution, foreclosure of mortgage or under a power of sale contained in a deed of trust;

Also: Assembly Bill No. 138—An act relating to the suspension or expulsion of pupils from the public schools;

Also: Assembly Bill No. 1060—An act to amend section 159 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to appropriations to the several counties from the motor vehicle fund;

Also: Assembly Bill No. 640—An act to amend section 308 of the Civil Code of the State of California, concerning the organization of boards of directors of corporations;

Also: Assembly Bill No. 1027—An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof;

Also: Assembly Bill No. 974—An act to amend an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; to repeal acts or parts of acts in conflict herewith; to provide for an appropriation to defray the cost of administering this act," as approved May 25, 1921, and as amended, by amending section 18 thereof, relative to fixing boundary lines of oil or gas fields.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 452 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 138 read first time, and referred to Committee on Education.

Assembly Bill No. 1060 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 640 read first time, and referred to Committee on Corporations.

Assembly Bill No. 1027 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 974 read first time, and referred to Committee on Oil Industries.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 779—An act to add a new section to the "California Vehicle Act," approved May 30, as amended, to be known as section 152a, relating to the transportation of animals on motor vehicles;

Also: Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act;

Also: Assembly Bill No. 910—An act to pay the claim of L. A. Norton against the State of California;

Also: Assembly Bill No. 911—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California;

Also: Assembly Bill No. 912—An act appropriating money to pay the claim of Will C. Wood against the State of California;

Also: Assembly Bill No. 916—An act appropriating money to pay the claim of Harold E. Smith against the State of California;

Also: Assembly Bill No. 1064—An act making an appropriation to pay the claim of the American Railway Express Company against the State of California;

Also: Assembly Bill No. 124—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 779 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 166 read first time, and referred to Committee on Public Charities and Corrections.

Assembly Bills Nos. 910, 911, 912, 916 and 1064 read first time, and referred to Committee on Finance.

Assembly Bill No. 124 read first time, and referred to Committee on Prisons and Reformatories.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 35—An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended;

Also: Assembly Bill No. 385—An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom;

Also: Assembly Bill No. 386—An act to add a new section, to be numbered 3, to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury of all moneys, belonging to the State, received by the various State institutions, commissioners and officers and directing the disposition of same,' approved March 17, 1899, as amended, relating to the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1905;

Also: Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927;

Also: Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein



authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 35 read first time, and referred to Committee on Oil Industries.

Assembly Bills Nos. 385 and 386 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 113 and 251 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 892—An act granting to the city and county of San Francisco certain lands heretofore dedicated for park purposes by the Legislature of the State of California;

Also: Assembly Bill No. 164—An act making an appropriation for portraits of all governors whose portraits have not heretofore been made, and directing the State Department of Finance to carry out the provisions thereof;

Also: Assembly Bill No. 701—An act to amend section 1 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, adding an additional member to the Advisory Pardon Board.

Also: Assembly Bill No. 1126—An act to amend section 3650 of the Political Code, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 892 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 164 read first time, and referred to Committee on Finance.

Assembly Bill No. 701 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1126 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 558—An act to amend the Penal Code by adding a new section thereto, to be numbered section 644a, relating to female persons convicted of misdemeanors involving moral turpitude, providing for the adjudging of such persons habitual misdemeanants and fixing the punishment therefor;

Also: Assembly Bill No. 559—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 558 and 559 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1084—An act making an appropriation to meet the deficiency in the appropriation for support of the University of California for the seventy-ninth and eightieth fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1084 read first time, and referred to Committee on Finance.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 333—An act relating to pupils in the elementary schools;

Also: Senate Bill No. 334—An act relating to pupils enrolled in high school part time classes;

Also: Senate Bill No. 335—An act relating to pupils in public high schools;

Also: Senate Bill No. 664—An act making an appropriation for the construction, and equipment, of a State Armory at the city of Long Beach;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 176—An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen, to provide for the regulation, supervision and licensing thereof; to create a State Real Estate Department and the office of Real Estate Commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of Real Estate Commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivision; providing penalties for the violations of the provisions thereof—and reports that the same has been correctly enrolled, and presented to the Governor on the ninth day of April, 1929, at two o'clock and fifteen minutes p.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon;

Also: Senate Bill No. 297—An act to amend sections 2, 4 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system, to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4a, granting to the Park Commission the right of eminent domain, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto;

Also: Senate Bill No. 353—An act relating to the passage of ordinances by cities, and authorizing cities to adopt ordinances relating to the regulation of traffic upon public highways by reference to printed codes or copies on such subjects; *provided*, not less than three printed copies of such code or codes, or any amendments thereto in book or pamphlet form, have been filed with the city clerk;

Also: Senate Bill No. 382—An act prescribing limitations on the amount of indebtedness which may be placed upon lands or real property for street improvements or street acquisitions; providing procedure therefor; the effect thereof, and the conditions under which said limitations shall apply;

Also: Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof relating to annexation of uninhabited territory.

Also: Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 8, authorizing the issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929

as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor;  
And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 100—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration;

Also: Senate Bill No. 165—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 421—An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 424—An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927;

Also: Senate Bill No. 622—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorneys and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of April, 1929, at eleven o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith;

Also: Senate Bill No. 306—An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

Senate Bills Nos. 481 and 306 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 340—An act providing for the conditional retirement and service of justices of the supreme and appellate courts and judges of the superior and municipal courts, and prescribing their compensation.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, after the last word "compensation", add the following: "and providing for an additional judge and his compensation."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the word "sixty-five", and insert in lieu thereof, the word "seventy".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, after the word "twenty", insert the word "four".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, after the word "retire", insert the following: "for the remainder of his term of office".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 21, of the printed bill, strike out the word "judges", and insert in lieu thereof the word "justice".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 33, of the printed bill, strike out all of said line 33, after the word "dollars", and all of lines 34, to and including line 45, and strike out line 46 to and including the word "state" in said line, and insert in lieu thereof the following: "the annual salary of a reserve judge of the superior court of any one of the remaining counties of the state is one-half of the regular salary fixed by law which he was receiving at the time of his conditional retirement, which salary of any such reserve judge shall be paid by the state and the county, or city and county, in which such judge is so retiring, in the same proportion as his salary was paid by the state and county, or city and county, before retirement; *provided*, that in counties where the state pays more than one-half of the salary of an active judge of the superior court, then such annual salary of a reserve judge in such county shall be the amount of salary paid him by the state before his retirement, which salary of such reserve judge shall be paid, one-half by the state and one-half by such county."

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 50, of the printed bill, strike out the word "municipality", and insert in lieu thereof the word "county".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 9, of the printed bill, strike out the semicolon and all of said line 9 after said semicolon; strike out all of lines 10 to 14, inclusive, and insert in lieu thereof the following: "for paying the additional salary and extra compensation and expenses of an assigned judge."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 20, of the printed bill, strike out the word "be", and insert in lieu thereof the following: "shall be and is hereby".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 33, of the printed bill, strike out the word "such"; in line 34, strike out the word "city", and insert in lieu thereof the following: "The county in which such municipal judge is appointed."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 39, of the printed bill, strike out all of said line 39, after the second period in said line; strike out all of lines 40, to and including line 52, and insert in lieu thereof the following: "If such reserve justice or reserve judge should hold office to the end of the term to which he had been appointed or elected, or in the event of his resignation or death before the end of such term, then in any such case or event the office to which he had been elected shall be and is hereby abolished."

SEC. 8. When the word "justice" of the supreme court is used herein, it shall mean and include the chief justice or an associate justice of said supreme court, and when the word "justice" of the district court of appeal is used herein, it shall mean and include the presiding justice or an associate justice of said district court of appeal.

If any section of this act, or any part or portion of any section shall be declared to be unconstitutional or invalid, such unconstitutional or invalid portion shall not be deemed to affect the balance of this act, nor the grounds for invalidating the balance of this act, it being the intent of the Legislature that the valid portion of this act shall remain in full force and effect, irrespective of any invalid or unconstitutional portion thereof."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 38—An act to provide proper sanitary conditions at railroad terminals for the preservation of the health of employees.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2, of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "and prescribing penalties for the violation of the provisions thereof".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, strike out lines 2 to 10, inclusive, and insert in lieu thereof the following: "railroad within the State of California shall install and maintain at every regular terminal at roundhouses, freight yards, and passenger stations where engine crews and train crews are customarily required to report for duty and are released from duty, suitable and appropriate lockers, lavatory, shower baths and wash rooms in number and size sufficient to accommodate the employees of said railroad in engine and train service at such terminal points."

SEC. 2. It shall be the duty of the department of industrial relations, and the several divisions thereof, to enforce the".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On pages 2 and 3, of the printed bill, strike out all of lines 3 to 51, inclusive, of page 2; also strike out all of lines 1 to 10, inclusive, of page 3, and insert in lieu thereof the following:

"2. The state convention of each political party shall consist of one delegate for each of the following elective officials and the total number of delegates shall be the aggregate number of the following elective officials:

(a) The governor,

The lieutenant governor,

The treasurer,

The controller,

The attorney general,

The secretary of state,

All members of the state board of equalization,

(b) All senators and representatives in congress from California, and

(c) All members of the state Legislature.

The state convention of each political party shall meet at Sacramento at ten o'clock of the morning of the third Thursday in September next following the date upon which the primary election preliminary to the general November election is held and shall be composed of the following delegates:

(a) Each elective official hereinabove named who was nominated and elected as a candidate of such party and whose term of office extends beyond the eighth day of January next following the primary election, or the appointee or successor to fill a vacancy in the office of any such official. Each such delegate shall be known as a "hold-over delegate."

(b) Each candidate of such party in whose behalf nomination papers were filed and who was nominated at the primary election by such political party for the office of each such elective official. Each such delegate shall be known as a "nominee delegate."

(c) One delegate appointed for each of the elective officials hereinabove named, not represented by a "hold-over delegate" nor by a "nominee delegate," of such party. Each such delegate shall be chosen and appointed in the manner hereinafter provided in this section for filling vacancies in the state convention, and shall be known as an "appointive delegate."

Membership in the state convention shall not be granted to any party nominee for a congressional office, state office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliations with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, state, or legislative office shall procure from the registrar of voters or clerk of the county in which he resides, a certificate stating the party with which such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate in the office of such registrar of voters or clerk of the county; and this certificate shall be the credential of such candidate to membership in the convention of his party.



In the event that there is no "hold-over delegate" nor "nominee delegate" of the party, as herein defined, for any of the elective offices hereinabove named, or in the event that any nominee is disqualified for membership in the convention for any reason herein stated, or in the event that any delegate dies prior to the convention, then in every such case a vacancy shall be deemed to exist in the membership of the state convention of the party and a delegate shall be chosen and appointed to fill such vacancy as follows:"

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, of the printed bill, strike out all of lines 18 and 19, and insert in lieu thereof the following: "newly elected county central committee of such party in the county wherein the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or wherein the "hold-over delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, of the printed bill, strike out all of lines 20 and 21, and insert in lieu thereof the following:

"(c) If such vacancy occurs as to a delegate for a United States senator from California or as to a delegate for any of the state officials hereinabove named, by appointment by the state central committee of such party.

(d) If such vacancy occurs as to a delegate for any representative in congress from California, by appointment by the state central committee of such party of a qualified registered elector who resides within the congressional district to be so represented."

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, strike out all of lines 38 to 40, inclusive, and insert in lieu thereof the following: "committee making the appointment, and he shall file with the secretary of state not later than two o'clock of the afternoon of the convention, his appointment of the members of the".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 4 of the printed bill, strike out all of lines 43 and 44, and insert in lieu thereof the following: "As soon as practicable after the primary election the secretary of state shall prepare a list of the names".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 4 of the printed bill, strike out all of line 41, and insert in lieu thereof the following: "appoint three qualified electors".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 5 of the printed bill, strike out all of lines 15 and 16, and insert in lieu thereof the following: "virtue of my (appointment by the \_\_\_\_\_ central committee) (nomination) (election) (to the office of \_\_\_\_\_) (strike out part inapplicable) on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 5 of the printed bill, strike out all of line 39, and insert in lieu thereof the following: "qualified electors, which".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 5 of the printed bill, strike out all of line 46, and insert in lieu thereof the following: "deliver said appointments so received by him".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 6 of the printed bill, strike out all of lines 1 to 6, inclusive, and insert in lieu thereof the following: "proceed to the election of a temporary chairman by roll call read from the alphabetical roll submitted by the secretary of state, and shall likewise elect such other officers as the convention may determine. The tem-

porary chairman shall appoint a committee consisting of one delegate from each congressional district which shall serve as the committee on credentials of the convention, and shall appoint such other committees as the convention may direct."

**Amendment adopted.**

AMENDMENT NUMBER ELEVEN.

On page 6 of the printed bill, strike out all of lines 7 and 8, and insert in lieu thereof the following: "The convention shall, upon election of permanent officers, adopt a state platform for its party, which said state".

**Amendment adopted.**

AMENDMENT NUMBER TWELVE.

On page 6, line 9, of the printed bill, strike out the word "framed", and insert in lieu thereof the word "adopted".

**Amendment adopted.**

AMENDMENT NUMBER THIRTEEN.

On page 6, line 40, of the printed bill, strike out the word "thereafter", and insert in lieu thereof the following: "after receiving said certified list of names of members and said appointments".

**Amendment adopted.**

AMENDMENT NUMBER FOURTEEN.

On page 7, line 25, of the printed bill, strike out the word "organization", and insert in lieu thereof the word "first".

**Amendment adopted.**

AMENDMENT NUMBER FIFTEEN.

On page 7, line 30, of the printed bill, strike out the word "organization", and insert in lieu thereof the word "first".

**Amendment adopted.**

AMENDMENT NUMBER SIXTEEN.

On page 7, line 34, of the printed bill, strike out the word "organization", and insert in lieu thereof the word "first".

**Amendment adopted.**

AMENDMENT NUMBER SEVENTEEN.

On page 7, line 42, of the printed bill, beginning in said line 42, strike out the following: "in an organization meeting".

**Amendment adopted.**

AMENDMENT NUMBER EIGHTEEN.

On page 7, line 48, of the printed bill, strike out the word "organization", and insert in lieu thereof the word "first".

**Amendment adopted.**

AMENDMENT NUMBER NINETEEN.

On page 8 of the printed bill, strike out all of line 2, and insert in lieu thereof the following: "a committee on proxies and credentials consisting of one member from each congressional district selected from among the members of the".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY.

On page 8, line 7, of the printed bill, after the word "on", in said line, insert the words "proxies and".

**Amendment adopted.**

AMENDMENT NUMBER TWENTY-ONE.

On page 8 of the printed bill, strike out all of lines 12 and 13, and insert in lieu thereof the following: "tials upon a request made by the member in person before said committee and at no other".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-TWO.

On page 8 of the printed bill, strike out all of lines 18 to 42, inclusive.

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-THREE.

On pages 8 and 9 of the printed bill, strike out all of lines 48 to 51, inclusive, of page 8; also strike out all of lines 1 and 2, of page 9, and insert in lieu thereof the following: "at all meetings of the state central committee."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FOUR.

On page 9, line 3, of the printed bill, after the word "select", in said line, insert the words "from its membership".

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-FIVE.

On page 9, line 44, of the printed bill, after the period following the word "committee", in said line, insert the following paragraphs:

"In each county containing fifteen or more assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each thirty-five hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected; *provided, however*, that in any event each assembly district shall be entitled to not less than seven members upon the county central committee.

In any county containing more than seven and less than fifteen assembly districts, the county central committee of each party shall be elected by each assembly district and shall consist of five members from each assembly district therein."

**Amendment adopted.**

## AMENDMENT NUMBER TWENTY-SIX.

On page 9, line 45, of the printed bill, strike out the words "five or more", and insert in lieu thereof the words "not more than seven nor less than five".

**Amendment adopted.**

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Senate Bill No. 302—An act to permit any producer or grower of agricultural products to vend, hawk, peddle, sell or offer for sale such products in any county, town, village, incorporated city or municipality in the State of California without paying a license therefor.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

In line 16 of the printed bill, after the period, strike out the period, and insert in lieu thereof a semicolon, and add the following: "*provided, however*, that the provisions of this act shall not apply to any municipality, which maintains a free market, a municipal market, or a district set apart for the sale of growers' products, or to sale upon the right of way of a state or county highway."

**Amendment adopted.**

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 680—An act to repeal chapter 1 and articles I to VI, inclusive, of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III of the Civil Code, all relating to partnerships; and to make the Partnership Law of the State of California uniform with the law of other states.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 18, of the printed bill, after the word "either", insert the following: "in whole or in part".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 19, of the printed bill, after the word "paid", insert the following: "in whole or in part".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 754—An act to add a new section to be numbered 2a to an act entitled "An act to secure the payment of the salaries of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

MULLER, Chairman.

Senate Bill No. 754 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 479—An act to amend section 747 of the Penal Code, relating to the salary of the judge of the superior court in and for the county of Lake;

Also: Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

MULLER, Chairman.

Senate Bills Nos. 479 and 688 ordered on file for second reading.

RECESS.

At ten o'clock a.m., the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, April 10, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Broed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Harty, Harney, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Morrison, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—38.

PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Walter J. Little, Harry F. Sewell and William B. Hornblower and counsel Pembroke Gochbauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESSES RECALLED TO STAND.

Joseph W. Arthur was recalled to the witness stand by the Managers of the Assembly, and testified.

## MOTION BY DEFENSE.

Frank M. Carr, of counsel for the defense, moved that the journal and ledger of Angelus Temple previously admitted as exhibits and listed as Assembly Exhibits Nos. 18 and 19 be withdrawn from the record.

The President of the Senate denied Frank M. Carr's motion and asked the defense if they demand that the Senate rule on Frank M. Carr's motion.

Frank M. Carr, of counsel for the defense, demanded that the Senate rule on his motion.

The President put the question: Shall the motion of the defense to strike out the journal from the evidence as admitted in evidence on April 9th be stricken out?

The roll was called, with the following result:

AYES—Senator Garrison—1.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

Whereupon the President announced that the motion made by the defense to strike out as evidence the journal of Angelus Temple as admitted in evidence on April 9th was denied.

The President then put the question: Shall the motion of the defense to strike out the ledger from the evidence as admitted in evidence on April 9th be stricken out?

The roll was called, with the following result:

AYES—Senators Garrison, Lyon, and West—3.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—35.

Whereupon the President announced that the motion made by the defense to strike out as evidence the ledger of Angelus Temple as admitted in evidence on April 9th was denied.

## RULING ON ADMISSIBILITY OF EVIDENCE.

The President put the question: Shall the evidence relating to the transactions shown in the journal and ledger of Angelus Temple other than covering the one entry respecting the \$2,500 check be stricken out? And asked the Senate if they demanded a roll call.



A roll call was demanded by Senators West, Inman, Fellom, Swing and Tubbs.

The roll was called, with the following result:

**AYES**—Senators Carter, Cassidy, Christian, Cleveland, Duval, Handy, Hurley, Lyon, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Waggy, and Weller—17.

**NOES**—Senators Allen, Baker, Boggs, Breed, Canepa, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Inman, Jones, Ray, Maloney, Murphy, Nelson, Sharkey, Swing, Tubbs, West, and Young—21.

Whereupon the President announced that the motion to strike out evidence relating to the transactions shown in the journal and ledger of Angelus Temple was denied.

RECESS.

At eleven o'clock and twenty minutes a.m., the President declared the court at recess for five minutes.

RECONVENED.

At eleven o'clock and twenty-five minutes a.m., the court reconvened.

WITNESS RECALLED TO STAND.

Joseph W. Arthur was recalled to the witness stand by the Managers of the Assembly and testified.

RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, William B. Hornblower, Harry F. Sewell, Clare Woolwine and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

WITNESS RECALLED TO STAND.

Joseph W. Arthur was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Nicholas B. Harris and W. I. Gilbert.

## RECESS.

At three o'clock and fifteen minutes p.m., the President declared the court at recess for five minutes.

## RECONVENED.

At three o'clock and twenty minutes p.m., the court reconvened.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: George Hyde, William H. Carter, Robert W. Bryden and Wallace Moore.

## ADJOURNMENT.

At four o'clock and twenty minutes p.m., the President declared the court adjourned until ten o'clock a.m., Thursday, April 11, 1929.

## IN SENATE.

At four o'clock and twenty-five minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON COMMERCE AND NAVIGATION.

## SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 444—An act to amend section 2460 of the Political Code, relating to monthly account of pilotage—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

FELLOM, Chairman.

Senate Bill No. 444 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 524—An act to provide procedure for determining whether or not a reclamation district to be known as "South Basin-South Basin Canal Reclamation District" should be created; fixing the boundaries thereof in the event of the creation thereof; providing for the management and control thereof; vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district in the event of its creation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—3; absent—1.

FELLOM, Chairman.

Senate Bill No. 524 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or wholly or partially including territory

of one or more municipalities within such county or lying within unincorporated territory of said county and one or more municipalities therein; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the governing body of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within said district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; and providing for the appointment and election within any such harbor district formed under this act of a Board of Harbor Governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such Board of Governors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8, absent—1.

FELLOM, Chairman.

Senate Bill No. 797 ordered on file for second reading.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 7—An act to amend section 6287 of the Penal Code, relating to the protection of fish and game:

Also: Assembly Bill No. 284—An act prohibiting the catching or taking of any invertebrate or specimen of marine plant life within a certain described portion of Fish and Game District No. 19, other than by officers, employees, and students of the University of California for scientific purposes, making every violation of certain provisions of this act a misdemeanor, providing for the punishment thereof and providing for the disposition of fines imposed or collected on account of said violation.

Also: Assembly Bill No. 337—An act to amend section 6374 of the Penal Code, relating to protection of fish and game;

Also: Assembly Bill No. 303—An act to amend section 626m of the Penal Code, relating to fishing at night;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—15.

YOUNG, Chairman.

Senate Bill No. 7 ordered on file for second reading.

Assembly Bills Nos. 284, 337 and 303 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operat-



ing for commercial purposes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—5; absent—2.

YOUNG, Chairman.

Senate Bill No. 434 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries, relative to the control of salmon fishing—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—15; committee vote: Ayes—15.

YOUNG, Chairman.

Senate Concurrent Resolution No. 24 ordered on file.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Cleveland:

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Request referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 252—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 11k, embracing section 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 252 read first time, and referred to Committee on Military Affairs.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California;

Also: Assembly Bill No. 9—An act making an appropriation to pay the claim of Harry L. Hopper against the State of California;

Also: Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor;

Also: Assembly Bill No. 908—An act to appropriate money to pay the claim of C. E. Skidmore against the State of California;

Also: Assembly Bill No. 828—An act to amend section 11 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, relating to refunds;

Also: Assembly Bill No. 1061—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health;

Also: Assembly Bill No. 1022—An act to amend section 2322-26 of chapter 4b of part III, title V of the Political Code of the State of California.

Also: Assembly Bill No. 661—An act to amend section 24, 29 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 155 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 9, 908 and 1061 read first time, and referred to Committee on Finance.

Assembly Bill No. 11 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 838 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1022 read first time, and referred to Committee on County Government.

Assembly Bill No. 661 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, APR. 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 23—Relative to creation of a joint committee of the Senate and Assembly to study, discuss and recommend any of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 23 read, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 743 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 161 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards;

Also: Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges;

Also: Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts;

Also: Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts;

Also: Senate Bill No. 311—An act to provide transportation for pupils attending secondary schools;

Also: Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary schools pupils.

ARTHUR A. O'HINIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 483, 488, 706, 175, 311 and 312 ordered to enrollment.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 901—An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Christian moved to refer Assembly Bill No. 901 to Senator Hurley, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

In line 6, of the title of the printed bill, as amended in Assembly March 15, 1929, strike out the period, and insert in lieu thereof a comma and the following: "relating to zones".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 901, with instructions to amend, respectfully reports the same back amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.

Bill ordered to print.

Assembly Bill No. 236—An act to provide for the adoption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cassidy moved to refer Assembly Bill No. 236 to Senator Waggy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 3, line 5, of the printed bill, strike out all of lines 5 to 12, inclusive, and insert in lieu thereof the following:

"SEC. 11. All fees and other moneys collected or received by the department of agriculture under the provisions of this act shall be paid into the state treasury to the credit of the department of agriculture fund to be used and expended by the director of agriculture for the purpose of enforcing and carrying out the provisions of this act; *provided, however,* that any and all moneys so expended shall be expended only under the same conditions and restrictions as imposed on said director by the provisions of chapter seventy of the statutes of 1929."

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 236, with instructions to amend, respectfully reports the same back amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Cassidy adopted.  
Bill ordered to print.

## ADJOURNMENT.

At four o'clock and forty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Thursday, April 11, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, April 11, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, WagY, Weller, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, April 10, 1929, the further reading was dispensed with, on motion of Senator Christian.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. H. I. Bills of Richmond.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 49—An act to add a new section to the Penal Code, to be numbered 6267, relating to cats in fish and game districts designated by law as game refuges;

Also: Senate Bill No. 105—An act to amend sections 3, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy;

Also: Senate Bill No. 107—An act to amend section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons;

Also: Senate Bill No. 223—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on March 19, 1928, by the board of supervisors of Contra Costa County;

Also: Senate Bill No. 224—An act validating that certain franchise for a toll road and tunnel granted to E. J. Fitzpatrick on April 9, 1928, by the board of supervisors of Alameda County;

Also: Senate Bill No. 226—An act remising, releasing and quietclaiming to The Regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said The Regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch State normal school,' approved March 14, 1881, abolishing the branch of the State Normal School at Los Angeles, transferring its properties to The Regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said The Regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act;

Also: Senate Bill No. 315—An act to establish the line of ordinary high tide in certain parts of Newport Bay in Orange County, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tide lands heretofore made to the city of Newport Beach;

Also: Senate Bill No. 361—An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds;

Also: Senate Bill No. 422—An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 306, relating to the packing of cauliflower;

Also: Senate Bill No. 439—An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property;

Also: Senate Bill No. 458—An act to amend section 369b of the Penal Code, relating to shipping cattle without unloading or feeding them;

Also: Senate Bill No. 485—An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this State;

Also: Senate Bill No. 528—An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on real and personal property;

Also: Senate Bill No. 548—An act to provide for the impounding and utilization of the waters of the American River for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the State Department of Finance to acquire for the State property useful in connection therewith; defining the powers and duties of State officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the State for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject, and declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 667—An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates;

Also: Senate Bill No. 668—An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates;

Also: Senate Bill No. 689—An act to amend sections 1919, 1927, 1954, 1982, 2077, 2081 and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code, all relating to the National Guard;

Also: Senate Joint Resolution No. 7—Relative to memorializing and petitioning the President of the United States and Congress to support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and petitioning for the restoration of adequate tariffs on imports of agriculture products from the Philippine Islands; And reports that the same have been correctly enrolled and presented to the Governor on the tenth day of April, 1929, at eleven o'clock and thirty minutes a.m.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Encroachment, Entailment and Printing has examined Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the seacoast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor, to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor and to provide for the levy of assessments by said district for said purposes and for the collection thereof.

Also: Senate Bill No. 265—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties, the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and to other persons and corporations, creating the Railroad Commission fund and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Also: Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to said act to be numbered 76a, relating to the foreclosure of bonds:

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII½, relating to revenue and taxation;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

#### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537i, 537a and 537b, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor:

Also: Assembly Bill No. 634—An act to amend section 928 of the Penal Code, relating to grand juries:

Also: Assembly Bill No. 746—An act to add a new section to the Penal Code, to be known as section 1046a, relating to jury panels:

Also: Assembly Bill No. 1012—An act to add a new section to the Penal Code, to be numbered 531a, relating to fraudulent conveyances:

Also: Assembly Bill No. 1113—An act to amend sections 1205 and 1446 of the Penal Code, relating to judgments directing imprisonment for satisfaction of fines and providing for payment of fines within a limited time or in installments in certain cases:

Also: Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts:



Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

BAKER, Chairman.

Assembly Bills Nos. 319, 634, 746, 1012 and 1113 ordered on file for second reading.

Senate Bill No. 695 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof.

Reconsideration granted, previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cleveland, Crowley, Duval, Edwards, Fellom, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—25.

NOES—Senator Christian—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto, to be numbered 37, and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and chapter -----, California Statutes of 1929.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Senate Bill No. 763 to Senator Tubbs, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Senate April 3, 1929, beginning in said line 1, strike out the words "reclamation board act", and insert in lieu thereof the following: "Reclamation board act".

##### AMENDMENT NUMBER TWO.

On page 5, line 50, of the printed bill, as amended in Senate April 3, 1929, strike out the word "described", and insert in lieu thereof the following: "prescribed".

##### AMENDMENT NUMBER THREE.

On page 6, line 13, of the printed bill, as amended in Senate April 3, 1929, strike out the word "thereof", and insert in lieu thereof the following: "thereon".

##### AMENDMENT NUMBER FOUR.

On page 6, line 48, of the printed bill, as amended in Senate April 3, 1929, strike out the word "a", and insert in lieu thereof the following: "any".

## AMENDMENT NUMBER FIVE.

On page 7, line 34, of the printed bill, as amended in Senate April 3, 1929, after the period following the word "books", insert a new paragraph as follows:

"Sec. 4. Section 19 of said act is hereby amended to read as follows."

## AMENDMENT NUMBER SIX.

On page 8, line 21, of the printed bill, as amended in Senate April 3, 1929, after the word "maintenance", insert the following: "and except appropriations pursuant to the provisions of chapter five hundred fifty six, statutes of 1919"

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One to which was referred Senate Bill No. 763, with instructions to amend, respectfully reports the same back, amended as per instructions.

TUBBS, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 721.—An act to add a new section to the Political Code of the State of California, to be numbered 3436, relating to assessments levied by reclamation districts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Assembly Bill No. 721 to Senator Tubbs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill after the final period add a new sentence as follows: "Nothing in this section shall be construed to authorize the levying of an assessment upon public roads or highways lying within any reclamation district."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 721, with instructions to amend, respectfully reports the same back, amended as per instructions.

TUBBS, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 53.—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806 and 882 thereof, relating to the jurisdiction of courts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 53 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out line 4 thereof, and insert in lieu thereof the following: "amending sections 691, 693, 806, 882 and 883 thereof, relating".

## AMENDMENT NUMBER TWO.

On page 2, line 44, of the printed bill, strike out the word "recorder's", and insert in lieu thereof the word "city".

## AMENDMENT NUMBER THREE.

On page 2, line 45, of the printed bill, strike out the word "recorder", and insert in lieu thereof the words "city judge".

## AMENDMENT NUMBER FOUR.

On page 2, line 46, of the printed bill, strike out the word "recorder's", and insert in lieu thereof the word "city".

## AMENDMENT NUMBER FIVE.

On page 2, line 51, of the printed bill, strike out said line 51, and insert in lieu thereof the following: "of practice and mode of proceeding in said city court".

## AMENDMENT NUMBER SIX.

On page 3, line 3, of the printed bill, strike out the word "recorder's", and insert in lieu thereof the word "city".

## AMENDMENT NUMBER SEVEN.

On page 3, line 5, of the printed bill, following the period in said line, insert the following:

"SEC. 5. Section SS3 of said act is hereby amended to read as follows:

SS3. The city judge shall be judge of the city court, and shall have the powers and perform the duties of a magistrate.

He may administer and certify oaths of affirmation, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of city judge."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 53, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 65 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, strike out the word "forms" at the end of the line, and insert in lieu thereof the word "form".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 65, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure, to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 67 to Senator Weller as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the word "wherever", and insert in lieu thereof the word "wherein".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 67 with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.  
Bill ordered to print and re-engrossment.

Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending Sections 28 and 29 thereof, relating to the jurisdiction of said courts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 69 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 47, of the printed bill, strike out the word "proceedings", and insert in lieu thereof the word "proceedings".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 69, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Senate Bill No. 97 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the following: "including a proceeding relating to the administration of the estate of a decedent, also a proceeding relating to the administration of the estate of a minor or incompetent person after a guardian has been appointed therein".

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the comma following the word "proceeding", insert the following: "including a proceeding relating to the adminis-

tration of the estate of a decedent, also a proceeding relating to the administration of the estate of a minor or incompetent person after a guardian has been appointed therein".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 97, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEILER, Special Committee.

Report read, and on motion of Senator Human adopted.  
Bill ordered to print and re-engrossed.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle therein; to provide for the slaughter of cattle which positively react to said test; to provide the method of payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof, and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act, including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for violation of the provisions hereof; to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 32, of the title of the printed bill, after the word "stock", in said line, insert the words: "or poultry".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 22, of the title of the printed bill, strike out lines 22 to 25, inclusive, and insert in lieu thereof the following: "provisions hereof; and to repeal all acts and".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 44, of the printed bill, strike out lines 44 and 45, and insert in lieu thereof "animal, the amount of money herein prescribed therefor. The state hereby agrees, in consideration for the slaughter of each such reacting animal, to pay to the owner thereof a sum of money representing seventy-five per cent of said appraisement; *provided*, that in no case shall".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 6, line 5, of the printed bill, after the period in said line, insert the following: "Each claim against the state for payment in consideration for the

slaughter of such reacting animal or animals shall be presented to the state comptroller, audited and paid out of appropriations or funds available therefor, in accordance with the provisions of article eighteen of chapter three of title one of part three of the Political Code in respect to the presentation, audit and payment of claims against the state."

### Amendment adopted.

#### AMENDMENT NUMBER FIVE.

On page 7, line 44, of the printed bill, strike out ~~ARTS 44 to 51, inclusive~~, and insert in lieu thereof the following: "of one hundred thousand dollars to be expended in accordance with law during the eighty-first and eighty-second fiscal years in carrying out the provisions of this act."

### Amendment adopted.

#### AMENDMENT NUMBER SIX.

On page 8, line 8, of the printed bill, after the word "or", insert the following "by imprisonment for".

### Amendment adopted.

#### AMENDMENT NUMBER SEVEN.

On page 8, line 10, of the printed bill, strike out lines 10 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 17. If any of the provisions of section 10 or of any other section or of any subsection, sentence, clause or phrase of this act has been declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any such provisions or any or either thereof be declared unconstitutional.

SEC. 18. All acts or parts of acts in conflict with this act are hereby repealed."

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and in time for third reading.

Senate Bill No. 306--An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey.

#### COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 3, inclusive, of the title of the printed bill, as amended, and insert in lieu thereof:

"An act making an appropriation to be expended by and under the direction of the department of public works for the purpose of rectifying, improving, and protecting the channel of the Pajaro River."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, as amended, strike out the words "dredging and widening", and insert in lieu thereof the following words: "rectifying, improving, and protecting the channel of".

### Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, as amended, after the word "river", insert a semicolon, and strike out the words "between the counties of Santa Cruz and Monterey pro-" in said line, and strike out all of lines 7 to 11, inclusive, of said page, and insert in lieu thereof the following: "provided, that the moneys hereby appropriated shall become available for the purpose of this act only in the event, and at the times any sums are contributed by local interest for the same purpose, and only in amounts equal to the sum so contributed.

SEC. 2. The sum herein appropriated or so much thereof as may become available by reason of contributions made by local interests as hereinbefore provided, together with all contributed funds, shall be deposited in the state treasury in a fund to be designated "Pajaro river flood control fund," which fund is hereby created, and



money shall be drawn from said fund only for the purposes herein stated and upon claims of the department of public works, duly supported by vouchers in the manner provided for by law; *provided, however*, that the department of public works may, in its discretion, postpone the execution of the physical work of rectifying, improving and protecting the channel of the Pajaro river until the total amount of money available in the above designated fund shall be sufficient, in its opinion, to prosecute said work to advantage."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 754—An act to add a new section to be numbered 2a to an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out all of the title as it appears in the printed bill, and substitute in lieu thereof the following title:

"An act adding a new section to be numbered 2a to an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts in behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bidders on public works under the jurisdiction and control of the department of public works."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, following the word "entitled", strike out the balance of line 2 and all of lines 3, 4, 5, 6, 7, and 8, and insert in lieu thereof the following: "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, to read as follows:":

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 479—An act to amend section 737q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 444—An act to amend section 2460 of the Political Code, relating to monthly account of pilotage.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the word "section", insert the following: "2430, 2440, 2457, 2459", and after the figures "2460", insert a comma and add the following: "2461, 2462, 2463, 2464, 2465, 2466, 2467", and at the end of said line 1 of the title, add the following: "board of pilot commissioners, pilots and"

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, strike out the period and insert in lieu thereof a comma, and add the following: "and to repeal sections 2441, 2442 and 2445 of the Political Code."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, strike out the figure "2460", and insert in lieu thereof the figures "2430".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, between lines 2 and 3, of the printed bill, insert the following:

"2430. Pilots appointed by commissioners must be carefully examined as to their qualifications, and, if found to be qualified and worthy, must receive license as pilots for the term of twelve months, which license shall be thereafter annually renewed until the commissioners have good cause to withhold such renewal, and whenever the commissioners deem they have such cause or reason for any reason to withhold such renewal, the secretary of the board of commissioners shall serve notice, in writing, on such pilot, specifying the causes, at least ten days before the expiration of his license; and pilots other than those for the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries shall thereupon be entitled to a full hearing before the board.

SEC. 2. Section 2440 of the Political Code is hereby amended to read as follows:

2440. There shall be appointed by the governor three experienced and competent shipmasters, or nautical men, citizens of the United States, and residents in cities on the bay of San Francisco, as a board of pilot commissioners for all the ports on the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries.

The president of the board, who shall also be the executive member of the board, shall be designated by, and shall hold office at the pleasure of the governor.

The commissioners shall hold their offices at the pleasure of the governor, but not to exceed four years from the date of their commissions. All members of the board shall be entitled to their actual and necessary traveling expenses, which expenses shall include boat hire for visiting ships in the harbors.

The board shall elect a secretary, who shall be exempt from the provisions of civil service regulations, and may fix his salary not to exceed the sum of two hundred fifty dollars per month. The board may employ an attorney. The board may also have one other employee who shall not be subject to civil service regulations. The board must provide an office in the city of San Francisco and must meet once a month in said city. The board shall make by-laws and rules for the government of pilots appointed by it.

SEC. 3. Section 2457 of the Political Code is hereby amended to read as follows:

2457. The board shall examine, and license in the manner prescribed, not less than fifteen nor more than twenty pilots for the bay and port of San Francisco and such other pilots for the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries, as the board may deem necessary. Such other pilots licensed for the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries, shall hold their licenses at the pleasure of the board, and such licenses may be revoked at any time by the board, and, unless previously revoked, said licenses shall be renewed for each calendar year.

SEC. 4. Section 2459 of the Political Code is hereby amended to read as follows:

2459. Every pilot in charge of a vessel arriving in the port of San Francisco must safely anchor or place the vessel within the port in such position as the master of the vessel or harbor-master may direct. Upon request of the owner or the master of the vessel, the pilot may dock the vessel at her berth but in so doing shall be acting as the agent of the owner of said vessel. He must prevent all persons (except officers of the state or federal government, owners or consignees of the





review in the superior court of the city and county of San Francisco, to which court any such case, with all the papers and proceedings therein, shall be immediately certified by the secretary of said board, when so required by the pilot interested therein. Any case so certified to the superior court shall then be tried *de novo*. The judgment of the court shall be final and conclusive. If the decision of the board be reversed, the judgment shall operate directly to restore the pilot to all his former rights, status, and privileges without further action of the board. But the board shall, nevertheless, upon being served with a certified copy of such judgment, restore or renew the license of such pilot, as the judgment may direct.

SEC. 9. Section 2465 of the Political Code is hereby amended to read as follows: 2465. The pilotage from the anchorage opposite San Francisco and about the harbor, or between the harbor of San Francisco and ports on the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries, must be at such rates as agreed on between the parties, subject to the approval of the board of pilot commissioners, but not to exceed five dollars per draft foot.

SEC. 10. Section 2466 of the Political Code is hereby amended to read as follows:

2466. The following shall be the rates of pilotage into and out of the harbor of San Francisco: All vessels under five hundred tons, two dollars per draft foot; all vessels over five hundred tons, two dollars per draft foot and two cents per ton for each and every ton registered measurement; *provided, however*, that vessels sailing under an enrollment may be granted such rates as the board may determine or set forth; and every vessel spoken inward or outward bound except as hereinafter provided, shall pay the said rates. A vessel is spoken by day by a pilot boat displaying a union jack or by night displaying a torch or flare-up within a distance of three miles of the vessel. In all cases where inward bound vessels are not spoken until inside of the bar, the rates of pilotage herein provided shall be reduced fifty per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage except where a pilot is actually employed.

SEC. 11. Section 2467 of the Political Code is hereby amended to read as follows:

2467. Any vessel in tow of a steaming tug between the harbor of San Francisco and the ports on the bays of San Francisco, San Pablo, Suisun, and the Sacramento and San Joaquin rivers and their tributaries shall be exempt from all charges for pilotage, unless a pilot be actually employed.

SEC. 12. Sections 2441, 2442 and 2445 of the Political Code are hereby repealed.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the figures and commas "2, 3, 4, 6, 7, 14, 17, 18, 19 and 20", and insert in lieu thereof the following: "2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20 and 23".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 14 of the title of the printed bill, between the figures and comma "1927," and the word "relating", insert the following: "and to add new sections thereto to be numbered sections 3a, 14a and 20a,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, after the comma, insert the following: "except high frequency apparatus, other than violet ray and except x-ray apparatus or appliances, or any electrical machine of similar nature".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 17, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "provided, that no provision herein shall in any way conflict with any provision of the state medical practice act".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 42, of the printed bill, after the word and comma "electrologist," insert the following: "or any other branch of cosmetology".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 52, of the printed bill, after the word and comma "thereof," insert the following: "or engage in the occupations of hairdresser and cosmetician or cosmetologist or electrologist or any other branch of cosmetology as a junior operator as herein defined,".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, between lines 15 and 16, of the printed bill, insert the following: "Sec. 2a. A new section to be numbered 3a is hereby".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 2, of the printed bill, beginning in said line 2, strike out the following: "and ten dollars for the correction of every fifty examination papers or fraction thereof," and insert in lieu thereof the following: "but not to exceed sixty per diems annually for each member for such board's meeting and five dollars per diem for committee work in the correction of examination papers but not to exceed thirty per diems annually for each member for such committee work".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 3, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 10, of the printed bill, strike out the words and semicolon "and also a treasurer;".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 15, of the printed bill, strike out beginning with and including the words "The treasurer", down to and including the word "board", on page 4, line 20, of the printed bill.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 5, line 23, of the printed bill, between the word "which", and the word "record", insert the word "said".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN

On page 6, line 52, of the printed bill, between the word and comma "cosmetologist," and the word "in", insert the following: "or any of the branches thereof".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN

On page 7 of the printed bill, strike out lines 5 to 7, inclusive, and insert in lieu thereof the following: "or any other branch of cosmetology, other than a student in any school of cosmetology only licensed and registered as herein provided, must have a license and certificate of registration as a junior operator issued by said board in the manner hereinafter provided. Every person who makes application to said board on such form as said board may prescribe accompanied by a photograph as specified in section 7 hereof and who is of good moral character and temperate habits, over the age of sixteen years and who, in the judgment of said board, possesses sufficient common or grammar school education to be fitted to engage as a junior operator as herein defined shall without payment of any fee be issued a license and certificate of registration as a junior operator."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN

On page 7, line 19, of the printed bill, after said line 19, insert the following: "Sec. 5a. Section 8 of said act is hereby amended to read as follows:

Sec. 8. All examinations of applicants shall include both practical demonstrations and written or oral tests (except where otherwise provided in this act); shall not be confined to any special system or method; shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a certificate of registration is sought.

Examinations for certificates of registration as hairdressers and cosmeticians shall include practical demonstrations in shampooing the hair, hairdressing, manual waving, water waving, hair coloring, manicuring, facial massage, and scalp massage, with the hands; written or oral tests in antisepsis, sterilization, sanitation, and the use of mechanical apparatus and electricity as applicable to the practice of the occupations of a hairdresser and cosmetician, and may include such other demonstrations and tests as the board, in its discretion, may require.

Examinations for certificates of registration for the practice of permanent waving shall be by practical demonstration and written or oral tests of histology, reconstruction, waving, bleaching, coloring, arranging, and cleansing the hair.

The scope of examinations in any other branch of cosmetology shall be such as the board, in its discretion, may require.

Sec. 5b. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Upon application to the board in due form, as provided in section 7 hereof, accompanied by the required fee, a person registered as a hairdresser and cosmetician, or cosmetologist, or in any branch of cosmetology, under the laws of another state or territory of the United States, or District of Columbia, shall, without examination (unless the board, in its discretion, sees fit to require examination), be granted a certificate of registration and license to practice the occupation or occupations in which such person was so previously registered, upon the following conditions:

That the applicant is not less than eighteen years of age, of good moral character and temperate habits, and that the requirements for registration or licensing of hairdressers and cosmeticians, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or in the District of Columbia, were, at the date of such previous registration or licensing, substantially equal to the requirements therefor then in force in this state.

The fee for registration and licensing of applicants under the provisions of this section shall be, for hairdresser and cosmetician, or cosmetologist, fifteen dollars; for electrologist ten dollars; for permanent waver ten dollars; for manicurist five dollars.

In the event that reciprocity is not granted the fee may be transferred to apply on examination for hairdresser and cosmetician, or cosmetologist; or electrologist; or permanent waver; or manicurist.

In the event that the applicant does not desire to file application for examination, the board may, in its discretion, refund the fee at the request of the applicant."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN

On page 7, line 23, of the printed bill, after the position of the word "and", strike out the comma, and insert in lieu thereof the following: "or cosmetologist".

Amendment adopted.



## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 33, of the printed bill, after the word "date", strike out the period and insert a comma and add the following: "and if not so paid at said date, a delinquency fee of two dollars shall be charged for renewal thereafter."

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 34, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 7, line 37, of the printed bill, between the word "fee" and the word "provided", insert the following: "together with the delinquency fee or penalty".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 7, line 38, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 7, line 42, of the printed bill, between the word and comma "cosmetician," and the word "electrologist", insert the words and comma "or cosmetologist,".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 7, between lines 46 and 47, of the printed bill, insert the following:

"SEC. 6a. A new section to be numbered 14a is hereby added to said act to read as follows:

Sec. 14a. In the event that an applicant for examination for any certificate of registration or license which may be issued under the provisions of this act withdraws his or her application prior to the date set for examination, the board may in its discretion refund to the applicant the fee paid upon the making and filing of such application.

If for any reason two or more certificates of registration or licenses are issued in any one year to any cosmetological establishment or school of cosmetology or to any individual for hairdresser and cosmetician, or cosmetologist, or hairdresser and cosmetician or cosmetologist and one of the branches of cosmetology embraced and included in such other license, the board shall have power to cancel all but one of said certificates of registration or licenses so issued and refund to applicant the excess fee so collected.

SEC. 6b. Section 16 of said act is hereby amended to read as follows:

Sec. 16. Nothing in this act shall be construed to prohibit service contemplated by this act in cases of emergency or domestic administration, without compensation; and the following persons shall be exempt from the provisions hereof, namely: (a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, osteopathy, chiropractic, naturopathy, or chiropody; (b) commissioned surgical and medical officers of the United States army, navy, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to the same; (c) barbers, in so far as their usual and ordinary vocation and profession is concerned."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 8, line 40, of the printed bill, strike out the period after the word "dollars", and insert a semicolon and add the following: "provided, however, that when said application is made between the first day of October and the thirtieth day of September following, there shall be paid to said board of cosmetology that portion of the registration fee specified in this section which the unexpired number of months in such year bears to the entire year including the month in which such application is made and in such cases said board of cosmetology shall issue a license for such fractional part of such year; provided, further, that nothing in this section contained shall be construed as authorization or permission to conduct a school of cosmetology without a valid, existing and unexpired certificate of registration."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 8, line 44, of the printed bill, strike out the word "said", and insert in lieu thereof the words "each and every".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 8, line 46, of the printed bill, between the word "cosmetician" and the word "who", insert the words "or cosmetologist".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 9, line 9, of the printed bill, between the word and comma "cosmetician," and the word "and", insert the words "or cosmetologist".

Amendment adopted.

## AMENDMENT NUMBER TWENTY SEVEN.

On page 9, between lines 18 and 19, of the printed bill, insert the following: "Certificates of registration for cosmetological establishments and schools of cosmetology shall be renewed and the registration fees herein provided for shall be due and payable to said board of cosmetology during the month of September of each and every year. If such certificates of registration be not so renewed and said fees be not so paid on or before the thirtieth day of September of each year, said certificate shall expire on said last mentioned date and may thereafter be renewed only upon payment of a delinquency fee or penalty of an additional two dollars.

The certificate of registration or license herein provided for authorizes the school of cosmetology holding the same to transact operations in this state during the year or fraction thereof for which such license is issued. "Year" within the meaning of this act means from and including the first day of October to and including the thirtieth day of September next thereafter."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 9, line 24, of the printed bill, between the portion of word and comma, "metician," and the word "or", insert the words "or cosmetologist".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-NINE.

On page 9, line 25, of the printed bill, between the word "license" and the word "in", insert the words "or said certificate".

Amendment adopted.

## AMENDMENT NUMBER THIRTY.

On page 9, line 28, of the printed bill, between the word and comma "cosmetician," and the word "or", insert the words "or cosmetologist".

Amendment adopted.

## AMENDMENT NUMBER THIRTY-ONE.

On page 9, line 37, of the printed bill, after the word "applicant", strike out the period, and insert in lieu thereof the following: "A fee of one dollar will be charged for the issuance of such duplicate license."

Amendment adopted.

## AMENDMENT NUMBER THIRTY-TWO.

On page 10, line 4, of the printed bill, after the word and period "hereof.", add the following:

"Sec. 11. A new section to be numbered section 20a is hereby added to said act to read as follows:

Sec. 20a. There must be at least one covered waste receptacle and at least one air-tight container in which to keep sterilized instruments in each cosmetological establishment or school of cosmetology. Each cosmetological establishment or school of cosmetology shall also be provided with such other sanitary facilities as may be necessary to conduct such establishment or school in a sanitary manner. A cosmetological establishment or school of cosmetology must be provided with suitable plumbing and fixtures that will permit of an adequate and readily available supply of hot and cold running water located within the working booths or work room. A violation of the provisions of this section shall constitute a misdemeanor punishable as provided in section 3 hereof.

SEC. 12. Section 23 of said act is hereby amended to read as follows:

Sec. 23. All fees collected on behalf of the board of cosmetology, and all receipts of every kind and nature, shall be reported at the beginning of each month together with a statement of refunds made or to be made under the provisions hereof, for the month preceding, to the state controller, and at the same time the entire amount of such collections, less such refunds for such month or preceding months not theretofore paid, shall be paid into the state treasury, and shall be credited to a fund to be known as the board of cosmetology's contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of cosmetology and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed three thousand dollars may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 797—An act providing for the formation, government, and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and or one or more municipalities; providing for the classification of such harbors and lands into a commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors and authorizing counties and cities, jointly and separately to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special



assessments within such district to defray such costs and expenses either wholly or partially and authorizing differential special assessments within such district; and providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California and from any person or persons; and providing for the election within any such harbor districts formed under this act of a board of harbor governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such board of governors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 7—An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto, to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

Bill read second time, ordered engrossed, and on file for third reading.

#### RECESS.

At ten o'clock a.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, April 11, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray: Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Walter J. Little, Harry F. Sewell and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

Nick B. Harris was recalled to the witness stand by the defense, and testified.

## WITNESS RECALLED TO STAND.

Wallace Moore was recalled to the witness stand by the Managers of the Assembly, and testified.

## RECESS.

At eleven o'clock and five minutes a.m., the President declared the court at recess for five minutes.

## RECONVENED.

At eleven o'clock and ten minutes a.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Wallace Moore was recalled to the witness stand by the Managers of the Assembly, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Harry F. Sewell and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

Wallace Moore was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Marshall Selover and Edward J. Nagle.

## WITNESS RECALLED TO STAND.

Joseph W. Arthur was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESS CALLED.

Roland Rich Wooley was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## RECESS.

At three o'clock and ten minutes p.m. the President declared the court at recess for ten minutes.

## RECONVENED.

At three o'clock and twenty minutes p.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Roland Rich Wooley was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESS CALLED.

Leonard W. Hamner was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## ADJOURNMENT.

At four o'clock and twenty-eight minutes p.m. the President declared the court adjourned until ten o'clock a.m., Friday, April 12, 1929.

## IN SENATE.

At four o'clock and thirty-five minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Cleveland to introduce a bill entitled "An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

BREED, Chairman

The question being on the adoption of the report.

The roll was called



## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cleveland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, and Young—27.

The Secretary announced the absentees.

Time, four o'clock and thirty-five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## PROCEEDINGS UNDER CALL OF THE SENATE.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 923. An act providing for the creation, maintenance and operation of police relief, life insurance and pension funds in the cities and towns of the fifth and sixth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Christian moved to refer Assembly Bill No. 923 to Senator Hurley as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, strike out said line, and insert in lieu thereof the following: "fund, the same".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 923, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.

Bill ordered to print.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cleveland.

The Secretary was directed to call the roll on the adoption of the report of Committee on Rules.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagy, and Young—31.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator Cleveland: Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Bill read first time, and referred to Committee on Commerce and Navigation.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS—(RESUMED).

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Concurrent Resolution No. 20 Providing for the appointment of a Committee on Tax Investigation.

## ASSEMBLY AMENDMENTS TO SENATE CONCURRENT RESOLUTION

## NUMBER TWENTY.

## AMENDMENT NUMBER ONE.

On page 3, line 25, of the printed amended bill, strike out the word "thirty", and insert in lieu thereof the word "sixty".

## AMENDMENT NUMBER TWO.

On page 3, line 33, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "sixty".

The question being: Shall the Senate concur in Assembly amendments to Senate Concurrent Resolution No. 20?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 20 by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, and Waggy—30.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Resolution by Senator Carter, relative to Fish and Game Commission report—has had same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—15; committee vote: Ayes—15.

YOUNG, Chairman.

## CONSIDERATION OF SENATOR CARTER'S RESOLUTION.

Senator Carter asked for and was granted unanimous consent to consider the following resolution at this time, for purpose of adoption:

WHEREAS, By an act of the Legislature approved May 28, 1917, Statutes 1917, page 1275, it was provided that every person who cans, cures, preserves or otherwise packs fish must first procure a license therefor and, in addition, pay a privilege tax to the Fish and Game Commission of 50 cents per ton for fish taken in the waters of the State or brought into the State in a fresh condition; and

WHEREAS, Said act provides that all moneys collected from such licenses and privilege tax on fish shall be paid to the Fish and Game Commission and all moneys so collected shall be paid by the Fish and Game Commission into the State treasury to the credit of the fish and game preservation fund and shall be expended in conservation work for the benefit of the commercial fishing industries within the districts from which the revenues are derived; and

WHEREAS, The reports of the Fish and Game Commission show that said commission has collected and received in excess of \$600,000 from the fish packing industry of California under said act; and

WHEREAS, No detailed report has ever been made by said Fish and Game Commission showing how said moneys have been expended for conservation work for said industry as required by said act, or the amount thereof which has been so expended; and,

WHEREAS, From the general financial reports issued from time to time by said commission, it can not be ascertained whether said moneys so collected have been used exclusively for conservation work for the benefit of the commercial industries within the districts from which the revenues were derived, as required by law; and

WHEREAS, The Fish and Game Commission has published in the January issue of its official publication "California Fish and Game," Volume 15, No. 1, page 44, that "A knowledge of the supply, breeding grounds, habits and other characteristics of fishes of commercial importance is not only a practical aid to the commercial fishing and canning industry, but also provides a means of more accurately determining the proper rules, regulations and laws necessary to insure their conservation"; and

WHEREAS, The commercial fishing industries are very desirous of such information, and wish for a report from the commission on the foregoing facts and such other practical information as may be of profit to them; and

WHEREAS, The Fish and Game Commission have omitted from the current budget for the next biennial period the yearly appropriation of \$15,000 made for the last three years to the Hooper Foundation for Medical Research of the University of California for the study of methods to prevent botulism spoilage in sardines, and experimental work in packing tuna, mackerel and sardines; which work is not only of utmost importance to the industry but is a safeguard to public health; now, therefore, be it

*Resolved*, That the Fish and Game Commission render to this Senate on or before one week from the adoption of this resolution:

First—A detailed statement of all moneys collected since July 27, 1917, under the provisions of the aforesaid act, specifying the districts from which the same were derived and the amounts from each district.

Second—A detailed statement of all expenditures of said moneys by districts and the purposes for which the same were expended.

Third—What program has been adopted, if any, for the current year in furtherance of said act.

Resolution read, and on motion of Senator Carter adopted.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; noes—3; absent—4.

INMAN, Vice Chairman.

Senate Bill No. 86 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 82—An act to amend section 681a of the Code of Civil Procedure, relating to stay of executions:

Also: Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges;

Also: Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Senate Bills Nos. 82, 85 and 733 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 93—An act to amend sections 631, 1312, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury;

Also: Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons and corporations;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Senate Bills Nos. 88, 93 and 792 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 78—An act to amend section 607 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 607a and 607b, relating to instructions to jurors in jury trials—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; noes—2; absent—5.

INMAN, Vice Chairman.

Senate Bill No. 78 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 73—An act to amend the Code of Civil Procedure by inserting sections 622, 633, 634, 644, 650, 657, 659, 660, 664, 953a, 953b, 956 and 1717 thereof, and to add certain new sections thereto, to be numbered sections 639a, 661 and 662 respectively, relating to findings, judgments, new trials and appeals—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 73 ordered on file for second reading.

#### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 408—An act to add a new section to the Political Code to be known as section 634aa, providing that no organization of persons with mutual insurance upon the Lloyds plan in this State without procuring a certificate of authority to transact business, creating a trust fund for the benefit of policyholders, and being subject to the provisions of article XVI, chapter 3, title 1, part III of the Political Code which may be made applicable thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

TURBS, Chairman.

Senate Bill No. 408 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 10—Relative to memorializing Congress to increase the pension of Eda B. Funston, widow of Major General Frederick Funston—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

EDWARDS, Chairman.

Assembly Joint Resolution No. 10 ordered on file.

## ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies;

Also: Assembly Bill No. 625—An act to amend section 421 of the Civil Code, relating to investments of insurance companies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

TUBBS, Chairman.

Assembly Bills Nos. 1049 and 625 ordered on file for second reading.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 167 ordered to print, and enrollment.

## ADJOURNMENT.

At four o'clock and fifty minutes p.m., on motion of Senate Tubbs, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Friday, April 12, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, April 12, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—37.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, April 11, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert A. Hill,

principal of the Empire Union Grammar School, and students of the eighth grade as follows: Boyd Mendenhall, Mildred Pelly, Edna Parker, Inez Phillips, Chester Emig, Gladys Sise, Frances Bernard, Norma Arnold, Marjory Harrison, Charles Harns, Vaunda Reager, Luther Boone, Lloyd Harlaicher, Kirtus Sharp, Chester Phifer, Eugene Everett, Almon Wyatt, Marion Ruscoe, Frances Warren, Marion Flower, Pearl McCoy, Victor Hughes, Jack Muscio, Freda McCoy, Sarah Blakesley, Henry Schmidt, Berniece Dunham, Alfred Romano, Lowell Pfarr, Warren Boone, Wendell Stratton, Albert Lotspeich, Viola Peters, Katherine Long, Glenn Deselhorst and Thelma Owens, and Ruth Sawyer of Roberts Ferry School.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15 and 16 of the General Dairy Law of California, approved June 15, 1923, as amended;

Also: Assembly Bill No. 174—An act regulating the practice of professional engineering; providing for the creation and establishment of a State Board of Registration for Professional Engineers; granting certain powers to and prescribing the duties of said boards; providing for the examination and registration of professional engineers, and providing penalties for the violation of this act;

Also: Assembly Bill No. 1000—An act to amend section 68 of the Penal Code, relating to bribes;

Also: Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways;

Also: Assembly Bill No. 1122—An act to amend section 19211 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of probation officer of counties of the eleventh class;

Also: Assembly Bill No. 803—An act to amend section 384c of the Penal Code, relating to hunting, injuring animals and penalties;

Also: Assembly Bill No. 408—An act to amend sections 3, 7, 8, 10, 11, 18½ and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1 1897, as amended and to add a new section thereto to be numbered section 20, relating to powers of the directors of said companies and forms of insurance policies issued by said company;

Also: Assembly Bill No. 159—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. DeSoti, Assistant Clerk.

Assembly Bills Nos. 159 and 1122 read first time, and referred to Committee on County Government.

Assembly Bill No. 304 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 174 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1000 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 816 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 803 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 408 read first time, and referred to Committee on Insurance.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 117—An act to provide aid for needy blind persons, creating a State Blind Benefit Commission, and defining the powers and duties thereof, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act:

Also: Assembly Bill No. 188—An act authorizing the Department of Natural Resources to acquire, purchase, and obtain objects of historical interest, to establish and maintain a museum and purchase a site therefor, and making an appropriation;

Also: Assembly Bill No. 360—An act making appropriation to pay the claim of W. J. Brown against the State of California;

Also: Assembly Bill No. 700—An act authorizing the Department of Finance to sell certain property described as the southeast quarter of section 9, township 3 south, range 2 east, San Bernardino base and meridian, situated in Riverside County, State of California;

Also: Assembly Bill No. 754—An act to provide for the forfeiture of certain lands of the State for the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, and for the forfeiture of all moneys previously paid thereon, principal as well as interest; prescribing the duties of certain public officers with respect thereto; providing for the giving of notice of said forfeitures; prescribing certain remedies, and making an appropriation for the purposes of this act;

Also: Assembly Bill No. 798—An act authorizing and providing for an investigation and report upon the methods of financing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 117 and 754 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 188, 360 and 700 read first time, and referred to Committee on Finance.

Assembly Bill No. 798 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 483—An act to amend section 270 of the Penal Code, relative to omitting to provide child with necessities;

Also: Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, describing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended;

Also: Assembly Bill No. 865—An act to amend section 737nn of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Luis Obispo;

Also: Assembly Bill No. 299—An act to amend section 4300f of the Political Code, relating to fees of jurors;

Also: Assembly Bill No. 734—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of monies due from a judgment debtor;

Also: Assembly Bill No. 966—An act to add a new section to the Penal Code, to be numbered 663, providing a penalty for trespass on the premises of another with intent to commit theft;

Also: Assembly Bill No. 521—An act to add a new section to the Political Code, to be known as section 3670d, relating to settlement by the State on account of payment of principal and interest of bonded debt created and outstanding by any city, city and county, county, town, township or district prior to November 8, 1910.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 299, 483, 643 and 734 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 865 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 966 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 521 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 244—An act to add a new section to an act entitled "An act to provide for suitable sanitary conditions in food stores and meat shops and providing penalties for the violation thereof," approved May 24, 1921, to be numbered 4, relating to the enforcement of this act.

Also: Assembly Bill No. 346—An act to add a new section to the Civil Code, to be numbered 696, providing for the filing of a health certificate before marriage licenses are issued, and making the issuance of false certificates a felony.

Also: Assembly Bill No. 457—An act to promote the comfort, health, safety and general welfare of the people of this State as affected by injury causing the disability or death of persons within this State as a result of the drilling, testing or other operation of any petroleum or gas well drilled, in the process of being drilled or abandoned; to define the powers and duties of the Industrial Accident Commission in relation thereto, and to provide penalties and punishment for offenses as defined therein.

Also: Assembly Bill No. 1059—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and extending such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Also: Assembly Bill No. 840—An act conveying certain tidelands in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

Also: Assembly Bill No. 187—An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or distilling gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violations of the provisions of said act and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 244 and 346 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 457 read first time, and referred to Committee on Education.

Assembly Bills Nos. 1059 and 840 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 187 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 375—An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled 'An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of lute to be manufactured at the State Prison at San Quentin, approved March 9, 1885,' approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of lute goods and not needed for the 'revolving fund' provided for in said act,' approved March 24, 1911, as amended, approved May 28, 1925, as amended."

Also: Assembly Bill No. 403—An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor.

Also: Assembly Bill No. 1123—An act to amend section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses.

Also: Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters:

Also: Assembly Bill No. 181—An act to amend section 274 of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court:

Also: Assembly Bill No. 182—An act to repeal section 274b of the Code of Civil Procedure, relating to compensation of official reporters.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 375 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 403 read first time, and referred to Committee on Irrigation.

Assembly Bills Nos. 1123, 183, 181 and 182 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 769—An act providing for the compilation, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, or Roster, repealing all conflicting acts, and making an appropriation to carry out the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 769 read first time, and referred to Committee on Engrossment, Enrollment and Printing.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 772—An act making an appropriation for the construction, completion, equipment, and furnishing of the State office building at San Francisco, California:

Also: Assembly Bill No. 897—An act to amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the Director of the Department of Agriculture in relation hereto, including the collection of fees, creating a Board of Appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof," approved May 23, 1925;

Also: Assembly Bill No. 1124—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children: providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 772 read first time, and referred to Committee on Finance.

Assembly Bill No. 897 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1124 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 173—An act to amend



section 487 of the Penal Code, defining grand theft—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 173 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 486—An act to amend the Civil Code by adding a new section, to be known as section 6484, thereby, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 486 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 784—An act relating to the finances of the State Board of Education—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 784 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 484—An act to amend section 1359 of the Penal Code, relating to absent voters.

Also: Senate Bill No. 580—An act creating a Division of School House Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings.

Also: Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter;

Also: Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense.

Also: Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education;

Also: Senate Bill No. 786—An act relating to the administration of the State Department of Education;

Also: Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collection of taxes; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 484, 580, 771, 171, 785, 786 and 47 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependence, and empowering county boards of supervisors to levy a special tax—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependence, and empowering county boards of supervisors to levy a special tax.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED NINE.

##### AMENDMENT NUMBER ONE.

On page 5, line 8, of the printed bill, as amended in Senate March 20, 1929, strike out the following: "and has reached the age of fifty-five years,".

##### AMENDMENT NUMBER TWO.

On page 5, line 38, of the printed bill, as amended in Senate March 20, 1929, strike out the word "must", and insert in lieu thereof the word "may".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 209?

The roll was called, and Assembly amendments to Senate Bill No. 209 concurred in by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Waggy, and West—23.

NOES—None.

Senate Bill No. 209 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED TWENTY-FIVE.

##### AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, strike out the period, and insert in lieu thereof a comma followed by the following: "relating to the increase or diminishing of the capital stock and the creating or increasing of the bonded indebtedness of wagon-road corporations."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 325?

The roll was called, and Assembly amendment to Senate Bill No. 325 concurred in by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Wagy, West, and Young—24.

NOES—None.

Senate Bill No. 325 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 810 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED FIFTY-FIVE.

##### AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended, strike out the period.

##### AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, as amended, strike out the word "to".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 355?

The roll was called, and Assembly amendments to Senate Bill No. 355 concurred in by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Duval, Edwards, Fellom, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, and Wagy—21.

NOES—None.

Senate Bill No. 355 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 368 ordered on unfinished business file.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 416—An act providing for the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921—and reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of April, 1929, at ten o'clock and forty-five minutes a.m.

WEST, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 109—An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees:

Also: Senate Bill No. 110—An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925:

Also: Senate Bill No. 111—An act to amend sections 15 and 20 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended;

Also: Senate Bill No. 212—An act to limit the liabilities of irrigation district directors for the negligence of appointees and employees thereof in certain instances;

Also: Senate Bill No. 234—An act to amend section 59 of the "State Housing Act," approved June 15, 1923, as amended, relating to garages;

Also: Senate Bill No. 765—An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880;

Also: Senate Bill No. 766—An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this State other than in any city, county and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1929, at four o'clock and thirty minutes p.m.

WEST, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 208—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions;

Also: Senate Bill No. 760—An act to amend and to revise an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended;

Also: Senate Bill No. 637—An act to amend the title and sections 1(c), 2 and 5 of "An act providing for the supervision and regulation of the transportation of

persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act;

Also: Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12, and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended;

Also: Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor;

Also: Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California;

Also: Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states;

Also: Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries;

Also: Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor;

And reports that the same have been correctly engrossed.

WEST, Acting Chairman.

#### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 46—An act to amend section 1168 of the Penal Code, relating to sentences under the indeterminate sentence law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted;

Also: Assembly Bill No. 633—An act to amend section 925 of the Penal Code, relative to the grand jury;

Also: Assembly Bill No. 1045—An act to amend section 647 of the Penal Code, relating to vagrancy;

Also: Assembly Bill No. 1081—An act to amend section 111 of the Penal Code, relating to the expense of trials for escape;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 9; committee vote: Ayes—7; absent—2.

BAKER, Chairman.

Assembly Bills Nos. 46, 633, 1045 and 1081 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to

party conventions, membership and organization of State central committees and county central committees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

MERRIAM, Chairman.

Senate Bill No. 43 ordered on file for second reading.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 132—An act to amend section 653c of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works;

Also: Assembly Bill No. 186—An act to amend sections 1 and 2 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, relating to the occupations to which the act applies, the weight of receptacles and the carrying of boxes, trays or other receptacles up or down stairs;

Also: Assembly Bill No. 288—An act to add a new section to the Civil Code to be numbered 2016, defining the liability of the master to his servant when requiring such servant to wear a uniform or special dress in performing the duties of the employment;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

MURPHY, Chairman.

Assembly Bills Nos. 132, 186 and 288 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 184—An act to amend sections 361e, 361f and 361g of article 11a of chapter 3 of title I of part III of the Political Code and to add two new sections to said article, chapter, title, and part of said code to be numbered 361h and 361i, relating to the Department of Agriculture and the Division of Land Settlement thereof;

Also: Senate Bill No. 732—An act to amend sections 373a, 373b, 373c, 373d, 373e, 373f, 373g and 373h, of the Political Code, relating to the Department of Natural Resources;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman.

Assembly Bill No. 184 ordered on file for second reading.

Senate Bill No. 732 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued



for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to acquire and construct all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto, or appropriated to a public use by any person, firm or private corporation or otherwise, and defining the procedure therefor; also providing that no debt or general obligation of the State and shall be incurred or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act, also providing any city, county, city and county, incorporated city or town or some highway district or highway or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purposes; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances, and providing the time and manner of making such repayments; also providing for the distribution of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or acquired; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or some highway district may acquire or construct toll bridges or other toll highway crossings; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also authorizing California Toll Bridge Authority to make agreements with steam, electric railroad and other transportation for the use of portions of toll bridges or other toll highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving dedicating and setting apart rights of way, through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereon; has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes, 9; absent—2.

MALONEY, Vice Chairman.

## SECOND READING OF SENATE BILL NUMBER SEVEN HUNDRED.

Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navi-

gable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county,

incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also authorizing California Toll Bridge Authority to make agreements with steam, electric railroad and other transportation for the use of portions of toll bridges or other toll highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of ways through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered.

## AMENDMENT NUMBER ONE

On page 4, line 26, of the printed title to the bill, as amended in Senate April 5, 1929, beginning in said line 26 at the word "also", strike out the word "also" in line 26, and lines 27, 28, 29, 30, 31, 32, and the words "this act" in line 33, and insert in lieu thereof the following: "also authorizing California toll bridge authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act".

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 4, line 47, of the printed bill, as amended in the Senate April 5, 1929, immediately following the semicolon after the word "crossings", insert the following: "also empowering the board of public works to designate certain county roads as state highways";

Amendment adopted.

## AMENDMENT NUMBER THREE

On page 13 of the printed bill, after the period following the word "act", in line 21, insert the following: "California toll bridge authority may sue and be sued in the name of the California toll bridge authority".

Amendment adopted.

## AMENDMENT NUMBER FOUR

On page 13, line 50, of the printed bill, strike out the word "bride", and insert in lieu thereof the word "bridge".

Amendment adopted.

## AMENDMENT NUMBER FIVE

On page 16, line 26, of the printed bill, strike out the final "e" in the word "therefore".

Amendment adopted.

## AMENDMENT NUMBER SIX

On page 16, line 46, of the printed bill, strike out the word "condemned", and in lieu thereof insert the word "condemned".

Amendment adopted.



## AMENDMENT NUMBER SEVEN.

On page 18, line 41, of the printed bill, strike out all of line 41 after the word "bridge", and lines 42, 43, and the words "way district, organized and incorporated" in line 44; and insert in lieu thereof the following: "For which any bridge or highway district has been organized or incorporated, or proceedings instituted to organize or incorporate".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 19, line 1, of the printed bill, strike out the parenthesis sign in front of the word "approved", and also the parenthesis sign after the figures "1923".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 20, line 19, of the printed bill, strike out the word "of" after the word "coupons", and insert therein the word "by".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 22, line 2, of the printed bill, after the single quotation following "1876", insert a double quotation mark.

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 22, line 3, of the printed bill, after the first word "Therein", strike out the double quotation mark.

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 22, line 39, of the printed bill, as amended in the Senate April 5, 1929, immediately following said line 39, insert the following paragraph:

"Sec. 22. The department of public works may in its discretion, designate and adopt as a state highway any county road or portion thereof connecting a state highway with a publicly owned bridge or publicly owned toll bridge."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 22, line 40, of the printed bill, as amended in the Senate April 5, 1929, strike out the figures "22" and insert the figures "23".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 22, line 50, of the printed bill, as amended in the Senate April 5, 1929, strike out the figures "23", and insert the figures "24".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 23, line 6, of the printed bill, as amended in the Senate April 5, 1929, strike out the figures "24", and insert the figures "25".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 568—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIa, embracing sections 376 to 376f, inclusive, relating to a Department of Penology.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SIXTY-EIGHT.

AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill after the word "notwithstanding", insert the words "six hundred".

AMENDMENT NUMBER TWO.

On page 2, line 14, of the printed bill, after the word "department", insert the words "and investigation", and strike out the word "department" in said line, and insert in lieu thereof the word "division".

AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, after the word "identification", insert the words "and investigation", and strike out the word "superintendent" in said line and insert in lieu thereof the word "superintendent".

AMENDMENT NUMBER FOUR.

On page 2, line 25, of the printed bill strike out the word "enforcement", and insert in lieu thereof the word "enforcement".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 568?

The roll was called, and Assembly amendments to Senate Bill No. 568 concurred in by the following vote:

AYES—Senators Allen, Baker, Beach, Canepa, Cassady, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKimble, McQuinn, Mueller, Murphy, Pedrotti, Slater, Wagy, West, and Young—24.  
 NOES—None.

Senate Bill No. 568 ordered to print, and enrollment.

RECESS.

At ten o'clock a.m., the President pro tempore declared the Senate at recess to reconvene as High Court of Impeachment.

HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }  
 vs. }  
 CARLOS S. HARDY }

SENATE CHAMBER, April 12, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Beach, Canepa, Carter, Cassady, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKimble, McQuinn, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tabbs, Wagy, West, and Young—37.

PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Walter J. Little, Harry F. Sewell and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS CALLED.

William I. Traeger was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## WITNESS RECALLED TO STAND.

Roland Rich Wooley was recalled to the witness stand by the defense, and testified.

## WITNESS CALLED TO STAND.

Lorraine Wiseman-Seilaff was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## RECESS.

At eleven o'clock and eighteen minutes a.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At eleven o'clock and twenty-eight minutes a.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Lorraine Wiseman-Seilaff was recalled to the witness stand by the Managers of the Assembly, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Hauley, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young -29.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Harry F. Sewell and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.



## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Edward J. Dennison and Arthur Veitch.

## RECESS.

At three o'clock and five minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At three o'clock and fifteen minutes p.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Arthur Veitch was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESS CALLED.

L. J. Archambault was called to the witness stand by the Managers of the Assembly, was duly sworn, and testified.

## ADJOURNMENT.

At four o'clock and forty minutes p.m., the President declared the court adjourned until eleven o'clock a.m., Monday, April 15, 1929.

## IN SENATE.

At four o'clock and forty-two minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 533—An act to provide for the payment of actual and necessary traveling expenses of employees of school districts;

Also: Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts;

Also: Senate Bill No. 639—An act to provide for the purchase of school supplies for school district by superintendents of schools of counties;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—13; committee vote: Ayes—7; absent—6.

SLATER, Chairman.

Assembly Bills Nos. 533 and 311 ordered on file for second reading.

Senate Bill No. 639 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 554—An act relating to the exemption of certain children from the requirements of attendance upon a public full-time day school;

Also: Assembly Bill No. 494—An act providing for the establishment and maintenance of twenty-four-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof;

Also: Assembly Bill No. 312—An act relating to elections of trustees in union or joint union high school districts;

Also: Assembly Bill No. 866—An act authorizing the board of supervisors in any county to provide for the education of graduates of the elementary schools of such county at the California Polytechnic School and to pay the costs thereof:

Also: Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools:

Also: Assembly Bill No. 138—An act relating to the suspension or expulsion of pupils from the public schools:

Also: Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—7; absent—4.

SLATER, Chairman.

Assembly Bills Nos. 554, 494, 312, 866, 138 and 1009 ordered on file for second reading.

Senate Bill No. 428 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—7; absent—6.

SLATER, Chairman.

Senate Bill No. 655 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to form and manner of issuance of bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Senate Bill No. 788 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 789—An act to amend section 7 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in

such work," approved March 21, 1907, as amended, relating to protest—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Senate Bill No. 789 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 630—An act to carry into effect the provisions of subdivisions 6 and 7 of section 84 of article XI of the constitution of the State of California; to provide for the alteration of the boundaries of and for the consolidation of territory located in the county of San Mateo with the city and county of San Francisco, for the incorporation of such consolidated territory in and as a part of said city and county, and for the government of such consolidated territory as an integral part of such city and county of San Francisco;

Also: Assembly Bill No. 344—An act to amend section 832 of the Civil Code, relating to excavations, lateral and adjacent support, and establishing standard depth for foundations;

Also: Assembly Bill No. 1048—An act to add 11 new sections to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, the ascertainment of their indebtedness and the distribution of their assets; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Assembly Bills Nos. 630, 344 and 1048 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 169—An act to amend section 186 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909 (Stats. 1909 page 551), as amended, relating to annexation of districts by cities;

Also: Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats. 1915 page 1441), as amended, relating to prorating of assessments upon subdivisions of land;

Also: Assembly Bill No. 172—An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the counties for such services;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Assembly Bills Nos. 169, 170 and 172 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor;

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1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1890-1891, 1891-1892, 1892-1893, and 1893-1894, on the 1st, 2nd, 3rd, and 4th of the month.

...the ... of ...

Source: *Journal of the American Statistical Association*, 1990, 85, 1031-1041.

Source: U.S. Census Bureau, 1997, *U.S. Census of the Population*, Washington, D.C.

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London: 1841. 1842. 1843. 1844. 1845. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522.

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Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifth first class.

Also: Senate Bill No. 705—An act to add a new section to the Political Code to be numbered section 4041x, relating to powers and duties of boards of supervisors. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7, absent—2

CLEVELAND, Vice Chairman.

Senate Bills Nos. 268 and 705 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2—An act to amend the Political Code by adding thereto a new section to be numbered 4041m, empowering boards of supervisors of the counties of the State to lease all lands whether dedicated to a public use or not, and under the jurisdiction of the county, for the drilling of oil and gas, and the extraction of other minerals—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7, absent—2

CLEVELAND, Vice Chairman.

Assembly Bill No. 2 ordered on file for second reading

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF SENATE BILLS

Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California", setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for the purpose of preserving the scenic and natural resources of such regions.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mueller moved to refer Senate Bill No. 298 to Senator Rochester, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"An act to provide for the establishment of regions to be designated by the governor as "protected scenic region of the State of California": setting forth the manner in which such regions may be established, the manner in which the boundaries thereof may be changed, the manner in which said regions may be dissolved; vesting the administration of any said region in the department of natural resources and extending the advisory services of said department; all for the purpose of preserving the scenic and natural resources of any region."

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 11, inclusive, and also strike out all of pages 2 and 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. Whenever it shall appear to the director of the department of natural resources, upon evidence submitted to him, that in any compact region of the state not less than ten square miles in extent, the natural resources of the region as a whole for purposes of outdoor recreation and enjoyment of scenery are of notable importance and value to the state at large and constitute one of the principal natural resources of the region itself, the department may, under his direction, make investigations as to the facts of the case, as to the measures which have been taken and which reasonably might be taken by the inhabitants and landowners of said region or by public authorities having jurisdiction therein toward conserving, protection, and making available the said natural resources for outdoor recreation and enjoyment of scenery, and as to the relation of such measures to the proper and well-balanced development of all the natural resources of the region; may consult and advise with said inhabitants, landowners, and public authorities as to such measures and related matters; and may prepare a report upon the question of whether the region is in fact of such notable scenic and recreational importance in the state and is in fact so well protected as to the permanence of its scenic and recreational attractions and resources, either by means of public ownership of lands or rights in land held in trust for such purposes, or by suitable covenants running with title to land not publicly owned, or by regulations properly imposed by several or all of these, as to justify its official recognition as a protected scenic region of the State of California.

SEC. 2. If the director of the department of natural resources, with the concurrence of the state park commission, shall submit to the governor a report recommending such action in regard to any given region defined in said report, which report must be made in accordance with the provisions of section 1 hereof, the governor may proclaim said region to be a protected scenic region of the State of California, and the same shall thereafter be such; *provided, however*, that the governor may thereafter, upon the advice of the director of the department of natural resources, concurred in by the state park commission, extend, alter, or retract the boundaries of said region, or in case the measures in force for protecting the permanence of its scenic and recreational resources shall appear to be inadequate declare it to be no longer a protected scenic region of the State of California, whereupon it shall cease to be such.

SEC. 3. The department of natural resources shall cause suitable signs or markers to be erected and maintained at or near the boundaries of any protected scenic region of the State of California on or adjacent to roads and trails leading into it, shall enumerate and describe all such regions in suitable publications of the department or of its divisions, and otherwise supply information in regard to such regions to the public; and officers of the state may, under the direction of the governor, advise and cooperate with said inhabitants and landowners of the region and public authorities having jurisdiction therein for securing effective administration of the measures directed toward the conservation and wise utilization of the scenic and recreational resources of the region."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 298, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROCHESTER, Special Committee.

Report read, and on motion of Senator Mueller adopted.

Bill ordered to print, and re-engrossment.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Pedrotti:

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive



in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions.

Request referred to Committee on Rules.

CONSIDERATION OF DAILY FILE.

SECOND READING OF SENATE BILLS.

Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the letter "e" at the end of the word "therefore".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the words "any county, or", and substitute in lieu thereof the word "every".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 4, of the printed bill, strike out the word "shall", and substitute in lieu thereof the words "and the superior court of every county having a population of nine hundred thousand inhabitants, or more, may".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 5, of the printed bill, strike out the words "one or more", and substitute in lieu thereof the words "not exceeding six".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 5, of the printed bill, after the word "commissioners", insert the words "and the superior court of every other county in the state may appoint one commissioner,".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 1, line 5, of the printed bill, strike out the word "county", and substitute in lieu thereof the word "court".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 1 of the printed bill, beginning with the last two words of line 13, strike out the following: "A judge of the municipal court, also a justice of the peace and any other judge of an inferior court, if otherwise qualified, may at the same time hold the office of court commissioner."

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 1 of the printed bill, strike out all of lines 25 to 31, inclusive.

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 2 of the printed bill, strike out all of lines 1 to 39, inclusive, and insert in lieu thereof the following:

"1. To hear and determine ex parte motions for orders and writs in the superior court of the county, or city and county, for which he is appointed except motions for orders of injunction or prohibition.

2. To take and approve bonds and undertakings whenever the same may be required in actions or proceedings in such superior courts, and to examine the sureties thereon when an exception has been taken to their sufficiency, and to administer oaths and affirmations, and take affidavits and depositions in any action or proceeding in any of the courts of this state, or in any matter or proceeding whatsoever, and to take acknowledgments and proof of deeds, mortgages, and other instruments requiring proof or acknowledgment for any purpose under the laws of this or any other state or county.

3. To hear and determine any action, proceeding, demurrer, motion, petition, application, or other matter wherein the parties file with the court a written stipulation to that effect: *provided, however*, that this section shall not apply to an action or proceeding tried before a jury, or to any divorce or annulment of marriage case.

4. To appoint appraisers, receive inventories and accounts to be filed, grant special letters of administration or guardianship, approve claims and bonds, and direct the issuance from the court of all writs except writs of injunction, and the issuance of all process necessary in the exercise of the powers of the court in matters of probate.

5. To hear and determine all uncontested actions or proceedings other than actions for divorce, or annulment of marriage.

6. To hear, and determine, when ordered by the court appointing him so to do, all preliminary proceedings and other collateral matters, including motions or petitions for the custody and support of children, the allowance of temporary alimony, costs and attorney's fees, and issues of fact in contempt proceedings, in divorce, maintenance and annulment cases.

7. To charge and collect the same fees for the performance of official acts as are now or may hereafter be allowed by law to notaries public in this state for like services; *provided*, that this subdivision shall not apply to any subdivision hereof except subdivision three. In each county having a population of nine hundred thousand inhabitants or more, the fees so collected shall be paid by said commissioner to the treasurer of the county in which said commissioner is appointed and acting.

8. To secure an official seal, upon which must be engraved the words "court commissioner" and the name of the court and of the county, or city and county, in which said commissioner is appointed and acting.

9. To authenticate with his official seal his official acts.

10. To act as jury commissioner when appointed by the court for that purpose."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 82—An act to amend section 681*a* of the Code of Civil Procedure, relating to stay of executions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of their assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the comma following the word "section", and insert in lieu thereof, a period.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, beginning with the first word in line 9, strike out the following: "and where the deposition is taken under subdivision six thereof, such affidavit shall also show wherein the witness can establish a fact, or facts, material to the issue."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 93—An act to amend sections 631, 1312, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 8 to 10, inclusive, and substitute in lieu thereof the following:

"4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 18, of the printed bill, strike out the words "in other cases", and substitute in lieu thereof the following: "provided by section 631 of this code".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 26, of the printed bill, strike out the words "in other cases", and substitute in lieu thereof the following: "provided by section 631 of this code".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out the words "in other" at the end of line 45, and the word "ceases" at the beginning of line 46, and insert in lieu thereof the words "provided in section 631 of this code".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure relating to changes in names of persons and corporations.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, strike out the words "and corporations".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 634, 644, 650, 657, 659, 660, 664, 953a, 953c, 956 and 1717 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In lines 2 and 3 of the title of the printed bill, strike out all of said lines 2 and 3, and insert in lieu thereof the following: "sections 650, 657, 659, 660, 953a, 953c and 956 thereof, and to add certain new sec-".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 24, inclusive; also strike out lines 1 to 10, inclusive, on page 2 of said printed bill.

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 11, of the printed bill, strike out said line 11, and insert in lieu thereof the following:

"SECTION 1. Section 650 of the Code of Civil Procedure is hereby amended to read".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 3, line 6, of the printed bill, after the word "served" in said line, strike out the word "or", and insert in lieu thereof the word "are".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 3, line 21, of the printed bill, strike out the words "Sec. 6.", and insert in lieu thereof the words "Sec. 2."

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 4, line 4, of the printed bill, strike out the words "Sec. 7.", and insert in lieu thereof the words "Sec. 3."

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 4, line 17, of the printed bill, strike out the words "Sec. 8.", and insert in lieu thereof the words "Sec. 4."

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 4, line 35, of the printed bill, strike out the words "Sec. 9.", and insert in lieu thereof the words "Sec. 5."

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 5, line 12, of the printed bill, strike out the words "Sec. 10.", and insert in lieu thereof the words "Sec. 6."

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 5, line 30, of the printed bill, strike out the words "Sec. 11.", and insert in lieu thereof the words "Sec. 7."

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 5, line 32, of the printed bill, strike out lines 32 to 50, inclusive; also strike out lines 1 to 8, inclusive, on page 6 of said printed bill, and insert in lieu thereof the following:

"662. In passing on such motion, the court shall not be required to consider any matters except such as are presented in the moving party's memorandum of points and authorities, and the affidavits, if any. In ruling on such motion, in a cause tried without a jury, the court may, on such terms as may be just, change or add to the findings, modify the judgment, in whole or in part, vacate the judgment, in whole or in part, and grant a new trial on all or part of the issues, or, in lieu of granting a new trial, may vacate and set aside the findings and judgment and reopen the case for further proceedings and the introduction of additional evidence with the same effect as if the case had been reopened after the submission thereof and before findings had been filed or judgment rendered."

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 9, of the printed bill, strike out the words "Sec. 13," and insert in lieu thereof the words "Sec. 8."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 7, line 7, of the printed bill, strike out the word "proof" in said line, and insert in lieu thereof the word "portion".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 27, of the printed bill, strike out lines 27 to 44, inclusive, and insert in lieu thereof the following:

"SEC. 9. Section 953c of said code is hereby amended to read as follows:

953c. Where the appeal is taken from any judgment, orders or decrees of any court of record, and the appellant elects to avail himself of the provisions of the three preceding sections, it shall be the duty of the clerk of the court from which the appeal is taken, within ten days after the preparation of the record, to transmit to the clerk of the court to which the appeal is taken, the record prepared in accordance with the provisions of the two preceding sections. Said records shall be filed with the clerk of the court to which the appeal is taken and no transcript thereof need be printed.

All briefs in civil cases shall be printed except as otherwise specially permitted by the court in which the appeal is pending. The court may in all cases, upon good cause shown, extend time to a party to file his brief, provided that the application is made before calling of the calendar for oral argument on the appeal or upon good cause being shown the court may extend time to a party to file a supplementary brief."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 45, of the printed bill, strike out the words "Sec. 15," and insert in lieu thereof the words "Sec. 10."

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 49, of the printed bill, strike out the word "bill" in said line, and insert in lieu thereof the word "appeal".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 8, line 5, of the printed bill, strike out line 5, and insert in lieu thereof the following: "were not raised in such affidavits, if any, or such memoran-".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 8, line 16, of the printed bill, strike out lines 16 to 27, inclusive.

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Senate Bill No. 78—An act to amend section 607 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 607*a* and 607*b*, relating to instructions to jurors in jury trials.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 3, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to add a new section to the Code of Civil Procedure, to be numbered 607*a*, relating to instructions in jury trials."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 23, inclusive.

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 24, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "1".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 6, of the printed bill, strike out the word "de-over", and insert in lieu thereof the word "deliver".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of lines 17 to 25, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 408—An act to add a new section to the Political Code, to be known as section 634*aa*, providing that no organization of persons may transact insurance upon the Lloyds plan in this State without procuring a certificate of authority to transact business, creating a trust fund for the benefit of policyholders, and being subject to the provisions of article XVI, chapter 3, title 1, part III, of the Political Code, which may be made applicable thereto.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, commencing with the first word in line 1 of the title, strike out all of the title to and including the word "thereto" in line 8 of said title, and insert in lieu thereof the following:

"An act providing for the organization, licensing and management of "Lloyds" and defining the same, and regulating the transaction of the business of such Lloyds in the State of California."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, commencing with the first word in line 1, strike out all the printed bill to and including the last word in line 24, and insert in lieu thereof the following:

"SECTION 1. Associations of persons, partnerships or corporations, not less than twenty-five in number, a majority of whom are bona fide residents of the State of California, formed upon the plan known as "Lloyds"—whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy—may be authorized to transact the business of insurance, other than life, in



this state, upon procuring from the insurance commissioner a certificate of authority so to do. The application for such certificate of authority shall be signed by the attorney or attorneys-in-fact of those persons desiring such certificate and must be accompanied by a declaration which must set forth:

(a) The name under which the business is to be conducted, which name must have been approved by the insurance commissioner in accordance with the provisions of section 609 of the Political Code of this state;

(b) The exact location of the principal office at which the business is to be conducted, which office must be in the State of California;

(c) The kinds of insurance intended to be written;

(d) A certified copy of the articles of association or copartnership agreement, made by and between such underwriters;

(e) The name, address and amount subscribed by each of the underwriters so proposing to engage in said business;

(f) The designation or appointment of one or more attorneys in fact who shall be residents of this state, with full names and addresses, upon any one of whom summons or other legal process may be served;

(g) That a fund of not less than the amount specified in section 594 of the Political Code as the capital required for the transaction of the class or classes of insurance to be written, has been contributed by the underwriters as a guarantee for policyholders and is in the possession of the insurance commissioner for the protection of policyholders and is either in cash or invested in such securities as are specified in subsection one of section 421 of the Civil Code of this state as legal investments for the capital stock of insurance companies.

Such declaration must be signed and sworn to by all the persons and the proper officers of the corporations proposing to engage in business of insurance pursuant to this section.

Such declaration must be accompanied by the twenty thousand dollar qualifying bond required by section 623 of the Political Code.

After such documents specified shall be filed, the insurance commissioner shall cause an examination of such Lloyds to be made, and, if he is satisfied that all of the facts alleged in the declaration are true, and that the article of association or copartnership agreement are of such a character that the rights of the policyholders will be protected thereunder, he shall issue a certificate of authority for such Lloyds to do such business of insurance in this state as is specified in the declaration, which certificate shall be issued to such Lloyds, under the name chosen and approved, authorizing the underwriters thereof to do the business permitted. Each such certificate of authority shall expire on the first day of July after its issuance, unless sooner revoked.

SEC. 2. Any such Lloyds as may be thus authorized to do business in this state

(a) Shall at all times keep and maintain a fund of an amount equal to all outstanding claims and other liabilities, plus the unearned premiums on the policies in force, calculated on the gross sums without any deduction on any account except reinsurance in authorized companies, charged to the policyholder on each respective risk from the date of the policy, in addition to the guarantee fund hereinabove referred to;

(b) Shall not change the name under which business is done without first obtaining the written approval of the insurance commissioner;

(c) Shall not establish branches under other or different titles;

(d) Shall have its assets in cash or invested in such securities as are prescribed by the laws of this state as legal investments for insurance companies;

(e) Shall notify the insurance commissioner of any change in the location of its principal office for the transaction of business, which said notice shall be in the form of a declaration subscribed and sworn by its attorney or attorneys-in-fact;

(f) Shall notify the insurance commissioner of any change in its underwriters, which notice shall be in the form of a declaration subscribed and sworn to by its attorney or attorneys-in-fact;

(g) Shall not amend or change its articles of association or copartnership agreement without the approval of the insurance commissioner and a true copy of any amendment or change permitted certified by an attorney-in-fact of such Lloyds shall be filed with the insurance commissioner;

(h) Shall notify the insurance commissioner of any change in its attorney or attorneys-in-fact by filing with such commissioner an instrument revoking the designation or appointment of any attorney or attorneys-in-fact who are no longer to act for such underwriters, and designating and appointing one or more attorneys-in-fact, residents of this state, with full names and addresses, who shall thereafter be the attorney or attorneys-in-fact for such underwriters, such instrument to be signed and sworn to by each and every of the underwriters who shall then be doing business under such authority.

SEC. 3. After any Lloyds is authorized to do business in this state, pursuant to the provisions of this act, it may be joined by other and additional underwriters, but in that event such underwriters who may thereafter join such authorized Lloyds shall be held to be bound by the documents on file with the insurance commissioner concerning such Lloyds in the same manner as though they had personally signed the same, and the attorney or attorneys-in-fact then authorized by the underwriters

of such Lloyds to act for them shall thereafter and subject to the provisions of this act be the attorney or attorneys-in-fact for such additional underwriters, and service of a summons or other legal process on an attorney in fact for the underwriters of such Lloyds whose appointment is in force and so filed with the insurance commissioner shall be equivalent to the personal service of such process on each and every of such underwriters.

SEC. 4. The funds required by this act shall be liable primarily for the payment of any losses incurred under its policies, and any judgments recovered under any such policies against the underwriters thereon may be satisfied from such funds without regard to the extent of the various underwriters' interests therein and such funds shall not be subject to the claims of general creditors of any of the underwriters of such Lloyds other than policyholders creditors whose claims have arisen under their policies until all policies under which any such underwriter is obligated have been terminated, and in that event the claims of such general creditors shall not be paid from such fund or be a lien upon any part thereof beyond an amount which when paid will leave intact and in the fund of such Lloyds an amount equal to the full unearned premiums on all policies in force and in addition the sum required by subsection (g) of section 1 of this act as a guarantee fund. Any clause in any policy issued by any such Lloyds association which shall contain any provision inconsistent with this section shall be void.

SEC. 5. There shall be filed with the insurance commissioner a copy of each form of policy issued. Said policies shall show the name and address, as well as the amount of the subscription of each subscriber, and shall be signed by the attorneys-in-fact, and they shall contain the following special provisions, which must be printed in red ink:

First—Whenever under the terms of this policy notice or consent is required to be given to or by the company, notice or consent given to or by the attorney or attorneys-in-fact shall be sufficient compliance therewith, and each underwriter hereon shall be bound thereby, the same as though notice or consent had been given to or by each of such underwriters individually;

Second—In no event shall the liability of any underwriter exceed the sum underwritten by him or them hereon, and in no event shall any underwriter be liable for any part of the sum underwritten hereon by any other underwriter;

Third—The insured agrees by the acceptance of this policy that no underwriter hereon shall in any event be liable for claims exceeding in the aggregate, on all policies, certificates or contracts issued on his or their behalf, in the name of this Lloyds for an amount in excess of his or their original subscription or contribution to said Lloyds, as endorsed hereon;

Fourth—In case of action brought to enforce the provisions of this policy, same shall be brought against the attorney or attorneys-in-fact for the underwriters, as representing all of said underwriters, and each of the underwriters hereto hereby agrees to abide by the final results of any suit so brought as fixing the proportionate amount of his or their individual liability;

Fifth—This policy is made and accepted subject to all the stipulations and conditions contained therein, together with such other provisions, agreements or conditions as may be endorsed hereon, or added hereto, and as to such provisions and conditions no attorney, agent or representative shall have such power or be deemed or held to have waived such provisions or conditions unless such waiver, if any, shall be endorsed upon or attached hereto, nor shall any privilege affecting the issuance under this policy exist or be claimed by the assured unless so endorsed or attached.

No fire insurance policy shall be issued in this state by any Lloyds unless such policy is in conformity with the provisions of "An act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions" approved March 18, 1909, statutes 1909, page four hundred four, and acts amendatory thereof, nor shall any policy of accident or health insurance be issued in this state by any Lloyds unless it contains the provisions required by "An act to incorporate standard provisions in policies of accident and health insurance, to prevent discriminations in connection therewith, and to prescribe penalties for violations of the provisions hereof," approved May 26, 1917, statutes 1917, page nine hundred fifty-seven, and acts amendatory thereof.

SEC. 6. Such Lloyds shall pay annually on account of the transaction of such business in this state the same taxes, licenses and fees as are required to be paid by stock insurance companies transacting the same classes of insurance in this state.

SEC. 7. The insurance commissioner may in his discretion issue a certificate of authority to any Lloyds organized and domiciled outside of the State of California; *provided*, that such Lloyds can comply with the provisions of this act respecting financial requirements of a Lloyds organized under the laws of this state; *and provided further*, that in the case of a Lloyds organized outside of the United States, cash or securities of the character and amount required of a Lloyds of this state shall be deposited with the insurance commissioner of this state, or some other state of the United States, for the protection of all policyholders in the United States, which cash or securities may be levied upon in the event any judgment against such Lloyds is not promptly paid.

Such Lloyds shall file with the insurance commissioner the following documents:

(a) A copy of the articles of association or copartnership agreement certified by the attorney or attorneys-in-fact as a full true and correct transcript of the whole thereof;

(b) Application for certificate of authority which shall specify the kinds of business such Lloyds desires to transact in this state, which application must be signed by the attorney or attorneys-in-fact for such Lloyds;

(c) A certificate from the insurance commissioner of its home state (or in the case of a foreign Lloyds, from the insurance commissioner of the state where its deposit of securities is made) that it has and maintains at all times an amount equal to all outstanding claims and other liabilities, plus the unearned premiums on all policies in force, calculated on the gross sums, without any deduction on any account charged to the policyholder on each respective risk from the date of the policy, and in addition an amount equal to the guarantee fund required by subsection (g) of section 1 of this act;

(d) An agreement executed by the attorney or attorneys-in-fact for such Lloyds that it will not do any business in this state which a domestic Lloyds can not do;

(e) A declaration and agreement executed and acknowledged by each of the underwriters of such Lloyds appointing the insurance commissioner the true and lawful attorney for such Lloyds and the underwriters thereof in and for this state upon whom all legal process in any action or proceeding against said Lloyds or the underwriters thereof may be served and that any service upon him shall be equivalent to the personal service within this state of such process on each and every of such underwriters;

(f) Bond in the sum of twenty thousand dollars as required by section 623 of the Political Code of this state;

(g) A statement under oath of its attorney or attorneys-in-fact of its financial condition, in such form as may be required by the insurance commissioner of this state, as of December thirty-first last preceding, which statement must be verified by an examination made either by the insurance commissioner of the state in which such Lloyds is organized or by the insurance commissioner of the state in which such Lloyds maintains its deposit or United States branch office;

(h) A certificate of the insurance commissioner of the home state that a Lloyds of this state is legally entitled to do business in such state;

(i) In the case of a foreign Lloyds a certificate evidencing the deposit of securities required by this act.

SEC. 8. All Lloyds transacting business in this state, whether organized within this state or elsewhere, shall be subject to the provisions of all laws or parts of laws applicable to stock companies transacting similar classes of insurance, excepting only those laws, or parts thereof, which are in conflict with the provisions of this act.

Wherever in the law of this state the word "capital" appears with respect to a stock company transacting an insurance business, it shall be held in the case of a Lloyds to refer to the guarantee fund provided for in subsection (g) of section 1 of this act.

Nothing in this act shall be construed to apply to, refer to or effect reciprocal or interinsurance exchanges."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

ADJOURNMENT.

At five o'clock p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until ten o'clock a.m., Monday, April 15, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, April 15, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beck at the desk.



## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, April 12, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRESENTATION OF PETITIONS.

The following petition was presented, and ordered printed in the Journal:

By Senator Merriam:

## RESOLUTION.

*Resolved*, That the Chamber of Commerce of the city of Long Beach, a municipal corporation, located within the Los Angeles County Flood Control District, hereby respectfully petitions the Legislature of the State of California to pass that certain bill requested by the San Gabriel Valley Protective Association, Incorporated, amending the "Los Angeles County Flood Control Act," for the following reasons:

First—The bill places the government of said flood control district in the hands of a board of directors elected by the voters of said district for the specific purpose of managing the business and affairs of said district, and for no other purpose.

Second—The board of directors so elected will be able to devote their entire time and services to the management and welfare of said district, and thus much greater business efficiency will be secured than under present conditions.

The government of said district is now merged with that of the whole county of Los Angeles, which has an annual tax levy of over \$123,000,000. It is therefore impossible for the various important business interests of said district, including, besides extensive flood protection and maintenance work each year, the building of a dam costing \$25,000,000, to receive the same careful consideration and supervision they would receive from a board whose sole duty it was to attend exclusively to the business of the district.

Third—Under present conditions decisions and policies are adopted and measures taken concerning said district and its business affairs upon political considerations arising out of the government of Los Angeles County as a whole; whereas, under the change proposed, an independent board in charge of the business affairs of said district would be able to carry on such business on business principles without regard to any political features involved in Los Angeles County government.

Fourth—The Los Angeles County Flood Control District is the only district in the State of California created by an act of the Legislature except one other created by the Legislature at its last session, modeled after the Los Angeles district, that is not governed by a separate local board elected by the people of the district.

The Los Angeles County Flood Control District be given the same rights and privileges of local self-government possessed by all other similar districts in California.

The Chamber of Commerce of the city of Long Beach resolves as follows:

WHEREAS, The San Gabriel Valley Protective Association, Incorporated, an organization composed of representatives from various municipalities, water companies and water users, all of whom are vitally interested in flood protection work and conservation of water and water resources in the San Gabriel Valley, has drafted a bill making certain amendments to the "Los Angeles County Flood Control Act"; and

WHEREAS, A copy of said proposed bill has been submitted to the Chamber of Commerce by said association with the request that said Chamber of Commerce ask Senator Frank F. Merriam to introduce such bill for said association, for passage by the Legislature; and

WHEREAS, Said bill has been approved by the following municipalities and organizations who have joined in a petition to the Legislature to pass said bill, to wit: The city council of Long Beach, the city council of Signal Hill, the city council of Compton, the city council of Whittier, the city council of Covina, the city council of Glendora, the city council of Glendale, the city council of Lynwood, the Artesia Chamber of Commerce, La Puente Valley Chamber of Commerce, Clear-

water-Hynes Chamber of Commerce; Baldwin Park Chamber of Commerce, Monrovia Chamber of Commerce; Downey Chamber of Commerce, Downey Kiwanis Club, Wilmington Chamber of Commerce, Contract Water Company, Walnut Water Company, Santa Ditch Company, San Gabriel Valley Protective Association, Incorporated, and San Gabriel Valley Water Users Association, Incorporated; now, therefore, be it

*Resolved*, That the Chamber of Commerce of the city of Long Beach hereby requests Senator Frank F. Merriam to introduce said bill of said San Gabriel Valley Protective Association, Incorporated, for passage by the Legislature of the State of California; and that the president and secretary are hereby authorized and directed to sign a petition to the Legislature for the passage of said bill and to affix the name and official seal to said petition; and be it further

*Resolved*, That the secretary be, and he is hereby instructed to transmit a certified copy of this resolution to Honorable Frank F. Merriam to assist in passage of said bill of said San Gabriel Valley Protective Association, Incorporated, by the Legislature of the State of California, and to the honorable Morgan Keaton.

Approved this ninth day of April, 1929.

I. M. STEVENS, President.

Attest: J. DAVID LARSON, Secretary.

State of California, }  
County of Los Angeles, } ss.  
City of Long Beach. }

I, J. David Larson, secretary of the Chamber of Commerce of the city of Long Beach, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Chamber of Commerce of Long Beach at their meeting of April 9, 1929, as appears of record in my office.

J. DAVID LARSON, Secretary.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 711—An act to add a new section to the Civil Code, to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code:

Also: Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens;

Also: Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed, and providing penalties for violation of the provisions of the act;

Also: Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 711, 150, 172 and 257 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation—and appointed Assemblymen Sewell, Fry and Jones as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President pro tempore announced the appointment of Senators Nelson, Crowley and Handy, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate Concurrent Resolution No. 20.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 182 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 573—An act to amend section 453 of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division I, part IV, title II of the Civil Code—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 573 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1129—An act making an appropriation for the Woman's Relief Corps Home;

Also: Assembly Bill No. 390—An act to amend section 1094 of the Political Code, relating to the registration of electors and conduct of elections.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1129 read first time, and referred to Committee on Finance.

Assembly Bill No. 390 read first time, and referred to Committee on Elections.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts;

Also: Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge;

Also: Senate Bill No. 479—An act to amend section 737 of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake;

Also: Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries;

Also: Senate Bill No. 7—An act to amend section 628 of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 680—An act to repeal chapter 1 and articles I to VI inclusive of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code; all relating to partnerships; and to make the partnership law of the State of California uniform with the law of other states;

Also: Senate Bill No. 302—An act to permit any producer or grower of agricultural products to vend, hawk, peddle, sell or offer for sale such products in any



county, town, village, incorporated city or municipality in the State of California without paying a license therefor;

Also: Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction work on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two men who have had sufficient experience to do the work properly and understand necessary safety measures in protecting each other in case of accident in the doing of such work; and providing a penalty for the violation thereof;

Also: Senate Bill No. 306—An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving, and protecting the channel of the Papago River;

Also: Senate Bill No. 524—An act to provide procedure for determining whether or not a reclamation district to be known as "South Basin-South Basin Canal Reclamation District" should be created; fixing the boundaries thereof in the event of the creation thereof; providing for the management and control thereof; vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district in the event of its creation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District;

Also: Senate Bill No. 82—An act to amend section 681a of the Code of Civil Procedure, relating to stay of executions;

Also: Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 29, 1927, by amending section 1, relating to the compensation of justices and judges;

Also: Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts;

Also: Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another;

Also: Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries, relative to the control of salmon fishing;  
And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof;

Also: Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts;

Also: Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 713—An act to amend sections 11, 14 and 29 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923, relating to sanitary districts and the taxes and bonds thereof and the construction or extension of sewers and sewer systems thereof;

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision

of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor; And reports that the same have been correctly re-engrossed.

EDWARDS, Acting Chairman.

#### REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Edwards:

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended.

Request referred to Committee on Rules.

By Senator Waggy:

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend the title and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof", approved June 12, 1915, as amended, and by adding four new sections to said act to be numbered sections 1a, 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Request referred to Committee on Rules.

#### RE-REFERENCE OF ASSEMBLY BILL NUMBER THREE HUNDRED THIRTY-TWO.

Senator Cleveland asked for and was granted unanimous consent to have Assembly Bill No. 332 withdrawn from file and re-referred to Committee on County Government.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 5 of the printed bill, strike out all of lines 10 to 12, inclusive, and insert in lieu thereof the following: "the convention, his appointment of three members of the state central committee, in writing signed and acknowledged in the form herein-after prescribed."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5 of the printed bill, strike out all of lines 22 and 23, and insert in lieu thereof the following: "year, that said delegate must appoint three qualified electors to be members of the state central".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 6 of the printed bill, strike out all of lines 11 and 12, and insert in lieu thereof the following: "day of \_\_\_\_\_ 19\_\_\_

(delegate)

Signed and acknowledged before me".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 6, line 43, of the printed bill, after the word "other" in said line, insert the word "temporary".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 8 of the printed bill, strike out all of lines 11 and 12, and insert in lieu thereof the following: "day of \_\_\_\_\_ 19\_\_\_

(member)

Signed and acknowledged before me this \_\_\_\_\_ day of".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 12, line 4, of the printed bill, strike out the words "the chairman of".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 732—An act to amend sections 373a, 373b, 373c, 373d, 373e, 373f, 373g and 373h of the Political Code, relating to the Department of Natural Resources.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, beginning in said line 1, strike out lines 1, 2 and 3, and insert in lieu thereof the following:

"An act to amend sections 373a and 373b of the Political Code, relating to the department of natural resources."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 3 to 27, inclusive, and all of pages 2, 3, 4 and 5, and insert in lieu thereof the following:

"373a. For the purposes of administration the department shall be forthwith organized by the director thereof, subject to the approval of the governor, in such manner as he shall deem necessary to properly segregate and conduct the work of the department, and the director shall have power to appoint, in accordance with



the civil service and other provisions of law, such deputies, officers and other expert and clerical assistants as may be necessary. The work of the department is hereby divided into at least four divisions to be known as the division of forestry, the division of parks, the division of fish and game and the division of mines.

SEC. 2. Section 373b of the Political Code is hereby amended to read as follows: 373b. The division of mines shall be administered through a chief who shall be appointed by the director of natural resources upon the nomination of the state mining board, the chief to be a technically trained mining engineer and to be known as the state mineralogist; such chief shall receive a salary of six thousand dollars per annum. General policies for the guidance of the division of mines shall be determined by a board to be known as the state mining board, which shall consist of five members appointed by and to hold office at the pleasure of the governor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 705—An act to add a new section to the Political Code, to be numbered section 4041s, relating to powers and duties of boards of supervisors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 639—An act to provide for the purchase of school supplies for school districts by superintendents of schools of counties.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the words "and directed", and after the word "the", strike out the word "unapportioned".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, before the word "county" first appearing thereon, insert the words "that portion of the".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, after the second word "county", insert the following: "belonging to elementary school districts governed by boards of school trustees and other school districts electing to take advantage of the provisions of this act".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 10, of the printed bill, after the preposition "of", strike out the words "such fund", and insert in lieu thereof the following: "the amount levied for such fund in the first county tax levy following the date on which this act takes effect".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, as amended, strike out the words "be computed as follows" and the colon; also, strike out lines 16 to 22 inclusive; also, on page 2, strike out lines 1 to 6, inclusive; in lieu of all that has been struck out, insert the following: "not include outlays for permanent construction or improvements, nor moneys received from state apportionment, but shall include interest and depreciation charges at rates to be determined by the state department of education."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to form and manner of issuance of bonds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 735—An act to amend section 1 of an act of the Legislature of the State of California entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without a boundary of such municipality; for the incidental estab-

lishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved as amended March 21, 1907, relating to types of improvement authorized.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 789—An act to amend section 7 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to protest.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 28, of the printed bill, commencing with the word "time", strike out all to and including the word "supervisors" in line 31, and insert in lieu thereof the following: "date of such finding, unless the said objections be overruled by an affirmative vote of four-fifths of the members of the board of supervisors."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 31, of the printed bill, strike out the words "But if", and insert in lieu thereof the word "If".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

In line 1 of the title of the printed bill, strike out "section 7", and insert in lieu thereof "sections 7 and 8".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

Add a new section to the printed bill to be numbered section 2, and to read as follows, to wit:

"SEC. 2. Section 8 of said act is hereby amended to read as follows:

Sec. 8. Unless the power to proceed shall have ceased, as hereinbefore provided, the board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding that a majority of the owners of land within the district described in the resolution of intention have not before the



day of the hearing filed written objection, going to the ordering of the work to be done, or if such objection has been made, that such objections are overruled by an affirmative vote of four-fifths of the members of the board of supervisors, and determining the boundaries of the district to be benefited by the improvement, and the grades thereon. If no changes be made in the boundaries of the district as the same are set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention, but if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth.

If no change be made as to the grades, as set forth in the specifications on file, it shall be sufficient to state that the grades of the same, as finally determined, are those set forth in such specifications. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; and the grades so determined shall be the grades of the district for all the purposes of the proceeding and the "official grade" within the meaning of section 1 of this act; *provided, however*, that the boundaries of the district, as the same are set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within its boundaries as set forth in that resolution, nor so that the location of any work described in such resolution of intention shall be excluded from the boundaries of the district as so finally determined."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by amending section \_\_\_\_\_, relating to \_\_\_\_\_.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Amend the title of the printed bill to read as follows:

"An act to amend the improvement act of 1911, approved April 7, 1911, by repealing section 10½, relating to alternative specifications for sewer construction."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

Strike out lines 1, 2 and 3 of the printed bill, and insert in lieu thereof the following:

"SECTION 1. The improvement act of 1911, approved April 7, 1911, is hereby amended by repealing all of section 10½ thereof."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537*f*, 537*g*, and 537*h*, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 634—An act to amend section 928 of the Penal Code, relating to grand juries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 746—An act to add a new section to the Penal Code, to be known as section 1046a, relating to jury panels.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1012—An act to add a new section to the Penal Code, to be numbered 531a, relating to fraudulent conveyances.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1113—An act to amend sections 1205 and 1446 of the Penal Code, relating to judgments directing imprisonment for satisfaction of fines and providing for payment of fines within a limited time or in installments in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 625—An act to amend section 421 of the Civil Code, relating to investments of insurance companies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 284—An act prohibiting the catching of any invertebrate or specimen of marine plant life within a certain described portion of Fish and Game District No. 19, other than by officers, employees, and students of the University of California, for scientific purposes, making every violation of certain provisions of this act a misdemeanor, providing for the punishment thereof and providing for the disposition of fines imposed or collected on account of said violation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 337—An act to amend section 637½ of the Penal Code, relating to protection of fish and game.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 303—An act to amend section 626m of the Penal Code, relating to fishing at night.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 5, line 12, of the printed bill, strike out the word "enforced", and insert in lieu thereof the words "in force".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, line 21, of the printed bill, strike out the period, and insert in lieu thereof the following: ", and such change in designation shall include similar change in designation for all deputies and inspectors appointed or employed under the direction of said office."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks and the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment of sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, after the word "and", insert the following "the seller".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, of the printed bill, strike out lines 1 to 22, inclusive, and insert in lieu thereof the following: "by the purchaser, for the weight of the sack, the same price per pound as he pays for the commodity contained therein."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 2 of the printed bill, after the word "grains", strike out the period, and insert in lieu thereof a comma, and the following: "and products and by-products thereof, contained in their original or similar containers."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 732—An act to amend section 2319 of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, after the semicolon, insert the following: "*provided, however,* that a grower not regularly engaged in the nursery business shall not be required to pay the above mentioned fee, if his sales of plants do not exceed the sum of one hundred dollars in value, within any one fiscal year, and provided that all plants sold by him shall be sold for planting within the county where grown, are of his own production, and that he shall first report to the county horticultural commissioner his intention to make such sales;"

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, strike out the first comma, and insert in lieu thereof the following: "further,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 432—An act to add a new section, to be numbered 7a, to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 806—An act to amend section 4149a of the Political Code, relating to the duties of the live stock inspector.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1090—An act to amend sections 17 and 18 of an act entitled "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, relating to the packing and sale of avocados and berries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 225—An act to amend section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended, relating to the disposition of fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 111—An act relating to the regulation and licensing of dealers in live market poultry and providing penalties for the violation of the provisions thereof.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, as amended in Assembly March 18, 1929, after the period following the word "any", in said line, insert the following: "Any person who is the holder of a produce dealer's license duly issued and in full force and effect under the provisions of chapter eight hundred sixty of the statutes of 1927, approved June 1, 1927, as amended, shall be exempt from payment of the fee of one dollar for the license required by the provisions of this act."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, as amended in Assembly March 18, 1929, strike out all of line 43, and insert in lieu thereof the following: "Such bills of sale. Whenever such dealer receives market poultry by shipment by common carrier from a producer, an authenticated copy of the bill of lading for the shipment shall constitute a bill of sale thereof for the purposes of this act, and in every such case the dealer shall keep and file such bill of lading with and in the manner herein required for filing the bills of sale. Said license shall open the".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 51, of the printed bill, as amended in Assembly March 18, 1929, strike out the words "keep the record or to".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 3, line 2, of the printed bill, as amended in Assembly March 18, 1929, strike out the words "record or".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1065—An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the numeral and letter "1a", and insert in lieu thereof "Sec. 1a".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 15, and insert in lieu thereof the following: "board of health, or from a".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 17, of the printed bill, strike out the words "by other officials", and insert in lieu thereof the words "from some other official".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out all of lines 7 and 8, and insert in lieu thereof the following: "the same in the United States post office, enclosed".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1101—An act providing for the licensing of aircraft, airmen, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 149—An act to amend section 737*iii* of the Political Code, relating to the salary of the judge of the superior court of San Benito County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 69—An act to amend section 694 of the Code of Civil Procedure, relating to the conduct of sales of property on execution or under power contained in any trust deed hereafter executed, and designating the county wherein such sales must be held.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, as amended March 26, 1929, after the word "in", insert the word "any".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 20, of the printed bill, as amended March 26, 1929, after the word "provides", insert a semicolon.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 52—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 54—An act to amend section 4300*b* of the Political Code, relating to sheriff's fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 55—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 194—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities as the same are therein defined and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 377—An act to amend section 849 of the Code of Civil Procedure, relating to summons, by whom and how served and returned.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 378—An act to amend section 902 of the Code of Civil Procedure, relating to contents of execution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 379—An act to amend section 905 of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 454—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 501—An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to the levy of taxes for public cemetery districts and fixing the maximum tax which may be levied therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 550—An act to add two new sections, to be numbered 13 and 14, to an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to withdrawal and annexation of territory in public cemetery districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 682—An act to add a new section to the Civil Code to be numbered 2924*a*, relating to sales of trust property.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 693—An act to amend section 340 of the Code of Civil Procedure, relating to the time for commencement of actions. Bill read second time, and ordered on file for third reading.

Assembly Bill No. 737—An act to amend section 13 of the Juvenile Court Law, approved June 5, 1915 (Statutes 1915, page 1225), relating to transfers of cases from one county to another.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 747—An act to amend section 86 of the Code of Civil Procedure, relating to the justices' clerks and their appointees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 51—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the word "attorney", insert a comma.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, after the first word "property", insert a comma.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, after the word "and", insert a comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 56—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment in justices' courts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, after the word "justice", strike out the words "of the", and insert in lieu thereof the word "court".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 21, of the printed bill, strike out the word "peace" at the beginning of the line.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 25, of the printed bill, strike out the following: "at the date of the writ", and insert in lieu thereof the following: "or a clerk of the justice court, at the date of the writ".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 57—An act to amend section 540 of the Code of Civil Procedure, relating to the form of the writ of attachment.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, strike out the following: "The approval of any undertaking under this section by such judge shall relieve the sheriff from any liability thereunder."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 832—An act to amend section 323 of the Political Code, relating to the time when statutes take effect.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 4, 5 and 6, and insert in lieu thereof the following: "therein, takes effect on the ninety-first day after the final adjournment of the session of the Legislature which passed such statute."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1033—An act to add a new section to the Penal Code to be numbered 1618, relating to county and city jails and medical care of persons therein.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the word "one", and insert in lieu thereof the word "two".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the words "in attendance on", and insert in lieu thereof the words "available at".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, strike out the words "county health officer", and insert in lieu thereof the word "sheriff".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 9, of the printed bill, following the word "and", insert the words "in cases of county or city and county jails".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 9, of the printed bill, strike out the word "general", and insert in lieu thereof the word "same".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, lines 10 and 11, of the printed bill, strike out the words "upon claims to be presented and allowed by the board of supervisors".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 1, line 12, of the printed bill, following the word "county", insert the following: "or city and county for salaries are paid and in cases of city jails, said physician shall be paid out of the general fund of such city".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 1, line 15, of the printed bill, strike out the words "county health officer", and insert in lieu thereof the word "sheriff".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 1, lines 17 and 18, of the printed bill, strike out the words "county health officer", and insert in lieu thereof the word "sheriff".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1095—An act to cure defects in maps or plats filed for record prior to March 1, 1929, and in deeds or conveyances referring to such maps.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the word "March", and insert in lieu thereof the word "April".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out the word "March", and insert in lieu thereof the word "April".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1117—An act to amend section 84 of the Civil Code, relating to children of annulled marriages.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the numerals "84" in said line, insert a comma and the following: "and to repeal section 85."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the period following the word "parent", insert the following paragraph:  
"Sec. 2. Section 85 of the Civil Code is hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 46—An act to amend section 1168 of the Penal Code, relating to sentences under the indeterminate sentence law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.



## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 3, line 14, of the printed bill, strike out the word "or", and substitute the word "and".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 633—An act to amend section 925 of the Penal Code, relative to the grand jury.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, lines 8 and 9, of the printed bill, strike out the words "or when requested so to do by the grand jury".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 26, of the printed bill, following the word "jury", insert the words "in an amount not to exceed ten dollars a day".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1045—An act to amend section 647 of the Penal Code, relating to vagrancy.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 3, of the printed bill, strike out the word "accosts" and the comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 4, of the printed bill, strike out the word "children", and insert in lieu thereof the word "child".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1081—An act to amend section 111 of the Penal Code, relating to the expense of trials for escape.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 184—An act to amend section 361*c* of the Political Code and to add a new section to said code, to be numbered 361*h*, relating to the Department of Agriculture and the Division of Land Settlement thereof.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

AMENDMENT NUMBER ONE.

On page 4, line 9, of the printed bill, after the words "proceed to", insert the word "effect".

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 132—An act to amend section 653c of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 186—An act to amend sections 1 and 2 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, relating to the occupations to which the act applies, the weight of receptacles and the carrying of boxes, trays or other receptacles up or down stairs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 288—An act to add a new section to the Civil Code, to be numbered 2016, defining the liability of the master to his servant when requiring such servant to wear a uniform or special dress in performing the duties of the employment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 4, line 25, of the printed bill, strike out lines 25 to 28, inclusive, and insert in lieu thereof the following : "dollars per annum : in townships of the second class, the sum of nine hundred dollars per annum ; in townships of the third class, six hundred sixty dollars per annum ; in townships of the fourth class, four hundred dollars per annum."

**Amendment adopted.**

AMENDMENT NUMBER TWO.

On page 4, line 46, of the printed bill, after the word "copies", strike out the comma, and insert in lieu thereof a semicolon.

**Amendment adopted.**

AMENDMENT NUMBER THREE.

On page 5, line 26, of the printed bill, after the period, insert the following : "Supervisors shall not use county owned automobiles while traveling from their homes to and from the county seat, or in their official duties as county road commissioner."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 66—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2—An act to amend the Political Code by adding thereto a new section to be numbered 4041m, empowering boards of supervisors of the counties of the State to lease all lands whether dedicated to a public use or not, and under the jurisdiction of the county, for the drilling of oil and gas, and the extraction of other minerals.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out all of title and insert in lieu thereof the following:

"An act to amend the Political Code by adding thereto a new section to be numbered 4041m, empowering boards of supervisors of the counties of the state to lease any land owned by the county for the drilling of oil and gas, and the extraction of other minerals."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed amended bill, strike out the balance of line 9 following the word "owned", and all of line 10 up to and including the word "not", and insert in lieu thereof "by the county".

Amendment adopted.

Bill read second time, ordered to print, engrossed, and on file for third reading.

Assembly Bill No. 533—An act to provide for the payment of the actual and necessary traveling expenses of employees of school districts.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, after said line 11, insert the following: "The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter pertaining to the duties of the employee or any question of interest to the school district."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 15 after the word "district", and insert in lieu thereof the following: "may, upon recommendation of the supervisor elected for the district and the".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 554—An act relating to the exemption of certain children from the requirements of attendance upon a public full time day school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 494—An act providing for the establishment and maintenance of 24-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

#### AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments were offered, and their adoption moved by Senator Merriam.

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, as amended, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. The provisions of article seven *a* of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of chapter two of part four of division three of the School Code as adopted at the forty-eighth session of the Legislature.

Article seven *a* of this act embraces sections 3.670*a* to 3.685*a* hereof, inclusive, reads as follows:

Article VII*a*—Twenty-four hour Elementary Schools."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, as amended, strike out the number "2", and insert in lieu thereof the number "3.670*a*".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 3, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "article".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 19, of the printed bill, as amended, strike out the number "3", and insert in lieu thereof the number "3.671*a*".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 4, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "article".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 2, line 7, of the printed bill, as amended, strike out the number "4", and insert in lieu thereof the number "3.672*a*".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 2, line 21, of the printed bill, as amended, strike out the number "5", and insert in lieu thereof the number "3.673*a*".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 2, line 28, of the printed bill, as amended, strike out the number "6", and insert in lieu thereof the number "3.674*a*".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 44, of the printed bill, as amended, strike out the number "7", and insert in lieu thereof the number "3.675a".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 3, line 16, of the printed bill, as amended, strike out the number "8", and insert in lieu thereof the number "3.676a".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 3, line 21, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "article".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 3, line 23, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "article".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 24, of the printed bill, as amended, strike out the number "9", and insert in lieu thereof the number "3.677a".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 3, line 35, of the printed bill, as amended, strike out the number "10", and insert in lieu thereof the number "3.678a".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 1, of the printed bill, as amended, strike out the number "11", and insert in lieu thereof the number "3.679a".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 4, line 8, of the printed bill, as amended, strike out the number "12", and insert in lieu thereof the number "3.680a".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 4, line 12, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "law".

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 4, line 19, of the printed bill, as amended, strike out the number "13", and insert in lieu thereof the number "3.681a".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 4, line 24, of the printed bill, as amended, strike out the number "14", and insert in lieu thereof the number "3.682a".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 4, line 31, of the printed bill, as amended, strike out the number "15", and insert in lieu thereof the number "3.683a".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 4, line 36, of the printed bill, as amended, strike out the number "16", and insert in lieu thereof the number "3.684a".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 4, line 52, of the printed bill, as amended, after the said line 52, insert the following:

"Sec. 2.685a. This article shall be construed in conformity with the intent as well as the express provisions thereof and shall confer upon the governing board of any twenty-four-hour school or schools that may be created under the provisions of this article, authority to do all those lawful acts which it or they may deem necessary to promote the prosperity of such school or schools, or to promote the well being and education of all minors entrusted to their charge. In construing this article the singular shall include the plural and the plural the singular, and the masculine shall include the feminine."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-THREE.

On page 5, line 1, of the printed bill, as amended, strike out the following: "Sec. 17", and insert in lieu thereof the following:

"SEC. 2. The provisions of section 4.762/ of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one of chapter two of part four of division four of the School Code as adopted at the forty-eighth session of the Legislature.

Sec. 4.762/."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FOUR.

On page 5, line 30, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-FIVE.

On page 5, line 37, of the printed bill, as amended, strike out the following: "Sec. 18", and insert in lieu thereof the following:

"SEC. 3. The provisions of section 4.778/ of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article two of chapter two of part four of division four of said School Code.

Sec. 4.778/."

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SIX.

On page 5, line 41, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 5, line 44, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 5, line 51, of the printed bill, as amended, strike out all of lines 51 and 52, and also strike out all of page 6.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 312—An act relating to elections of trustees in union or joint union high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 866—An act authorizing the board of supervisors in any county to provide for the education of graduates of the elementary schools of such county at the California Polytechnic School and to pay the costs thereof.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 138—An act relating to the suspension or expulsion of pupils from the public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 169—An act to amend section 18*b* of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909 (Statutes 1909, page 551), as amended, relating to annexation of districts by cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats. 1915, page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 172—An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 630—An act to carry into effect the provisions of subdivisions 6 and 7 of section 8½ of article XI of the constitution of the State of California; and also to provide for the alteration of the boundaries of, for the annexation of territory located in the county of San Mateo to the city and county of San Francisco, for the incorporation of such annexed territory in and as a part of said city and county and for the government of such annexed territory as an integral part of such city and county of San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 344—An act to amend section 832 of the Civil Code, relating to excavations, lateral and adjacent support, and establishing standard depth for foundations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1048—An act to add eleven new sections, to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated terri-

tory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts and ascertainment of their indebtedness and the distribution of their assets.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS.

Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Senate Bill No. 855 to Senator Wagy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out the words "board of control", and insert in lieu thereof "department of finance".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 855, with instructions to amend, respectfully reports the same back amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Edwards to introduce a bill entitled—An act to amend section 41 of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Wagy to introduce a bill entitled—An act to amend the title and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding four new sections to said act to be numbered sections 1a, 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Pedrotti to introduce a bill entitled—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Edwards: Senate Bill No. 860—An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended.

Bill read first time, and referred to Committee on Municipal Corporations.



By Senator Waggy: Senate Bill No. 861—An act to amend the title and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding four new sections to said act to be numbered sections 1a, 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Pedrotti: Senate Bill No. 862—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions.

Bill read first time, and referred to Committee on Municipal Corporations.

#### RECESS.

At eleven o'clock a.m., on motion of Senator Inman, the President pro tempore declared the Senate at recess to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, April 15, 1929.

Eleven o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Walter J. Little, Harry F. Sewell, Melvyn I. Cronin and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

J. W. Buchanan was recalled to the witness stand by the defense, and testified.

## WITNESS RECALLED TO STAND.

Lorraine Wiseman-Seilaff was recalled to the witness stand by the Managers of the Assembly, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Clare Woolwine, Harry F. Sewell, William B. Hornblower and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Frank M. Carr, Ray E. Nimmo and Rex Hardy.

## WITNESS RECALLED TO STAND.

Lorraine Wiseman-Seilaff was recalled to the witness stand by the Managers of the Assembly, and testified.

## RECESS.

At three o'clock and ten minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At three o'clock and twenty minutes p.m., the court reconvened.

## WITNESS RECALLED TO STAND.

Lorraine Wiseman-Seilaff was recalled to the witness stand by the Managers of the Assembly, and testified.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the Managers of the Assembly, were duly sworn, and testified: Art E. Davidson, O. M. Harris and W. A. Gabrielson.

## ADJOURNMENT.

At four o'clock and thirty minutes p.m., the President declared the court adjourned until ten o'clock a.m., Tuesday, April 16, 1929.

## IN SENATE.

At four o'clock and forty-two minutes p.m., the Senate reconvened. I resident pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 575--An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 575 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 629 --An act to amend section 453hh of the Civil Code, relating to the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act:

Also: Senate Bill No. 840--An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies:

Also: Senate Bill No. 471--An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund: selection of directors and fees chargeable by such associations:

Also: Senate Bill No. 30--An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, by adding a new section thereto, to be numbered section 14, relating to registration of drug stores:

Also: Senate Bill No. 153--An act to amend section 14 of an act entitled "An act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners, and repeal an act to amend an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of parole prisoners," approved March 23, 1893,' approved June 16, 1913, by adding thereto a new section to be numbered 14, relating to the granting of paroles and the forfeiture of credits for the violation thereof, or of a law of the State, or any rule or regulation of the prison or the Board of Prison Directors or of the Board of



Parole Commissioners," approved May 29, 1915, as amended, relative to conditions of parole.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 629, 840, 471, 30 and 153 ordered to enrollment.  
Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor;

Also: Assembly Bill No. 959—An act to add a new section to the Penal Code, to be numbered 472a, relating to the use of reproductions or facsimiles of the Great Seal of the State of California;

Also: Assembly Bill No. 400—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act;

Also: Assembly Bill No. 62—An act to amend section 672 of the Penal Code, relating to the protection of fish;

Also: Assembly Bill No. 1132—An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies;

Also: Assembly Bill No. 1051—An act to amend section 16a21 of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including the State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to the salary of the sealer and deputies of counties of the twenty-first class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 255 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 959 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 400 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 62 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1132 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1051 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 440 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 211—An act to

amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates or amalgams bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 16, relating to the enforcement thereof and the escheat of unseized thereunder—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 211 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and functions of classes permitted, and also requiring the stock of insurance companies to have a specified par value—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 623 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 193—An act to amend section 629a of the Political Code, relating to group insurance—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 193 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commission before issuing or offering for sale guarantee capital stock or partnership certificates in such stock of such associations; and providing penalties for violation of the provisions of the act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 475 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 773—An act to amend sections 1 and 15c of the Building and Loan Commission Act, relating to supervision and regulation of building and loan associations and other corporations, associations and societies which are based or are operating on plans or methods similar to building and loan associations, and defining the powers and duties of the Bureau of Building and Loan Supervision in respect thereto—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 773 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control

of the State Board of Pharmacy," approved May 17, 1927—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 410 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 266 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 674—An act to add a new section to the Penal Code, to be numbered 146a, relating to falsely representing a public officer—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 674 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 297—An act to amend section 4244 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class;

Also: Assembly Bill No. 733—An act to amend section 633c of the Penal Code, relating to insurance adjusters;

Also: Assembly Bill No. 848—An act to establish a State prison; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and make an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 297 read first time, and referred to Committee on County Government.

Assembly Bill No. 733 read first time, and referred to Committee on Insurance.

Assembly Bill No. 848 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 456—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State;

Also: Assembly Bill No. 1111—An act to amend section 3748 of the Political Code, relating to the time and place of payment of taxes;

Also: Assembly Bill No. 808—An act to amend section 633aa of the Political Code, relating to insurance;

Also: Assembly Bill No. 12—An act to add a new section, to be numbered 383b, to the Penal Code, relating to the sale of kosher meats and meat preparations, and kosher food, defining the word "kosher" and providing penalties for the violation thereof;

Also: Assembly Bill No. 574—An act to amend the Political Code by adding a new section thereto to be numbered section 594c, relating to the sale of securities



and capital stock of companies organized for the purpose of transacting an insurance business;

Also: Assembly Bill No. 736—An act to amend an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917;

Also: Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to act under the provisions of section 3897a of the Political Code.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 456 and 940 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1111 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 808 and 736 read first time, and referred to Committee on Insurance.

Assembly Bill No. 12 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 574 read first time, and referred to Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 29—Relative to approving certain amendments to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the eighth day of April, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 29 read, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 74, 84, 224, 234, 284, 304, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144, 1344, 1414, 1464, 1504, 1524, 1534, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 714 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 26—Relative to expediting proceedings for the construction, operation and maintenance of a dam on the American River near Folsom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 26 read, and referred to Committee on Conservation.

ADJOURNMENT.

At four o'clock and fifty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Tuesday, April 16, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, April 16, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, April 15, 1929, the further reading was dispensed with, on motion of Senator Slater.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. Leroy Nickel, Jr.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 78—An act to add a new section to the Code of Civil Procedure, to be numbered 607a, relating to instructions in jury trials:

Also: Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to

provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith;

Also: Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and/or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith;

Also: Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons;

Also: Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes;

Also: Senate Bill No. 560—An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add seven new sections to be numbered 8a, 8b, 8c, 8d, 14a, 16a and 17a of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas and providing for the protection of the natural resources of petroleum and gas from waste and destruction;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806, 882 and 883 thereof, relating to the jurisdiction of courts, in municipal corporations of fourth, fifth and sixth classes;

Also: Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to the purposes for which an affidavit may be used;

Also: Senate Bill No. 298—An act to provide for the establishment of regions to be designated by the Governor as "Protected Scenic Region of the State of California"—97—67181



fornia"; setting forth the manner in which such regions may be established, the manner in which the boundaries thereof may be changed, the manner in which said regions may be dissolved; vesting the administration of any said region in the Department of Natural Resources and extending the advisory services of said department; all for the purpose of preserving the scenic and natural resources of any region;

And reports that the same have been correctly re-engrossed.

EDWARDS, Acting Chairman.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Bill No. 640—An act to amend section 308 of the Civil Code of the State of California, concerning the organization of boards of directors of corporations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Assembly Bill No. 640 ordered on file for second reading.

#### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes and dates, produced by another in the State of California, and making the same an urgency measure—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—13; committee vote: Ayes—9; absent—4.

BOGGS, Chairman.

Assembly Bill No. 155 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 632—An act to add a new section to the Political Code, to be numbered 361j, relating to the Department of Agriculture;

Also: Assembly Bill No. 873—An act to amend an act entitled "An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the Department of Agriculture in relation thereto, and penalties for the violation hereof," approved June 3, 1921;

Also: Assembly Bill No. 897—An act to amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the Director of the Department of Agriculture in relation hereto, including the collection of fees, creating a Board of Appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof," approved May 23, 1925;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

BOGGS, Chairman.

Assembly Bills Nos. 632, 873 and 897 ordered on file for second reading.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

WHEREAS, The Senate of the State of California in sitting as a Court of Impeachment is necessarily expending certain moneys in addition to its ordinary expenses; and

WHEREAS, It is estimated by this committee that the sum of \$5,000 should be made immediately available for payment of the cost of service of process, witness fees, stenographic report of proceedings and for any and all incidental expenses in connec-

tion with the completion of the work of this Senate, sitting as a Court of Impeachment; and

WHEREAS, Said sum is properly payable from the contingent fund of the Senate, which contains ample moneys therefor; now therefore, be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate, in the sum of \$5,000 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same for the purposes set forth above; and be it further

*Resolved*, That the Secretary of the Senate furnish to the Controller vouchers for all expenditures made by him in connection with such proceedings.

CARTER, Chairman.  
MALONEY.  
CASSIDY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses, creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof,'" approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Professional and Vocational Standards, should such a department be created, and in that event defining the powers and duties of said department under this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Senate Bill No. 104 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 689—An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care, and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for the government and maintenance thereof; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1927, relating to payment of expenses of persons committed to State Narcotic Hospital—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Assembly Bill No. 689 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 688—An act to amend the State Medical Practice Act, approved June 2, 1913, as amended, by adding thereto a new section known as section 11a, relating to the recognition of a certificate of examination issued by the National Board of Medical Examiners of the United States;

Also: Senate Bill No. 549—An act to add a new section to be numbered 402h to part 1, article X of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Assembly Bill No. 688 ordered on file for second reading.

Senate Bill No. 549 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 738—An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the forty-ninth session thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—3; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 738 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26, 1851," passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of 'An act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 857 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 135—An act to add a new section to the Civil Code, to be numbered 1859a, limiting the liability of keepers of furnished apartment houses and furnished bungalow courts;

Also: Assembly Bill No. 591—An act to add a new section to the Code of Civil Procedure to be numbered 1822c, relating to sale of property of missing persons; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bills Nos. 135 and 591 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 691 to Senator Wagy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 24, of the printed bill, as amended, beginning with the word "Execution", strike out all of the printed matter down to and including the period on page 2, line 7.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 691, with instructions to amend, respectfully reports the same back, amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Weller adopted.  
Bill ordered to print.

## RECESS.

At ten o'clock a.m., on motion of Senator Inman, the President pro tempore declared the Senate at recess to reconvene as High Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }  
vs. }  
CARLOS S. HARDY }

SENATE CHAMBER, April 16, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly were present as follows: Managers Harry F. Sewell, William B. Hornblower and Clare Woolwine, and counsel Pembroke Gochner.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo and Rex Hardy.

## FILING OF TESTIMONY.

At request of William B. Hornblower in behalf of the Managers of the Assembly, pages 3070, beginning line 8, to and including page 3169 of the transcript of the preliminary examination taken in the case of The People of the State of California, plaintiff, vs. Aimee Semple McPherson et al., defendants, in the municipal court, city of Los Angeles,

State of California, Division 2, Honorable Samuel R. Blake, judge, was ordered admitted in evidence and filed with the Clerk.

#### READING OF DEPOSITION.

The deposition of Mrs. Minnie Kennedy, taken under commission from the Senate, was read by William B. Hornblower and Harry F. Sewell, Managers of the Assembly.

#### RECESS.

At eleven o'clock a.m., the President declared the court at recess for ten minutes.

#### RECONVENED.

At eleven o'clock and ten minutes a.m., the court reconvened.

#### MOTION TO SUSPEND READING OF DEPOSITION.

Senator Inman moved, seconded by Senator Breed, that the further reading of the deposition of Mrs. Kennedy be suspended, that the deposition be printed in the Journal subject to such objections and motions as may be made by the defendant respecting the direct examination and to such objections and motions as may be made by the Managers respecting the cross-examination, and with permission to counsel on either side to read during the course of their argument such excerpts from the deposition as they may desire.

#### FURTHER CONSIDERATION CONTINUED.

Senator Inman moved that further consideration of the question as to whether the deposition of Mrs. Minnie Kennedy be read by the Managers or printed in the Journal be continued until one o'clock and thirty minutes p.m.

Motion carried.

#### RECESS.

At eleven o'clock and forty-five minutes a.m., the President declared the court at recess until one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

#### PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

#### MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Clare Woolwine, Harry F. Sewell, William B. Hornblower and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo and Rex Hardy.

## WITHDRAWAL OF MOTION.

Senator Inman, with the consent of Senator Breed, withdrew his motion to suspend the reading of the deposition of Mrs. Minnie Kennedy.

## MOTION TO SUSPEND READING OF DEPOSITION.

Senator Rochester moved that the further reading of the deposition of Mrs. Kennedy be suspended, that the deposition be printed in the Journal subject to such objections and motions as may be made by the defendant respecting the direct examination and to such objections and motions as may be made by the Managers respecting the cross-examination, and with permission to counsel on either side to read during the course of their argument such excerpts from the deposition as they might desire.

The question being on Senator Rochester's motion to suspend the reading of the deposition of Mrs. Minnie Kennedy.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Rochester and Breed. The roll was called, and the motion lost by the following vote:

AYES—Senators Christian, Garrison, Gray, Hurley, Murphy, Pedrotti, Rochester, and Tubbs—8.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—29.

## FURTHER READING OF DEPOSITION.

Further reading of the deposition of Mrs. Minnie Kennedy, taken under commission from the Senate, was continued by William B. Hornblower and Harry F. Sewell, Managers of the Assembly.

## RECESS.

At three o'clock and five minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At three o'clock and fifteen minutes p.m., the court reconvened.

## FURTHER READING OF DEPOSITION.

Further reading of the deposition of Mrs. Minnie Kennedy, taken under commission from the Senate, was continued by William B. Hornblower and Harry F. Sewell, Managers of the Assembly.

## ADJOURNMENT.

At four o'clock and thirty minutes p.m., the President declared the court adjourned until ten o'clock a.m., Wednesday, April 17, 1929.

## IN SENATE.

At four o'clock and thirty-two minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Assistant Secretary Francis E. Dalin at the desk.



## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1094—An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district:

Also: Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals;

Also: Assembly Bill No. 945—An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry;

Also: Assembly Bill No. 328—An act to add a new section to the Penal Code, to be numbered 1279a, relating to professional bondsmen.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly No. 1094 read first time, and referred to Committee on Education.

Assembly Bills Nos. 328 and 1098 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 945 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 24—Relative to the Joint Rules of the Senate and the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 24 read, and referred to Committee on Rules.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 529—An act to promote the comfort, health, safety and general welfare of the people of this State as affected by injury causing the disability or death of persons within this State as a result of the drilling, testing or other operation of any petroleum or gas well drilled, in the process of being drilled or abandoned; to define the powers and duties of the Industrial Accident Commission in relation thereto, and to provide penalties and punishment for offenses as defined therein;

Also: Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violations thereof, and repealing all acts in conflict herewith;

Also: Assembly Bill No. 374—An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin Prison;

Also: Assembly Bill No. 1093—An act making an appropriation for minor construction, improvements, and repairs at San Quentin Prison;

Also: Assembly Bill No. 264—An act to amend section 1 of an act entitled "An act to take title to and thereafter maintain as a State highway, the toll road in Tuolumne and Mariposa counties, known as Big Oak Flat and Yosemite road, also, a section of the Tuolumne County road to connect said toll road with the Sonora lateral of the State highway," approved May 19, 1915, providing for the rerouting of said highway and the improvement and maintenance thereof;

Also: Assembly Bill No. 655—An act to add a new section to the Political Code, to be numbered section 4041i, authorizing the board of supervisors of the counties thereof to provide for the working of prisoners confined in the county jail and prescribing the compensation of the persons in charge thereof;

Also: Assembly Bill No. 116—An act to amend section 626 of the Penal Code, relating to protection of game.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 529 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 485 read first time, and referred to Committee on Motor Vehicles.

Assembly Bills Nos. 374 and 1093 read first time, and referred to Committee on Finance.

Assembly Bill No. 264 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 655 read first time, and referred to Committee on County Government.

Assembly Bill No. 116 read first time, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 9—An act making an appropriation to pay the claim of Harry L. Hopper against the State of California:

Also: Assembly Bill No. 188—An act authorizing the Department of Natural Resources to acquire, purchase, and obtain objects of historical interest, to establish and maintain museums and purchase sites therefor, and making an appropriation:

Also: Assembly Bill No. 164—An act making an appropriation for painting portraits of Governors of California, and directing the State Department of Finance to carry out the provisions thereof:

Also: Assembly Bill No. 360—An act making appropriation to pay the claim of W. J. Brown against the State of California:

Also: Assembly Bill No. 503—An act appropriating money for premiums at fairs or exhibitions held by the Thirty-second District Agricultural Association during the eighty-first and eighty-second fiscal years:

Also: Assembly Bill No. 546—An act making an appropriation to pay the claim of Arthur B. Eddy against the State of California:

Also: Assembly Bill No. 905—An act appropriating money to pay the claim of Mr. S. W. Moore against the State of California:

Also: Assembly Bill No. 906—An act appropriating money to pay the claim of Grove J. Fink against the State of California:

Also: Assembly Bill No. 907—An act appropriating money to pay the claim of Fred A. Taylor against the State of California:

Also: Assembly Bill No. 908—An act to appropriate money to pay the claim of C. E. Skidmore against the State of California:

Also: Assembly Bill No. 909—An act appropriating money to pay the claim of E. E. Purrington against the State of California:

Also: Assembly Bill No. 910—An act to pay the claim of L. A. Norton against the State of California:

Also: Assembly Bill No. 911—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California:

Also: Assembly Bill No. 912—An act appropriating money to pay the claim of Will C. Wood against the State of California:

Also: Assembly Bill No. 913—An act to pay the claim of Hans Hansen against the State of California:

Also: Assembly Bill No. 914—An act appropriating money to pay the claim of the city controller of the city of Los Angeles against the State of California:

Also: Assembly Bill No. 915—An act appropriating money to pay the claim of H. L. Preston against the State of California:

Also: Assembly Bill No. 916—An act appropriating money to pay the claim of Harold E. Smith against the State of California:

Also: Assembly Bill No. 1053—An act to accept the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved February 5, 1929, to provide for the further development of vocational education: to create a vocational education fund and making an appropriation therefor:

Also: Assembly Bill No. 1064—An act making an appropriation to pay the claim of the American Railway Express Company against the State of California:

Also: Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital:

Also: Assembly Bill No. 1083—An act authorizing the State Department of Finance to select and acquire additional land for the State Hospital at Patton, Cali-

fornia, and to that end to sell or exchange certain property belonging to the State and situated in the county of San Bernardino, and making an appropriation therefor:

Also: Assembly Bill No. 1118—An act making an appropriation for repair, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Assembly Bills Nos. 9, 188, 164, 360, 503, 546, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 1053, 1064, 1076, 1083 and 1118 ordered on file for second reading.

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 763—An act to amend sections 14, 15 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15a and 37a, respectively, relating to the auditing of canceled warrants and providing for the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and the War Department appropriations act of Congress of the United States for the fiscal year 1930, being Public Law No. 843, seventieth Congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions:

Also: Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class:

Also: Senate Bill No. 408—An act providing for the organization, licensing and management of "Lloyds" and defining the same, and regulating the transaction of the business of such Lloyds in the State of California:

Also: Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools:

Also: Senate Bill No. 705—An act to add a new section to the Political Code to be numbered section 4041x, relating to powers and duties of boards of supervisors:

Also: Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to form and manner of issuance of bonds:

Also: Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or wholly or partially including territory of one or more municipalities within such county or lying within unincorporated territory of said county and one or more municipalities therein; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost



and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the governing body of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; and providing for the appointment and election within any such harbor district formed under this act, of a Board of Harbor Governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors;

Also: Senate Bill No. 639—An act to provide for the purchase of school supplies for school district by superintendents of schools of counties;

Also: Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners;  
And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 9, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Assembly Bill No. 190 ordered on file for second reading.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Concurrent Resolution No. 26—Relative to expediting proceedings for the construction, operation and maintenance of a dam on the American River near Folsom—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7.

(Signed out)

EVANS, Chairman.

CORB.

McCORMACK.

ALLEN.

WAGY.

MERRIAM.

Assembly Concurrent Resolution No. 26 ordered on file.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 253—An act providing for a State Nautical School in the port of San Francisco, creating a board to govern and manage the same, determining the power, duty and authority of the board, and its officers, providing for the appointment of the members of the board and its officers and employees, creating a fund for the support of the board and the school and equipment for the use thereof, and authorizing the Governor to secure a suitable vessel from the federal government for the use of the school, and making an appropriation therefor;

Also: Assembly Bill No. 386—An act to add a new section to be numbered 3 to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury of all moneys, belonging to the State, received by the various State institutions, commissioners and officers and directing the disposition of same,' approved March 17, 1899, as amended, relating to

the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1925;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Assembly Bills Nos. 253 and 386 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 350—An act making an appropriation to clear the channel of the Mokelumne River from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson channel—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Senate Bill No. 350 ordered on file for second reading.

#### ON PUBLIC CHARITIES AND CORRECTIONS.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Public Charities and Corrections, to which was referred Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and be re-referred to Committee on Finance.

(Signed out)

HURLEY, Chairman.

CARTER.

MERRIAM.

CANIPA.

Assembly Bill No. 166 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; absent—7.

SHARKEY, Chairman.

Senate Bill No. 198 ordered on file for second reading.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 105—An act to amend section 384 of the Penal Code, relating to fires—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7.

(Signed out)

EVANS, Chairman.

COBB.

WAGY.

McCORMACK.

ALLEN.

GARRISON.

MERRIAM.

Assembly Bill No. 105 ordered on file for second reading.

#### RECESS.

At four o'clock and forty-five minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of eight o'clock p.m.

## RECONVENED.

At eight o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 29—A resolution relative to the indemnification of owners of condemned cattle—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMTS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 29—A resolution relative to the indemnification of owners of condemned cattle.

ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT  
NUMBER TWENTY-NINE.

## AMENDMENT NUMBER ONE.

In line 5 of the title of the printed measure, as amended in Assembly March 19, 1929, strike out the word "condemned".

## AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed measure, as amended in Assembly March 19, 1929, strike out the word "condemned", and insert in lieu thereof the word "taken".

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed measure, as amended in Assembly March 19, 1929, strike out the word "and", and insert in lieu thereof the words "or otherwise".

## AMENDMENT NUMBER FOUR.

On page 1, line 14, of the printed measure, as amended in Assembly March 19, 1929, strike out the word "an", and insert in lieu thereof the words "a contagious or".

## AMENDMENT NUMBER FIVE.

On page 1, line 15, of the printed measure, as amended in Assembly March 19, 1929, after the word "animal", insert the words "or animals".

## AMENDMENT NUMBER SIX.

On page 1, line 16, of the printed measure, as amended in Assembly March 19, 1929, after the word "animal", strike out the period, and insert the words "or animals."

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 29?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 29 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Felton, Garrison, Gray, Handy, Hendry, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—34.  
NOES—None.

Assembly Constitutional Amendment No. 29 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 578—An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls,



and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 578—An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED SEVENTY-EIGHT.

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out the period in line 20 thereof, and insert in lieu thereof a comma and the following: "relating to appointments of referees in juvenile court cases and fixing the salaries thereof."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 578?

The roll was called, and Assembly amendment to Senate Bill No. 578 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Fellom, Garrison, Gray, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Rochester, Sharkey, Waggy, Weller, West, and Young—24.

NOES—None.

Senate Bill No. 578 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED EIGHTY-FOUR.

AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, as amended in Senate February 27, 1929, after the word "any", in said line, insert the word "freehold".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 284?

The roll was called, and Assembly amendment to Senate Bill No. 284 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Fellom, Garrison, Gray, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Rochester, Sharkey, West, and Young—22.

NOES—None.

Senate Bill No. 284 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 751—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Also: Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected or used for the permanent interment of the remains of 15 or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith;

Also: Senate Bill No. 115—An act to provide for the periodical inspection of steam boilers, with certain exceptions operated in this State, requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit, and allowing an injunction against such operation without such permit where dangerous to life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to provide an appropriation therefor,'" approved March 18, 1909, as amended;

Also: Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 751, 709, 145, 829 and 332 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130, and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 619 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce

attendance upon such classes where established, and providing penalties for the violation of the provisions of this act;

Also: Senate Bill No. 42—An act to add a new section to be numbered 74 to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violation of the provisions of the act," approved May 20, 1915, relating to State highways;

Also: Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm;

Also: Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission;

Also: Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this State; requiring a permit to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 385, 42, 206, 828 and 144 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 627 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 521—An act to amend sections 2319a, 2319b and 2319c of the Political Code, relating to the duties of the State Commissioner of Horticulture—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 521—An act to amend sections 2319a, 2319b and 2319c of the Political Code, relating to the duties of the State Commissioner of Horticulture.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED TWENTY-ONE.

##### AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and add the following: "declaring the urgency thereof and providing that this act shall take effect immediately".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 521?



The roll was called, and Assembly amendment to Senate Bill No. 521 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 521 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Concurrent Resolution No. 29. Providing for the appointment of a Committee on Tax Investigation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

CONSIDERATION OF DAILY FILE.

UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SEVENTY-THREE.

AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the period after the word "dollars", and insert in lieu thereof the following: "; provided, that when domestic fowls are taken of a value exceeding fifty dollars the same shall constitute grand theft."

AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the following: "cow, steer, bull, calf", and insert in lieu thereof the following: "any bovine animal".

AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the word "or".

AMENDMENT NUMBER FOUR.

On page 1, line 10, of the printed bill, strike out the period after the word "lamb", and insert in lieu thereof the following: ", hog, sow, bear, gilt, barrow or pig."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 173?

The roll was called, and Assembly amendments to Senate Bill No. 173 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 173 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State institutions.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED TEN.

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, as amended in March 4, 1929, strike out the word and figures "and 2,1400", and insert in lieu thereof ", 2,1400 and 2,1401".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 810?

The roll was called, and Assembly amendment to Senate Bill No. 810 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 810 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 368—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED SIXTY-EIGHT.

##### AMENDMENT NUMBER ONE.

Strike out all of lines 1 and 2 of the title of the printed bill, as amended in Senate March 18, 1929, and insert in lieu thereof the following:

"An act to amend section 25 of an act entitled "An act creating a state commission on voting machines,"."

##### AMENDMENT NUMBER TWO.

Strike out all of lines 9 and 10 of the title of the printed bill, as amended in Senate March 18, 1929, and insert in lieu thereof the following: "ment of all violations of the provisions of this act," approved May 3, 1923, relating to definitions."

##### AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, as amended in Senate March 18, 1929, strike out the words "voting machine act", and insert in lieu thereof the words "act cited in the title hereof".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 368?

The roll was called, and Assembly amendments to Senate Bill No. 368 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—35.

NOES—None.

Senate Bill No. 368 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED EIGHTY-SIX.

##### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the following: "or agency".

##### AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, strike out the following: "or agency".

## AMENDMENT NUMBER THREE.

On page 2, line 11, of the printed bill, after the word "nonwithdrawable", insert the following: "capital".

## AMENDMENT NUMBER FOUR.

On page 2, line 12, of the printed bill, after the word "open", insert ", conduct".

## AMENDMENT NUMBER FIVE.

On page 2, line 12, of the printed bill, strike out the word "any".

## AMENDMENT NUMBER SIX.

On page 2, line 13, of the printed bill, following the word "branch" and before the comma, insert the following: "or branches".

## AMENDMENT NUMBER SEVEN.

On page 2, line 22, of the printed bill, strike out beginning with the word "which" to and including the word "association" in line 24.

## AMENDMENT NUMBER EIGHT.

On page 2, line 25, of the printed bill, strike out the following: "thereafter open or conduct", and insert in lieu thereof "hereafter open".

## AMENDMENT NUMBER NINE.

On page 2, line 33, of the printed bill, strike out the following: "opened, maintained or conducted", and insert in lieu thereof "owned and operated".

## AMENDMENT NUMBER TEN.

On page 2, line 34, of the printed bill, strike out the following: "at its own cost and expense".

## AMENDMENT NUMBER ELEVEN.

On page 2, line 41, of the printed bill, strike out the words "the business of such building and loan asso.", and strike out all of lines 42 to 48, inclusive, and insert in lieu thereof the following: "subscriptions are sold, taken or selected for bonds, debentures, certificates, shares of stock, shares of membership, contracts or other similar securities of such building and loan association or where such shares or securities are sold or issued, excepting where such shares of stock or shares of membership are sold or issued only as security for or in connection with a loan by such association."

## AMENDMENT NUMBER TWELVE.

On page 2, line 50, of the printed bill, after the word "a", insert the following: "public offense and shall be punishable by a fine not exceeding ten thousand dollars. Every officer, agent or employee of any such building and loan association and every other person who knowingly authorizes, directs or aids in the establishment of a branch of any building and loan association in nonconformity with a certificate of authority or license of the building and loan commissioner, then in effect, authorizing the establishment of such branch, or contrary to the provisions of this section, is guilty of a".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 486.

The roll was called, and Assembly amendments to Senate Bill No. 486 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriane, Murphy, Nelson, Podrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Senate Bill No. 486 ordered to print, and enrollment.

Senate Bill No. 656—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and certificates.

## SUSTAINING GOVERNOR'S VETO.

Message from the Governor announcing his objections to Senate Bill No. 656, read previously.

The question being: Shall Senate Bill No. 656 become a law notwithstanding the objections of the Governor?



The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED FORTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 2, line 43, of the printed bill, as amended in Senate March 21, 1929, strike out the period, and insert in lieu thereof a semicolon and the following: "subject to the right of the owner of each one thousand feet or less frontage of adjoining upland to cross said tidelands to tidewater on a right of way one hundred feet in width, to be selected by such owner within two years from the date of the taking effect of this act."

##### AMENDMENT NUMBER TWO.

On page 3, line 45, of the printed bill, as amended in Senate March 21, 1929, strike out lines 45 to 48, inclusive.

##### AMENDMENT NUMBER THREE.

On page 4, line 14, of the printed bill, as amended in Senate March 21, 1929, after the period in said line insert the following: "Said right of access is hereby limited, however, to the right of way selected by the upland proprietors as set forth in section 2 hereof."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 743?

The roll was called, and Assembly amendments to Senate Bill No. 743 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 743 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SIXTY-ONE.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out all of lines 8 and 9, and insert in lieu thereof the following: "the governing board of any elementary school district shall have power, and it shall be the duty of such board to provide,".

##### AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, strike out the words "their judgment", and insert in lieu thereof "the judgment of such board".

##### AMENDMENT NUMBER THREE.

On page 1, line 17, of the printed bill, strike out lines 17 to 21, inclusive, and insert in lieu thereof the following: "sible private parties for such transportation; *provided, however,* that in order to procure such service at the lowest possible figure

consistent with proper and satisfactory service, such governing board shall secure bids whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier but may, in their discre-".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 161?

The roll was called, and Assembly amendments to Senate Bill No. 161 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, and McKinley—23.

NOES—None.

Senate Bill No. 161 ordered to print, and enrollment.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Concurrent Resolution No. 20—Providing for the appointment of a committee on tax investigation—reports that it has met a like committee of the Assembly, consisting of Assemblymen Sewell, Fry and Jones, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE.

On page 3, line 20, of the printed bill, as amended, strike out the word "sixty", and insert in lieu thereof the word "fifty".

#### AMENDMENT NUMBER TWO.

On page 3, line 28, of the printed bill, as amended, strike out the word "sixty", and insert in lieu thereof the word "fifty".

NELSON,  
CROWLEY,  
HANDY,

Senate Committee on Free Conference.

SEWELL,  
FRY,  
JONES,

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wag, Weller, West, and Young—37.

NOES—None.

Senate Concurrent Resolution No. 20 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 83, 84, 85, 86, 89, 90, 94, 95, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 151 and 154, and by adding thereto new sections to be numbered 7½, 8½, 22½, 23½, 28½, 30½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½,

1144½, 1344½, 141½, 146½, 150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the records to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians, and providing for carrying out the objects of this act.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED  
FOURTEEN.

AMENDMENT NUMBER ONE.

On page 24, line 29, of the printed bill, after the word "vehicle", strike out the comma and the balance of said line, and strike out all of line 30, and in line 31 strike out the words "*provided, however, that when so required*", and insert in lieu thereof the word "*unless*".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 714?

The roll was called, and Assembly amendment to Senate Bill No. 714 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 714 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED  
EIGHTY-TWO.

AMENDMENT NUMBER ONE.

On page 2, line 21, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER TWO.

On page 2, line 22, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER THREE.

On page 2, line 25, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER FOUR.

On page 2, line 48, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".



AMENDMENT NUMBER FIVE.

On page 3, line 8, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER SIX.

On page 3, line 47, of the printed bill, beginning in said line 47, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER SEVEN.

On page 4, line 47, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER EIGHT.

On page 4, line 50, of the printed bill, beginning in said line 50, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER NINE.

On page 5, line 13, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER TEN.

On page 5, line 24, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER ELEVEN.

On page 5, line 25, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER TWELVE.

On page 5, line 33, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER THIRTEEN.

On page 5, line 35, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER FOURTEEN.

On page 7, line 32, of the printed bill, beginning in said line 32, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER FIFTEEN.

On page 7, line 41, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

AMENDMENT NUMBER SIXTEEN.

On page 9, line 30, of the printed bill, strike out the word "control", and insert in lieu thereof the word "enforcement".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 182?

The roll was called, and Assembly amendments to Senate Bill No. 182 concurred in by the following vote:

AYES—Senators Allen, Baker, Baggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 182 ordered to print, and enrollment.

SENATOR MALONEY IN THE CHAIR.

At eight o'clock and fifty-five minutes p.m., Senator Maloney, of the Twenty-third District, was called to the chair.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 573—An act to amend section 453j of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division I, part IV, title II of the Civil Code.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED  
SEVENTY-THREE.

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, as amended in Senate March 11, 1929, after the number "453j" in said line, insert the words "of the Civil Code".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 573?

The roll was called, and Assembly amendment to Senate Bill No. 573 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 573 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 440—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED FORTY.

AMENDMENT NUMBER ONE.

On page 1, line 24, of the printed bill, strike out the word "five", and insert in lieu thereof the word "eight".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 440?

The roll was called, and Assembly amendment to Senate Bill No. 440 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 440 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 211—An act to amend sections 1, 3, 8, 9 and 10 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates or amalgams bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b, relating to the enforcement thereof and the escheat of ores seized thereunder.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED ELEVEN.

AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "fifteen".

AMENDMENT NUMBER TWO.

On page 2, line 16, of the printed bill, strike out the word "five", and insert in lieu thereof the word "two".

## AMENDMENT NUMBER THREE.

On page 4, line 28, of the printed bill, immediately following the word "news-paper", insert the following: "of general circulation".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 211?

The roll was called, and Assembly amendments to Senate Bill No. 211 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 211 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED TWENTY-THREE.

## AMENDMENT NUMBER ONE.

On page 4, line 52, of the printed bill, as amended March 8, 1929, strike out the words "and eighteenth", and insert in lieu thereof a comma and the following: "eighteenth and twentieth".

## AMENDMENT NUMBER TWO.

On page 5, line 13, of the printed bill, as amended March 8, 1929, strike out the words "and eighteenth", and insert in lieu thereof a comma and the following: "eighteenth and twentieth".

## AMENDMENT NUMBER THREE.

On page 6, line 23, of the printed bill, as amended March 8, 1929, after the word "or", strike out the word "authorized", and insert in lieu thereof the words "admitted to this state."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 623?

The roll was called, and Assembly amendments to Senate Bill No. 623 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 623 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 193—An act to amend section 629a of the Political Code, relating to group insurance.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED NINETY-THREE.

## AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed and amended bill, following the word "commissioner", strike out the comma.



## AMENDMENT NUMBER TWO.

On page 1, line 18, of the printed and amended bill, following the comma in said line, insert the following: "and members of labor unions and members of the national guard."

## AMENDMENT NUMBER THREE.

On page 2, line 14, of the printed and amended bill, strike out the semicolon, and insert in lieu thereof a period.

## AMENDMENT NUMBER FOUR.

On page 2, line 14, of the printed and amended bill, beginning with the word "any", strike out the balance of the line, and all of lines 15 to 38, inclusive, and insert in lieu thereof a new paragraph as follows: "The following forms of life insurance are also declared to be group insurance within the meaning of this chapter: life insurance covering the members of any labor union or of any association of employees of the United States, of the state, county, or municipal governments, employees of school districts (including teachers), irrigation districts, or other political subdivisions of government. Such insurance shall be written under a policy issued to such union or association, which union or association shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or the association and the members thereof jointly, and insuring only members of such union who are actively engaged in the same occupation, or of such association, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or association or the officials thereof; *provided, however*, that when a premium is to be paid by the union or the association and its members jointly, and the benefits are offered to all eligible members, not less than seventy-five per centum of such members may be so insured; *and provided, further*, that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance."

## AMENDMENT NUMBER FIVE.

On page 4, line 5, of the printed and amended bill, strike out the entire line.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 193?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 193 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED SEVENTY-FIVE.

## AMENDMENT NUMBER ONE.

On page 3, line 18, of the printed bill, strike out the word "felony", and insert in lieu thereof the word "misdemeanor".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 475?

The roll was called, and Assembly amendment to Senate Bill No. 475 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller,

Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—36.

NOES—None.

Senate Bill No. 475 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 17, 32, 36, 51 and 68 of said act.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED SIXTY-SIX.

AMENDMENT NUMBER ONE.

On page 7, line 17, of the printed and engrossed bill, strike out the word "two-thirds", and insert in lieu thereof the following: "a majority".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 266?

The roll was called, and Assembly amendment to Senate Bill No. 266 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Senate Bill No. 266 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 674—An act to add a new section to the Penal Code, to be numbered 146a, relating to falsely representing a public officer.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED SEVENTY-FOUR.

AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the words "five hundred," and insert the words "one thousand".

AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the words "six months", and insert the words "one year".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 674?

The roll was called, and Assembly amendments to Senate Bill No. 674 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—37.

NOES—None.

Senate Bill No. 674 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 410—An act creating the office of Chief of Narcotic Law Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and

maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED TEN.

AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "*provided, however, that two of the inspectors herein referred to shall be registered licentiates in pharmacy.*"

AMENDMENT NUMBER TWO.

On page 2, line 46, of the printed bill, following line 46, insert the following: "SEC. 10. Nothing in this act shall prohibit the inspectors of the board of pharmacy from having the right to inspect any and all records in connection with the regulation of the sale of, or the giving away, prescribing or administering of narcotics or other drugs."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 410?

The roll was called, and Assembly amendments to Senate Bill No. 410 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

NOES—None.

Senate Bill No. 410 ordered to print, and enrollment.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

Senate Bill No. 13—An act to amend section 2210*b* of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Petrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 665 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canena, Carter, Cassidy, Christen, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, James, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Padonetti, Richardson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—32  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canena, Carter, Cassidy, Christen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Padonetti, Richardson, Sharkey, Tubbs, Weller, West, and Young—32  
 NOES—Senators Garrison, Jones, Ray, Slater, Swing, and Wagy—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 7.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 18 of article VI thereof, relating to the ineligibility of judges to other office.

*Resolved by the Senate, the Assembly concurring:* That the Legislature of the State of California, at its forty-eighth session, commencing on the seventh day of January, 1929, two-thirds of all members elected to each of the two houses, do send Legislature voting in favor thereof, hereby propose to amend section 18 of article VI of the constitution to read as follows:

Sec. 18. The justices of the Supreme Court, and of the District Courts of Appeal, and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office, or any office during the term for which they shall have been elected or appointed; provided, however, that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge. No justice or judge of a court of record shall practice law during his continuance in office.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 7 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Lyon,

Maloney, McCormack, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 7 ordered transmitted to the Assembly.

Senate Bill No. 282—An act to amend section 736*b* of the Political Code, relating to the salaries of judges in the superior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to section 1*a* of article VI of the constitution, relating to the exchange of judges by request.

#### RE-REFERENCE OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Swing asked for and was granted unanimous consent to have Senate Constitutional amendment No. 13 re-referred to Committee on Constitutional Amendments.

Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of \$5,000 for the expense of

printing said bonds; and to provide for the submission of this act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 441 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 713 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 836 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 158 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 250 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE JOINT RESOLUTION No. 9.

Relative to Dale-Lehlbach Retirement Bill.

WHEREAS, There was passed at the last session of Congress, the Dale-Lehlbach Retirement Bill, which contained provisions for needed liberalization of the Federal Civil Service Retirement Laws; and

WHEREAS, The bill reached the President only seven days before adjournment of Congress, and same was permitted to die by pocket veto; and

WHEREAS, The provisions of this same bill will again be introduced at the coming session of Congress, which bill will seek to establish a more liberal allowance on pensions, by a greater contribution on the part of the federal government employees; therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That we most heartily approve the provisions of this act, and request Congress at its coming session to again enact the provisions of the Dale-Lehlbach Bill; and that the President of the United States be requested to attach his signature thereto, so that it may become a federal law.

*Resolved.* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to Senators and Representatives in California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 9 ordered transmitted to the Assembly.

Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CHRISTIAN IN THE CHAIR.

At ten o'clock and ten minutes p.m., Senator Christian of the Thirteenth District was called to the chair.

Senate Bill No. 793—An act to amend sections 296, 365 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 794—An act to add a new section to the Civil Code, to be numbered 411, relating to the surrender by foreign corporations of the right to transact intrastate business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 794 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller,

Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An act to add a new section to the Political Code, to be known as section 634aa, providing that no organization of persons may transact insurance upon the Lloyds plan in this State without procuring a certificate of authority to transact business, creating a trust fund for the benefit of policyholders, and being subject to the provisions of article XVI, chapter 3, title I, part III, of the Political Code, which may be made applicable thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 618—An act to add a new section, to be numbered 8h, to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 618 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mueller moved to refer Senate Bill No. 723 to Senator Rochester, as a Special Committee of One, to amend as follows.

AMENDMENT NUMBER ONE.

On page 10, line 52, of the printed bill, as amended in the Senate on April 9, 1929, strike out the word "fifty"; on page 11, line 1, change the figure "5" to the figure "0".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 12, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 723, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROCHESTER, Special Committee.

Report read, and on motion of Senator Mueller adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 825—An act to provide for the government of high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 825 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An act to add a new section to the Penal Code to be numbered 1269a, relating to bail in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 126 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 214 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman,

Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; *provided*, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with the approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligations have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly



Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto, to be numbered 37, and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925, and chapter..., California Statutes of 1929.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 763 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 815—An act to provide for the promotion of maternal hygiene under the State Department of Public Health, and to appropriate money for carrying out the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 815 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 652—An act appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Sharkey, Slater, Tubbs, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 755 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27—An act to amend section 626x of the Penal Code, relating to the protection of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 760—An act to amend sections 1, 2, 24, 2a, 3, 4, 5, 6, of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 760 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374—An act to add a new section to the Penal Code, to be numbered 80, relating to the publication of false or garbled matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Senate Bill No. 374 to Senator Young, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out all of lines 3 to 6, inclusive, and insert in lieu thereof the following:

"80. Any person who shall knowingly publish or cause to be published, printed or distributed any false".

## AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the word "thereon".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 374, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 280 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468a, 1468b, 1468c and 1468d, relating to the administration of estates having a net value of less than \$2,500.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney; McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297—An act to amend sections 2, 4 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, defining the powers and duties of the Department of Natural Resources and the Park Commission in relation to the State park system and authorizing the making of contracts between the commission and cities, counties and other political subdivisions, and with the government of the United States for the care and maintenance and control, for the purposes of the State park system, by either party to such a contract, of lands under the jurisdiction of the other party and authorizing the



contracting parties to expend moneys for the care, maintenance and control thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 297 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 228—An act to add three new sections to the Political Code, to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics, to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Crowley, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE—(RESUMED).

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 20 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 176 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, as amended in Assembly March 29, 1929, insert after the word "hereof" a comma, and the words "except the state and all political subdivisions or institutions thereof."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 176, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

Assembly Bill No. 489—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, providing for the securing of the payment of compensation by employers.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 489 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4 of the title of the printed bill, as amended, insert after the word "to", the words "securing the payment of compensation and to".

## AMENDMENT NUMBER TWO.

On page 3, line 14, of the printed bill, as amended, after the word "therein", insert the words "need not secure payment of compensation as provided in section 29 of this act but it".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 489, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine

tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle therein; to provide for the slaughter of cattle which positively react to said test; to provide the method of payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof, and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act, including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for violation of the provisions hereof; to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Senate Bill No. 481 to Senator Sharkey, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE

On page 6, line 30, of the printed bill, following the period after the figures "12", strike out the following: "Except as otherwise provided,".

AMENDMENT NUMBER TWO

On page 6, line 45, of the printed bill, after the comma following the word "months", strike out the following: "At the expense of the owner thereof by a veterinarian who has been so authorized by said director,".

AMENDMENT NUMBER THREE

On page 8 of the printed bill, strike out all of lines 7 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 17. If any of the provisions of section 10 of this act be declared unconstitutional, such decision shall invalidate all of the provisions of said section. If any of the provisions of any section other than section 10 of this act be declared unconstitutional, such decision shall not affect the validity of the remaining provisions of this act. The Legislature, except as in this section provided, hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that such provisions or any or either thereof be declared unconstitutional."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 481, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print, and re-engrossment.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senators Nelson, Swing and Mueller: Senate Constitutional Amendment No. 36—Proposed amendment to the constitution by adding a new article to be numbered XXIV, relative to the construction, maintenance and operation of a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San



Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of-----dollars for the expense of printing, lithographing and selling of said bonds.

Senate Constitutional Amendment No. 36 referred to Committee on Constitutional Amendments.

RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order to Printer on Senate Constitutional Amendment No. 36.

ADJOURNMENT.

At eleven o'clock and thirty minutes p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned until nine o'clock and thirty minutes a.m., Wednesday, April 17, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 17, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—37.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, April 16, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR EXTENDED.

On request of Senators Breed and Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to ex-Senator W. E. Duncan, Jr., from Oroville, Senator from 1915 to 1923, inclusive.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, April 16, 1929.

*To the Senate of the State of California.*

Senate Bill No. 152 is returned without my approval.

The purpose of the introduction of this bill was to clarify the statutes with reference to the construction and equipping of buildings on the new site for the State Teachers College at San Diego. Both the Legislative Council and the Attorney General's office have advised me that in drafting the bill not all of the necessary amendments were included, and that the bill, therefore, does not give effect to the purpose desired.

The author, Senator Mueller, agrees that my approval of the bill should be withheld, as another bill is to be introduced in this session of the Legislature to clarify the statute in question.

Respectfully submitted

C. C. YOUNG, Governor

Governor's message ordered to unfinished business.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 264—An act to add a new section to the Penal Code, to be numbered 588d, relating to the display of red lights on or near public highways, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

(Signed out)

SHARKEY, Chairman.  
MALONEY  
PEDROTTI.  
HURLEY.  
INMAN  
FELLOM.  
LYON.  
CANIPA.  
GRAY.  
NELSON.  
BREID.  
HANDY.  
WELLER.

Senate Bill No. 264 ordered on file for second reading.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 453—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sales of property of decedents:

Also: Assembly Bill No. 496—An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bills Nos. 453 and 496 ordered on file for second reading.

## RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

CARTER, Chairman.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Inman, Jones, Ray; McCormack, Pedrotti, Slater, Tubbs, Wagy, West, and Young—22.

NOES—None.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin Canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gray moved to refer Senate Bill No. 524 to Senator Fellom, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 7, line 5, of the printed bill as amended, strike out lines 5 to 16, inclusive, and insert in lieu thereof the following: "Beginning at a point on north line of Evans avenue projected and intersecting Water Front street, as such streets are shown upon the official map of the city and county of San Francisco; thence along the easterly boundary of said Water Front street southerly to its intersection with the boundary line of San Mateo county and the city and county of San Francisco; thence westerly along said boundary to its point of intersection with the shore line of the bay of San Francisco as shown on the map of the salt marsh and tide lands prepared by order of the board of tideland commissioners in accordance with the act entitled, "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March 30, 1868"; thence following said shore line to the northerly line of Evans avenue; thence southeasterly along said line to the point of commencement."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 524, with instructions to amend, respectfully reports the same back, amended as per instructions.

FELLOM, Special Committee.

Report read, and on motion of Senator Gray adopted.

Bill ordered to print, and re-engrossment.



## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 495—An act to amend section 7 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, relating to appointees.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 495 to Senator Pedrotti, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 9, of the printed bill, strike out the words "one or more of its assistant secretaries", and insert in lieu thereof the following: "assistant secretary, but not more than one assistant secretary at any one time".

## AMENDMENT NUMBER TWO.

On page 2, line 10, of the printed bill, beginning in said line 10, strike out the following: "not exceeding two at any one time".

## AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, immediately following the comma after the word "however", insert the following: "that not more than two deputy commissioners shall act at any one time and".

## AMENDMENT NUMBER FOUR.

On page 2, line 16, of the printed bill, strike out the word "joined", and insert in lieu thereof the word "concurred".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 495, with instructions to amend, respectfully reports the same back, amended as per instructions.

PEDROTTI, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 768—An act entitled "An act to define the public waters of the State for the purpose of angling, and to regulate angling therein and thereon and to establish rights of way therein, thereon and thereto for the purpose of angling"—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—12; absent—3.

YOUNG, Chairman.

Senate Bill No. 768 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927:

Also: Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

YOUNG, Chairman.

Senate Bills Nos. 403 and 687 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Vocational Standards, should such a department be created and in that event defining the powers and duties of said department under this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 19, of the printed bill, following the period in said line 19, insert the following: "Schools maintaining a course of instruction in addition to the twenty-eight months course as herein provided must be connected with a hospital or hospitals approved by the board, having a daily average of not less than one hundred patients, and shall provide, for such additional course, theoretical and practical teaching in such subjects and arranged in such order of instruction as the board may determine."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 27, of the printed bill, following the period in said line 27, insert the following: "It shall be unlawful to conduct a training school for nurses which does not comply with the minimum requirements of the board of nurse examiners, for an accredited school as hereinbefore provided."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 44, of the printed bill, following the word "universities", insert the words "and colleges".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 34, of the printed bill, strike out lines 34 to 51; also strike out lines 1 to 8, inclusive, on page 5, and insert in lieu thereof the following:

"Sec. 10. Within thirty days after the date upon which this act becomes effective the governor of the State of California shall appoint five persons qualified as hereinafter provided to constitute a state board of nurse examiners, which board is hereby created. Two of the members of said board must at the time of their appointment be American citizens and shall hold valid, unexpired, and unrevoked certificates of registration as registered nurses issued under the provisions of that certain act expressly repealed by the provisions of this act; *provided, further*, that each of said two members shall have had at least five years actual experience in nursing. Two members of the board must at the time of their appointment be American citizens and physicians holding the degree of doctor of medicine granted by medical schools approved by the California state board of medical examiners, and holders of valid, unexpired, and unrevoked certificates of registration as physicians and surgeons issued under the laws of this state. One member of the board must at the time of his appointment be an American citizen and an educator appointed on nomination by the president of the University of California.

The term of office of each member shall be four years; *provided, however*, that of the first board appointed the two members of the board who are registered nurses, one shall be appointed for three years, and one for four years and of the two members of the board who are physicians and surgeons, one shall be appointed for three years and one for four years. The board shall at all times consist of two registered nurses, two physicians and surgeons, and one educator, who are qualified as hereinbefore provided. A person appointed to fill a vacancy shall hold office for the unexpired term. Thereafter all appointments shall be for four years, except appointments to fill vacancies. The governor may remove from office any member of the board for cause. The office of the board shall be in the city of Sacramento. Branch offices with necessary clerical personnel may be established, with the approval of the director of finance, in the cities of San Francisco and Los Angeles. Required records of the board may be temporarily transferred to such branch offices."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5, line 12, of the printed bill, strike out said line 12, and insert in lieu thereof the following: "and a secretary, who shall be a registered nurse and who may or may not be a member of the".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 5, line 21, of the printed bill, strike out lines 21 and 22, and insert in lieu thereof the following: "the office. The secretary shall devote entire time to the duties of the office."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 9, line 45, of the printed bill, strike out lines 45 and 46, and insert in lieu thereof the following: "Except as to said powers, duties, and functions so".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 549—An act to add a new section to be numbered 402*b*, to part I, article X, of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 758—An act to amend section 69 of the Civil Code, and to add a new section thereto to be numbered section 69*b*, relating to the issuance of marriage licenses.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed



March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of, an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, strike out the balance of page 1, all of page 2, all of page 3, and that part of page 4 down to and including the period following the word "height" in line 26, and insert in lieu thereof the following:

"For each such vehicle weighing, when unladen, less than six thousand pounds	\$50.00
For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds	70.00
For each such vehicle weighing, when unladen, ten thousand pounds or more	90.00

(c) The following registration fees in addition to the registration fee specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semitrailers, designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles.

When such vehicles are equipped wholly with pneumatic tires:

For each such vehicle weighing, when unladen, three thousand pounds or more but less than six thousand pounds	\$8.00
For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds	40.00
For each such vehicle weighing, when unladen, ten thousand pounds or more and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds	50.00
For each such vehicle weighing, when unladen, six thousand pounds or more and entitled under the provisions of this act to a total weight, including vehicle and load, in excess of twenty-two thousand pounds	70.00

When such vehicles are not equipped wholly with pneumatic tires there shall be paid in addition to the fees specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to twice the fees set forth in the foregoing table.

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-twelfth for each month which shall have elapsed since the beginning of the registration year.

*Provided, however,* the hereinbefore mentioned schedules of fees shall apply only where the vehicle to be registered operates over or upon some portion of the state highway, which is hereby defined by the Legislature to be any public road maintained by public funds and which is situated outside the corporate limits of any incorporated municipality."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 4, line 27, of the printed bill, strike out the letter "g" within the parentheses, and insert in lieu thereof the letter "d".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 5 of the printed bill, beginning with line 13, strike out all of section 2 and all of section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 350—An act making an appropriation to clear the channel of the Mokelumne River from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson channel.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 4, inclusive, of the title, and insert in lieu thereof the following:

"An act making an appropriation to clear and straighten the channel of the Mokelumne river from Woodbridge to the Galt-New Hope bridge for protection of state and county bridges and highways."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended under the supervision of the department of public works for the purpose of clearing and straightening the channel of the Mokelumne river from Woodbridge to the Galt-New Hope bridge.

SEC. 2. Expenditures hereunder shall not be in excess of the amount or amounts to be expended by the county of San Joaquin or by private agencies for the same purpose in collaboration with the state department of public works."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 640—An act to amend section 308 of the Civil Code of the State of California, concerning the organization of boards of directors of corporations.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, lines 5, 6 and 7, of the printed bill, as amended, strike out the semicolon in line 5 and the words "also one or more vice presidents as they may consider necessary—when the board consists of three or more."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, as amended, following the comma after the word "number", insert the following: "one or more vice presidents."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, as amended, insert a comma after the word "California", and add the following: "making an appropriation therefor."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Assembly Bill No. 632—An act to add a new section to the Political Code, relating to the Department of Agriculture.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, strike out the period, and insert a semicolon in lieu thereof, and add the following: "*provided, however,* that the pro rata share so charged shall not exceed five per cent of the collections made by the department of agriculture for such bureau, division, board or other agency."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 897—An act to amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the Director of the Department of Agriculture in relation hereto, including the collection of fees, creating a Board of Appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof," approved May 23, 1925.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 38, of the printed bill, after the word "forty-two", add the word "pieces".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 43, of the printed bill, after the word "uniform", add the word "in".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 5, line 25, of the printed bill, strike out the word "labeled", and insert the word "marked".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 5, line 47, section 6, of the printed bill, add the letter "s" to the word "grade".

Amendment adopted.



## AMENDMENT NUMBER FIVE.

On page 7, line 41, of the printed bill, after the words "such marking", add the words "to be".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 9, line 11, of the printed bill, strike out the word "commenced", and insert the word "commended" in lieu thereof.

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 9, after line 36, of the printed bill, add the following paragraph:

"All orders of the board of appeal shall be made in writing and filed in the office of the director of agriculture. Such orders shall be made and filed within ten days after the close of the hearing."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 873—An act to amend an act entitled "An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the Department of Agriculture in relation thereto, and penalties for the violation hereof."

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word "amend", and insert in lieu thereof the word "revise".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, strike out the word "amended", and insert in lieu thereof the word "revised".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 689—An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1917 (Stats. 1927, p. 149), relating to payment of expenses of persons committed to State Narcotic Hospital.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 14, of the printed bill, beginning with the word "Execution", strike out all the printed matter down to and including the period on page 2, line 17, of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 688—An act to amend the State Medical Practice Act, approved June 2, 1913, as amended, by adding thereto a new section known as section 11a, relating to the recognition of a certificate of examination issued by the National Board of Medical Examiners of the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 135—An act to add a new section to the Civil Code, to be numbered 1851a, limiting the liability of keepers of furnished apartment houses and furnished bungalow courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 591—An act to add a new section to the Code of Civil Procedure, to be numbered 1822c, relating to the sale of property of missing persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 105—An act to amend section 384 of the Penal Code, relating to fires.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, as amended March 22, strike out lines 22, 23, and 24.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, strike out the letter "g" in parentheses, and insert in lieu thereof the letter "f" in parentheses.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the letter "h" in parentheses, and insert in lieu thereof the letter "g" in parentheses.

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 14, of the printed bill, after the words "supervisors of", strike out the word "the", and insert in lieu thereof the word "each".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 5, line 15, of the printed bill strike out the word "or", and insert in lieu thereof the word "and".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 6, line 6, of the printed bill, after the word "amount", insert the words "of aid".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 6, line 23, of the printed bill, strike out the word "or", and insert in lieu thereof the word "and".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Charities and Corrections.

Assembly Bill No. 253—An act to provide for the maintenance and establishment of a school for the education and training of pupils from the various counties in the State in the science and practice of navigation, seamanship, steam and electrical engineering.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 6, line 26, of the amended printed bill, after the word "hundred", strike out the word "fifty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 386—An act to add a new section, to be numbered 3, to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same,' approved March 17, 1899, as amended, relating to the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1905.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend section 1 of an act entitled, "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers and directing the disposition of the same," approved March 17, 1899, as amended and to add a new section, to be numbered 3 thereto, relating to the payment of state money into the treasury and abolishing certain special funds."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers and directing the disposition of the same," approved March 17, 1899, as amended, is hereby amended to read as follows:

Section 1. All moneys belonging to the state, except appropriations, received from any source whatever by any officer, commission or commissioner, board of trustees, board of managers or board of directors shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time on the order of the controller be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison or school supported by or under the control of the state, said moneys shall be credited to the general fund of the state; *provided, however*, that any moneys received by any such hospital, asylum, prison or school for hospital care of persons not entitled thereto without charge or for meals served to persons not entitled thereto without charge, shall be remitted monthly to the state treasurer to become a part of and to be added to the current appropriation



made available by law for the support of said hospital, asylum, prison or school; and *provided*, that in any case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, or to provide a discharged inmate with any sum of money or with wearing apparel, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent repairs, not to exceed in the aggregate six thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of such board of harbor commissioners, without advertising the proposals therefor; *provided, further*, that nothing in this section shall affect in any manner the funds known as the industrial or amusement funds of the Agnews State Hospital, the Mendocino State Hospital, the Napa State Hospital, the Norwalk State Hospital, the Southern California State Hospital, the Stockton State Hospital, the Sonoma State Home, Pacific Colony, the Whittier State School, the California School for Girls, and the Preston School of Industry.

SEC. 2. A new section is hereby added to said act to be numbered 3, and to read as follows:—

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 9—An act making an appropriation to pay the claim of Harry L. Hopper against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 188—An act authorizing the Department of Natural Resources to acquire, purchase, and obtain objects of historical interest, to establish and maintain a museum and purchase a site therefor, and making an appropriation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 164—An act making an appropriation for portraits of all governors whose portraits have not heretofore been made, and directing the State Department of Finance to carry out the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 360—An act making appropriation to pay the claim of W. J. Brown against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 503—An act appropriating money for premiums at fairs or exhibitions held by the Thirty-second District Agricultural Association during the eighty-first and eighty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 546—An act making an appropriation to pay the claim of Arthur B. Eddy against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 905—An act appropriating money to pay the claim of Mr. S. W. Moore against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 906—An act appropriating money to pay the claim of Grove J. Fink against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 907—An act appropriating money to pay the claim of Fred A. Taylor against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 908—An act to appropriate money to pay the claim of C. E. Skidmore against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 909—An act appropriating money to pay the claim of E. E. Purrington against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 910—An act to pay the claim of L. A. Norton against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 911—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 912—An act appropriating money to pay the claim of Will C. Wood against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 913—An act to pay the claim of Hans Hansen against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 914—An act appropriating money to pay the claim of the city controller of the city of Los Angeles against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 916—An act appropriating money to pay the claim of Harold E. Smith against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1053—An act to accept the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915—An act appropriating money to pay the claim of H. L. Preston against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1064—An act making an appropriation to pay the claim of the American Railway Express Company against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1083—An act authorizing the State Department of Finance to select and acquire additional land for the State Hospital at Patton, California, and to that end to sell or exchange certain property belonging to the State and situated in the county of San Bernardino, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1118—An act making an appropriation for repairs, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, as amended, immediately following the words "lot of", insert the word "beans,".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 14, of the printed bill, as amended, immediately following the words "California grown", insert the word "beans,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### RECESS.

At ten o'clock a.m., the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }  
                                   vs. }  
 CARLOS S. HARDY }

SENATE CHAMBER, April 17, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.



## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows:

Managers Walter J. Little, Harry F. Sewell and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## FURTHER READING OF DEPOSITION.

Further reading of the deposition of Mrs. Minnie Kennedy, taken under commission from the Senate, was continued by Melvyn I. Cronin and Harry F. Sewell, Managers of the Assembly.

## RECESS.

At eleven o'clock and five minutes a.m., the President declared the court at recess for five minutes.

## RECONVENED.

At eleven o'clock and ten minutes a.m., the court reconvened.

## READING OF DEPOSITION.

The cross-examination in the deposition of Mrs. Minnie Kennedy, taken under commission from the Senate, was read by Harry F. Sewell, a Manager of the Assembly, and Rex Hardy, of counsel for the defense.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Hurley, Iman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—35.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Clare Woolwine and Harry F. Sewell, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## READING OF DEPOSITION.

Further reading of the cross-examination in the deposition of Mrs. Minnie Kennedy was continued by Harry F. Sewell, a Manager of the Assembly, and Rex Hardy, of counsel for the defense.

## READING OF TESTIMONY.

The testimony of Carlos S. Hardy taken before the municipal court of Los Angeles in the case of People vs. Aimee Semple McPherson et al., was read by Clare Woolwine, a Manager of the Assembly, and Rex Hardy, of counsel for the defense.

## RECESS.

At two o'clock and forty-five minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At two o'clock and fifty-five minutes p.m., the court reconvened.

## FURTHER READING OF TESTIMONY.

Further reading of the testimony of Carlos S. Hardy taken before the municipal court of Los Angeles in the case of the People vs. Aimee Semple McPherson et al., was continued by Clare Woolwine, a Manager of the Assembly, and Rex Hardy, of counsel for the defense.

## MOTION BY SENATOR MALONEY.

Senator Maloney moved that the testimony being read be not printed in the Supplement to the Senate Journal of this day as the same was printed in the Supplement to the Senate Journal of April 16, except as otherwise noted, and with proper reference to identify it.

Testimony as printed in the Supplement to the Senate Journal of April 16, from line 15, page 13, to and including line 23, page 39, was read.

## ADJOURNMENT.

At four o'clock and thirty minutes p.m., the President declared the court adjourned until ten o'clock a.m., Thursday, April 18, 1929.

## IN SENATE.

At four o'clock and thirty-two minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON FINANCE.

## SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor;

Also: Senate Bill No. 493—An act making an appropriation to be expended by the State Director of Agriculture in the performance of his powers and duties in relation to land settlement and land settlement projects;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Senate Bills Nos. 291 and 493 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Senate Bill No. 673 ordered on file for second reading

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 93—An act to amend sections 631, 1312, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury:

Also: Senate Bill No. 735—An act to amend section 4 of an act of the Legislature of the State of California, entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, all-ways, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change or separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose, for the inclusion of the territory of any incorporated city or county within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, and reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 51—An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs and ferns:

Also: Senate Bill No. 108—An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders:

Also: Senate Bill No. 166—An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies:

Also: Senate Bill No. 201—An act to amend section 1374 of the Penal Code, relating to expenses of maintenance in State hospital of persons charged with crime:

Also: Senate Bill No. 202—An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to State hospital:

Also: Senate Bill No. 210—An act to add a new section to be numbered 19c to the "California Irrigation District Act," relating to appointment and election of district officers and declare the urgency thereof:

Also: Senate Bill No. 231—An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended:

Also: Senate Bill No. 233—An act to amend sections 5, 11, 26, 31, 36, 45, 48, 49, 56, 58 and 60, of the "State Housing Act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas water heaters, gas stoves, ventilation, porches in dwellings and yards:



Also: Senate Bill No. 427—An act to amend section 718 of the Civil Code, relating to the leasing of municipal property:

Also: Senate Bill No. 491—An act relating to courses of study for special day and evening classes in high schools:

Also: Senate Bill No. 527—An act to amend sections 2322a, 2322b, and 2322c of the Political Code, relating to county horticultural commissioners:

Also: Senate Bill No. 601—An act to amend section 7, chapter 586, Laws of 1917, as amended by chapter 471, Laws of 1919, Workmen's Compensation, Insurance and Safety Act, relating to the definition of the term "employer" as used in said act:

Also: Senate Bill No. 801—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions therein and to the rear yard of apartment houses:

Also: Senate Bill No. 834—An act to amend section 19a24 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class:

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of April, 1929, at one o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 32—Relative to approving the charter of the city of Redwood City, county of San Mateo, State of California, voted on and ratified by the qualified electors of said city of Redwood City at a special municipal election held therein on the ninth day of April, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. Booth, Assistant Clerk.

Assembly Concurrent Resolution No. 32 read, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 686—An act creating a commission to investigate and report upon the subject of home rule for counties, providing for the appointment of the members thereof, the powers and duties of such commission, and making an appropriation therefor:

Also: Assembly Bill No. 119—An act relating to the exhibition of still or motion pictures in the public schools.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 686 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 119 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 540—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925." Approved May 26, 1927:

Also: Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs, and making an appropriation therefor," approved March 11, 1907, as amended:

Also: Senate Bill No. 229—An act adding a new section to the Political Code, to be numbered 694, relating to the Department of Finance:

Also: Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code, and to amend section 2295 of the said Political Code, all relating to the State Librarian:

Also: Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 540, 102, 229, 230 and 37 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 205 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 36 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 101 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 54 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 569 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 677—An act to amend

section 341 of the Penal Code, relating to pawnbrokers --and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 677 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 864—An act to amend section 2322c30 of the Political Code, relating to the salary of the horticultural commissioner of counties of the thirtieth class;

Also: Assembly Bill No. 1134—An act to add a new section to the Political Code, to be numbered 363p, relating to pamphlets and bulletins of the Department of Public Works.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 864 read first time, and referred to Committee on County Government.

Assembly Bill No. 1134 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 8—An act to amend section 1026a of the Penal Code, relating to release of defendant committed to a State institution for the insane, in criminal cases;

Also: Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace;

Also: Assembly Bill No. 18—An act to enable counties to obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 8 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 446 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 18 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1106—An act to increase the number of judges of the superior court of the county of Santa Barbara, and for the appointment of such additional judge;

Also: Assembly Bill No. 1114—An act to add a new section to the Political Code, to be numbered 4167a, relating to vacancies in the office of sheriff;

Also: Assembly Bill No. 228—An act to amend section 737p of the Political Code, relating to the salary of the judge of the superior court, in and for the county of Kings;

Also: Assembly Bill No. 402—An act to amend section 1033 of the Code of Civil Procedure, relating to costs in civil cases;

Also: Assembly Bill No. 407—An act to amend section 1280 of the Code of Civil Procedure, relating to validity of arbitration agreements;

Also: Assembly Bill No. 1107—An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of garages, and the maintenance, use and occupancy of the premises and land on which garages are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and counties, and to provide penalties for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.



Assembly Bills Nos. 1106 and 228 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 1114, 402 and 407 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1107 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 740—An act to amend section 3596 of the Political Code, relating to the Governor's Council;

Also: Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Also: Assembly Bill No. 397—An act to amend section 2322r8 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class;

Also: Assembly Bill No. 298—An act to amend section 19r15 of the Juvenile Court Law, relating to compensation of probation officers in counties of the fifteenth class;

Also: Assembly Bill No. 997—An act to amend section 19 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method, procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons; and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 740 and 888 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 397, 298 and 997 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 608—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 675—An act to

amend section 340 of the Penal Code, relating to pawnbrokers and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 675 ordered to unfinished business file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Assembly Bill No. 529—An act to promote the comfort, health, safety and general welfare of the people of this State as affected by injury causing the disability or death of persons within this State as a result of the drilling, testing or other operation of any petroleum or gas well drilled, in the process of being drilled or abandoned; to define the powers and duties of the Industrial Accident Commission in relation thereto, and to provide penalties and punishment for offenses as defined therein—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

CASSIDY, Chairman.

Assembly Bill No. 529 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—(RESUMED).

THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII $\frac{1}{2}$ , relating to revenue and taxation.

Amendment read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Senate Constitutional Amendment No. 32 to Senator Lyon, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed measure, after the comma following the word "constitution", add the following: "except as herein provided."

AMENDMENT NUMBER TWO.

On page 2, line 10, of the printed measure, after the word "all", add the following: "of section 14".

AMENDMENT NUMBER THREE.

On page 2, line 12, of the printed measure, strike out the period following the word "repealed", and insert in lieu thereof a semicolon and add the following: "provided, further, that the provisions of this section shall not be deemed or construed, in whole or in part, to repeal any of the provisions of subsection four of section 16 of article thirteen of this constitution."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 32, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Amendment ordered to print, and re-referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 260—An act to amend section 366 of the Political Code, relating to the Department of Institutions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9, absent—2.

MUELLER, Chairman.

Assembly Bill No. 260 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the distribution of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

MUELLER, Chairman.

Senate Bill No. 262 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 174—An act regulating the practice of civil engineering,

Also: Assembly Bill No. 754—An act to provide for the forfeiture of certain lands to the State for the nonpayment of delinquent interest taxes, and part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, and for the forfeiture of all moneys previously paid thereon, principal as well as interest; prescribing the duties of certain police officers with respect thereto; providing for the giving of notice of said forfeitures; prescribing certain remedies, and making an appropriation for the purposes of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Assembly Bills Nos. 174 and 754 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927, and making an appropriation therefor;

Also: Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930;

Also: Assembly Bill No. 117—An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act;



Also: Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Assembly Bills Nos. 113, 251, 117 and 255 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 712—An act providing for the creation and establishment of the Contractors State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 712 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes and dates, produced by another in the State of California, and making the same an urgency measure—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

INMAN, Chairman.

Assembly Bill No. 155 ordered on file for second reading.

#### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 782—An act to amend section 2186 of the Political Code—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

GRAY, Chairman.

Senate Bill No. 782 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 896—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

GRAY, Chairman.

Assembly Bill No. 896 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE—(RESUMED).

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cleveland moved to refer Assembly Bill No. 143 to Senator Young, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, strike out the word "four", and insert in lieu thereof the word "one".

## AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "five".

## AMENDMENT NUMBER THREE.

On page 2, line 24, of the printed bill, strike out the words "one thousand", and insert in lieu thereof the words "eight hundred".

## AMENDMENT NUMBER FOUR.

On page 3, line 12, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "four".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 143, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Cleveland adopted.  
Bill ordered to print.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senator Fellom: Senate Constitutional Amendment No. 37—Proposed amendment to article VI of the constitution, relative to the Judicial Department of the State.

Amendment referred to Committee on Constitutional Amendments.

## ADJOURNMENT.

At four o'clock and forty minutes p.m., President pro tempore Arthur H. Breed declared the Senate adjourned until nine o'clock and thirty minutes a.m., Thursday, April 18, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, April 18, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Minute Clerk Harold J. Powers at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, April 17, 1929, the further reading was dispensed with, on motion of Senator Slater.

## REPORTS OF STANDING COMMITTEES.

The following report of standing committee was received and read:

## ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 808—An act to amend section 633aa of the Political Code, relating to insurance—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

TUBBS, Chairman.

Assembly Bill No. 808 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 264—An act to add a new section to the Penal Code, to be numbered 588d, relating to the display of red lights on or near public highways.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"An act to regulate the display of red lights on or in view of public highways and granting to boards of supervisors authority for the zoning of public highways relative to the display of red lights."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful for any person to place or maintain or to display upon or in view of any highway any red light which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movements of traffic, except as a warning light or danger signal. Every such red light is hereby declared to be a public nuisance and the state highway commission and local authorities are hereby authorized and empowered to remove same or cause it to be removed without notice. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 2. To facilitate the enforcement of section 1 of this act, and for the public interest, convenience, and safety, county boards of supervisors are hereby authorized to create by ordinance a zone along any public highway wherein it shall be unlawful to display any red light which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, except as a warning light or danger signal.

SEC. 3. The county board of supervisors may establish penalties for the violation of such ordinance when established and in effect."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 768—An act entitled "An act to define the public waters of the State for the purpose of angling, and to regulate angling therein and thereon and to establish rights of way therein, thereon and thereto for the purpose of angling."



COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the period, and insert in lieu thereof a comma, and the following : "or municipal water works, or waters or artificial lakes or ponds not planted with fish by or under permission of the fish and game commission."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, strike out the following : "to such waters from the nearest public road, and".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed bill, after the word "highways", insert the following : "for the purposes of this act".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 21, of the printed bill, after the word "obstructions", insert the following : "or water conditions".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended, strike out all of lines 1 and 2, inclusive, and insert in lieu thereof the following :

"An act relating to the ages of retirement and to the payment of retirement salaries to teachers employed in the public schools of this State."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, strike out all of lines 1 to 24, inclusive; also strike out all of pages 2 to 7, inclusive, and insert in lieu thereof the following :

"SECTION 1. The provisions of section 5,890 and 5,890-1 of this act shall supersede the provisions of sections 5,890 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be

construed as having the same scope and application as would be the case were they a part of article three of chapter three of part four of division five of said School Code.

As used in sections 5.890 and 5.890.1 of this act the term "this part" means part four of division five of said School Code.

Sec. 5.890. Every public school teacher who shall have complied with all the requirements of this part, and who shall have served under a legal certificate as a legally qualified teacher in public day or evening schools or kindergartens or partly as such teacher and partly as superintendent or supervising executive or educational administrator or as secondary principal, or as secondary librarian, holding valid unexpired teaching credentials issued by the state board of education for at least thirty-three school years not more than fifteen of which shall have been served outside this state (including the last ten years of service immediately preceding retirement which must have been served within this state, shall, except as otherwise provided, be entitled to retire, or if physically or mentally incapacitated for the proper performance of the duties of teacher, may be compelled to retire by the board of education, school trustees, or other school authorities employing such teacher.

Sec. 5.890.1. Any such teacher may, at his option, retire after thirty years of such service and before the completion of the thirty-third year of such service and receive a retirement salary of seven hundred dollars, plus seventy dollars for each year he shall have served after the thirtieth year of his service and before the completion of the thirty-third year of such service by him.

Sec. 2. The provisions of section 5.894 of this act shall supersede the provisions of section 5.894 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter three of part four of division five of said School Code.

As used in section 5.894 of this act, the term "this article" means article three of chapter three of part four of division five of said School Code, and the term "this part" means part four of division five of said School Code.

Sec. 5.894. Upon retirement, voluntary or involuntary, a teacher qualifying under this article shall be entitled to receive, during life, an annual retirement salary of nine hundred ten dollars, payable in installments monthly by warrant drawn as provided in this part.

Sec. 3. The provisions of section 5.904 of this act shall supersede the provisions of section 5.904 of the School Code and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article four of chapter two of part four of division five of said School Code.

As used in section 5.904 of this act, the term "this part" means part four of division five of said School Code, and the term "this article" means article four of chapter three of part four of division five of said School Code.

Sec. 5.904. Upon retirement, voluntary or involuntary, a teacher qualifying under the provisions of this article shall be entitled to receive, during the period of such disability, an annual retirement salary, payable in installments monthly by warrant drawn as provided in this part, which shall be the same fraction of the minimum retirement salary of seven hundred dollars as said teacher's time of service is of thirty years.

Sec. 4. The provisions of section 5.910 and 5.911 of this act shall supersede the provisions of section 5.910 and 5.911 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article five of chapter three of part four of division five of said School Code.

As used in sections 5.910 and 5.911 of this act the term "this part" means part four of division five of said School Code.

Sec. 5.910. All teachers heretofore retired after thirty years of service under the provisions of any law of this state shall be entitled to an annual retirement salary of seven hundred dollars.

Sec. 5.911. Each teacher who by reason of incapacity due to bodily or mental infirmity who shall have retired under the provisions of any law of this state after fifteen years' service in the public schools of this state, shall receive upon the taking effect of this section and during the period of disability, an annual retirement salary which shall be the same fraction of the minimum retirement salary of seven hundred dollars as said teachers' time of service is of thirty years.

The state board of education shall have the power at all times to review the case of any teacher retired on account of disability and to determine when the period of disability of any teacher has ceased.

Sec. 5. The provisions of section 5.921 shall supersede the provisions of section 5.921 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article six of chapter three of part four of division five of said School Code.

As used in section 5.921 of this act, the term "this chapter" means chapter three of part four of division five of said School Code.

Sec. 5.921. If any teacher having qualified under article four, of this chapter, returns to service in the public schools of the state and thereafter qualifies under article three, of this chapter, there shall be deducted from the retirement salary payable to such teacher under the provisions of article three, of this chapter, the amount of retirement salary, theretofore actually received by such teacher under the provisions of article four, of this chapter, such amount to be so deducted in equal quarterly installments until the whole amount so received under article four, of this chapter, shall have been deducted. The amount of such deduction to be made monthly shall not exceed ten dollars.

Sec. 6. The provisions of section 5.1003 of this act shall supersede the provisions of section 5.1003 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter five of part four of division five of said School Code.

Sec. 5.1003. On or before the thirty-first day of August in the year 1930 and on or before the thirty-first day of August in each succeeding calendar year, the state controller shall transfer from the general fund of the state, to the public school teachers permanent fund, an amount equal to the total contributions made by teachers under the provisions of this part during the preceding fiscal year.

Sec. 7. The provisions of sections 5.1040, 5.1041, 5.1042, 5.1043, 5.1044, 5.1047, 5.1048 and 5.1049 shall supersede the provisions of sections 5.1040, 5.1041, 5.1042, 5.1043, 5.1044, 5.1047 and 5.1048 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article two of chapter six of part four of division five of said School Code.

As used in sections 5.1047 and 5.1048, the term "this chapter" means chapter six of part four of division five of said School Code.

As used in sections 5.1040 and 5.1048 of this act, the term "this part" means part four of division five of said School Code.

As used in section 5.1043 of this act, the term "this article" means article two of chapter six of part four of division five of said School Code.

Sec. 5.1040. Each teacher subject to the burdens of this part shall contribute thirty-six dollars each school year to the public school teachers' permanent fund for not less than thirty-three years, or until retired under the provisions of this part, but any teacher not entitled to the benefits of this act, may, upon order of the public school teachers' retirement salary fund board be exempted from the provisions of this section.

Sec. 5.1041. The teacher shall pay thirty-six dollars to the superintendent of schools of the county in which the teacher is employed.

Sec. 5.1042. The teacher must pay eighteen dollars not later than December thirty-first for the half year ending December thirty-first, and must pay eighteen dollars for the first half year ending June thirtieth at the time or before the time of filing his annual report with the superintendent of schools of the county and not later than June thirtieth, of the current school year.

Sec. 5.1043. Those teachers who have taught less than fifty days during a half year or not more than five hours a week shall be relieved from paying the eighteen dollars for such half year as heretofore provided in this article.

Sec. 5.1044. The teacher may pay thirty-six dollars instead of eighteen dollars at the time of making his first payment, in which case the filing of his receipt with the clerk or secretary of the school district shall relieve him from further payments during the current school year.

Sec. 5.1047. Any teacher applying for retirement under this part after service outside of this state, performed after January 1, 1914, shall be required to pay seventy-two dollars for each year of such service, beginning with the date upon which the final payment of each year would have been due had the teaching been done in this state, and the payment of such may be made at any time before retirement, or, if not made before retirement may be made at the time of retirement, or may be withheld from the retirement salary after the manner provided in article three of this chapter.

Sec. 5.1048. Any teacher who claims exemption from the provisions of this part and later applies for retirement under this part shall be required to pay in addition to thirty-six dollars for each year of service performed after January 1, 1914, an amount equal to five per cent interest per annum on the thirty-six dollars for each year of such service beginning with the date upon which the final payment of each year would have been due if the teacher had not claimed exemption and the payment of such dues and interest may be made at any time before retirement, or, if not made before retirement may be made at the time of retirement, or may be withheld from the retirement salary after the manner provided in article three of this chapter.

Sec. 5.1049. Any teacher subject to the burdens and entitled to the benefits of this part who shall withdraw from public school service shall have returned to him two thirds the total of all contributions paid by him under the provisions of this part, or in the event of his death the amount heretofore mentioned shall be paid in the same manner as provided in article seven of chapter three of this part.



SEC. 8. The provisions of section 5.1060, 5.1061, and 5.1062 of this act shall supersede the provisions of sections 5.1060, 5.1061, and 5.1062 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter six of part four of division five of said School Code.

As used in sections 5.1060 and 5.1062 of this act, the term "this part" means part four of division five of said School Code.

Sec. 5.1060. No person shall, except as may be otherwise provided, be eligible to receive the benefits of this part, who shall not have paid into the public school teachers' permanent fund, or partly into said fund and partly into the public school teachers' annuity and retirement fund, maintained under the act of the Legislature of the State of California, approved March 26, 1895, and acts amendatory thereof, an amount equal to thirty-six dollars for each year of service up to and including the thirty-third year.

Sec. 5.1061. The difference between the amounts actually paid by such teacher and the amount that would have been paid by such teacher at the rates herein provided if such payments had been begun with the first year of teaching service and continued regularly thereafter, may be paid into said fund by such teacher at the time of retirement, with the same effect as if such payments had been begun with the first year of teaching service and continued regularly thereafter, at the rates herein provided for.

Sec. 5.1062. Or the sum of fifteen dollars per month may be withheld from the teachers' retirement salary if retirement is under article three, of chapter three, of this part, or ten dollars per month if retirement is under article four or five, of chapter three, of this part, until the amounts so withheld shall equal the difference between the amount that would have been paid by the teacher at the rates herein provided, if such payments had been begun with the first year of teaching service and continued regularly thereafter, and the amount theretofore paid into said permanent fund, or partly into said permanent fund and partly into the public school teachers' annuity and retirement fund. The total amount shall not exceed one thousand one hundred eighty-eight dollars except as otherwise provided in this part.

#### Article Ia—Part Time Teachers.

SEC. 9. The provisions of section 5.804 of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one of chapter one of part four of division five of the School Code as adopted at the forty-eighth session of the Legislature. As used in section 5.804 of this act the term "this part" means part four of division five of said School Code.

Sec. 5.804. On or before July 1, 1930, every teacher employed in the public schools of this state who now claims exemption from the provisions of this part must notify the superintendent of public instruction and the superintendent of public schools of the city, county or consolidated city and county in which said teacher is in service whether or not said teacher still desires such exemption. If such teacher desires such exemption in said notification, then said teacher shall be forever barred from becoming entitled to a retirement salary under the provisions of this part.

SEC. 10. The provisions of section 5.873 of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one of chapter three of part four of division five of the School Code as adopted at the forty-eighth session of the Legislature.

As used in section 5.873 of this act the term "this part" means part four of division five of said School Code.

Sec. 5.873. Every teacher who is subject to the burdens and entitled to the benefits of this part must be retired upon reaching the age of seventy years and no teacher shall be retired under the provisions of this part, except for physical or mental incapacity, who has not reached the age of fifty-six years; *provided, however*, that the provisions of this section shall not take effect until June 30, 1931."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

Strike out all of title, and insert in lieu thereof the following:

"An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill as amended, strike out lines 1 to 18, inclusive; all of pages 20 to 21, inclusive, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful for any person, firm, copartnership, corporation, association or other organization, or any combination of any thereof, to engage in the business or act in the capacity of contractor within this state without having a license therefor as herein provided, unless such person, firm, copartnership, corporation, association or other organization is particularly exempted as provided in this act.

SEC. 2. This act shall not apply to:

(a) An authorized representative or representatives of the United States Government, the State of California, or any incorporated town, city, county, city and county, irrigation district, or other municipal or political corporation or subdivision of this state;

(b) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising;

(c) Trustees of an express trust, or officers of a court, providing they are acting within the terms of their trust or office, respectively;

(d) Public utilities operating under the regulation of the state railroad commission on construction work incidental to their own business;

(e) Owners of property upon which any of the construction operations herein-after mentioned are conducted by themselves;

(f) Any work or operation on one undertaking or project by contract or contracts performed directly or indirectly by one contractor, and the aggregate contract price for which, for labor, materials, and all other items, is less than two hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature.

SEC. 3. A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to, or improvement of any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personally, or any part thereof; *provided*, that the term contractor, as used in this act, shall include sub-contractor, but shall not include any one who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of, the work of the contractor as herein defined.

SEC. 4. The director of department of professional and vocational standards, is hereby constituted a registrar for the purpose of this act, and is empowered to employ such assistants and procure such equipment and records as may be necessary to carry out its provisions.

SEC. 5. To obtain a license under this act the applicant shall submit, on such forms as the registrar shall prescribe, a duly verified application stating the general nature of his contracting business, and if an individual his name and address, if a copartnership the names and addresses of all partners, and if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer; and containing the statement that the applicant desires the issuance of a license under the terms of this act.

Said application shall be accompanied by a fee of five dollars. The fees received under this act shall be deposited in the contractors license fund, which fund is hereby created. All moneys in said fund are hereby appropriated for the purpose of carrying out the provisions of this act. Any unencumbered surplus remaining in said fund on June thirtieth shall be transferred to the general fund of the state.

SEC. 6. Upon receipt of said application and of said fee, it shall be the duty of the registrar forthwith and within ten days to issue a license to the applicant permitting him to engage as a contractor under the terms of this act for the balance of the fiscal year following the application. The license issued under this act shall be signed by the licensee, shall be nontransferable, and shall be exhibited by him upon demand.

SEC. 7. All licenses issued under the provisions of this act shall lapse and expire on June thirtieth of each year.

Application for renewal of a current license at any time during June of any fiscal year shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. All licensees shall report all changes of personnel and addresses under this act, within thirty days after same shall occur, on such forms as the registrar shall provide in such cases.

SEC. 8. No recovery shall be had by any contractor in respect to the performance of any contract by him, or for any services rendered or materials furnished by him as contractor, unless at the time of the performance of rendition or furnishing of same he shall have held a license as in this act provided.

SEC. 9. The registrar shall maintain at the office of the director of department of professional and vocational standards in Sacramento, open to public inspection during office hours, a complete indexed record of all applications and all licenses issued and of all renewed licenses under this act, and of all terminations, cancellations and suspensions thereof, and shall furnish a certified copy of any license issued, or of the cancellation or suspension thereof, upon receipt of the sum of fifty cents; and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

SEC. 10. Any person, firm, corporation or organization may file a duly verified complaint in the superior court of any county wherein a contractor licensed under this act resides or does business as contractor charging that such licensee is guilty of any one or more of the following acts or omissions:

(1) Failure to maintain true books of account;

(2) Fraudulent departure from, or disregard of, plans of specifications in any material respect, without the consent of the owner or his duly authorized representative; or intentional or deliberate disregard or violation of the building code of any municipality or governing body having jurisdiction of a building enterprise or operation;

(3) Abandonment of any contract without legal excuse;

(4) Diversion of funds or property received under express agreement for prosecution or completion of a specific contract under this act, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner;

(5) The doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured;

(6) Permitting final judgments, arising out of obligations that should have been discharged by the licensee as a contractor, to remain unsatisfied by him for more than ninety days.

If such charge be sustained by the court, it may by its judgment suspend or cancel such contractor's license. The suspension or cancellation of license as aforesaid may also be embraced in any action otherwise proper involving the licensee's performance of his legal obligations as contractor.

SEC. 11. In case the judgment provides for suspension of the license, the registrar shall renew the license on proof that such judgment has been fully satisfied in so far as the same is based on the act or neglect of the licensee which was involved in said judgment of suspension. In case the license shall have been canceled by the court, it shall not be renewed or reissued within a period of one year after the entry of said judgment, or in case of an appeal, within one year after the termination thereof, and then only in case it shall appear to the satisfaction of the registrar that all loss occurring, due to the act or neglect of the licensee which was involved in said judgment, has been fully satisfied.

SEC. 12. A judgment, either of suspension or of cancellation, shall be subject to review and appeal in accordance with the provisions of chapter one, title thirteen, part two, Code of Civil Procedure, in the State of California, but there shall be no stay of execution pending said appeal unless the appellant shall file an undertaking for stay of execution under the said judgment in such amount as the court shall fix, to the effect that he will observe the provisions of this act pending appeal. Such undertaking shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a contractor. Such undertaking shall be for the benefit of any person having dealings with such appellant or aggrieved person as a contractor, and any such person so dealing with the same shall have the right to commence suit thereon in his own name against said contractor and his sureties. The clerk of the court wherein said judgment has become final shall transmit to the registrar within ten days thereafter, an abstract of said judgment of suspension or cancellation, as the case may be, upon such form as the registrar shall prescribe.

SEC. 13. Any person, firm, copartnership, corporation, association, or other organization, acting in the capacity of contractor within the meaning of this act, without a license as herein provided, shall upon conviction thereof, if a person, be punished by a fine of not to exceed five hundred dollars, or by both such fine and imprisonment, in the discretion of the court. The same penalties shall apply upon conviction to any member of a copartnership, or to any construction managing or directing



officer of any organization consenting to, participating in, or aiding or abetting, any such violation of this act.

SEC. 14. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 15. All laws, or parts of laws, in conflict with the provisions of this act shall be, and the same are hereby repealed.

SEC. 16. This act shall become effective ninety days after the same shall have been approved by the governor; and licenses issued in accordance herewith in any portion of the year 1929 shall terminate on the thirtieth day of June, 1930."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 782—An act to amend section 2186 of the Political Code.

Bill read second time, ordered engrossed, and on file for third reading

Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish, to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act, to investigate and report on the fish industry, and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees.

Bill read second time, ordered engrossed, and on file for third reading

Senate Bill No. 493—An act to amend Section 361a of the Political Code, and to add a new section to said code, to be numbered 361b, relating to the Department of Agriculture and the Division of Land Settlement thereof.

#### AMENDMENT FROM THE FLOOR

During the second reading of the bill, the following amendment was offered, and its adoption moved by Senator Ray Jones.

#### AMENDMENT NUMBER ONE

On page 3, line 2, of the printed bill, as amended, after the word "of", insert the words "one hundred".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### RECESS.

At ten o'clock a.m., the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA

VS.

CARLOS S. HARDY

SENATE CHAMBER, April 18, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators: Allen, Baker, Briggs, Brown, Canning, Carter, Christian, Chiswell, Clark, Cramer, Doolittle, Edwards, Egan, Feltus, Garrison, Gray, Harbo, Harris, Jasper, Jones, Kay, Lamm, McHenry, McHenry, McKim, Morrison, Murray, Nelson, Patterson, Quinn, Sargent, Thomas, Thorne, Wright, Young, West and Young—32.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceedings now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little and Harry F. Sewell, and counsel Pembroke Goodrich.

## DEFENDANT AND COUNSEL PRESENT

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nunn, Frank M. Carr and Rex Hardy.

## FURTHER READING OF TESTIMONY

Further reading of the testimony of Carlos S. Hardy taken before the municipal court of Los Angeles in the case of the People vs. Almer Sample McWherson et al., was continued by Walter J. Little and Harry F. Sewell, Managers of the Assembly.

Testimony as printed in the Supplement to the Senate Journal of April 16 from line 23, page 38, to and including page 54, was read.

## RECESS

At eleven o'clock a.m. the President declared the court at recess for ten minutes.

## RECONVENED

At eleven o'clock and ten minutes a.m. the court reconvened.

## WITNESS CALLED

Judge Arthur Keene was called to the witness stand by the defense, was duly sworn, and testified.

## RECESS

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggs, Weller, West, and Young—37.

#### PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

#### MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin and Harry F. Sewell, and counsel Pembroke Gochnauer.

#### DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

#### WITNESSES CALLED.

The following witnesses were called to the witness stand by the defense, were duly sworn, and testified: Judge Albert Lee Stevens and Forrest F. Murray.

#### RECESS.

At three o'clock and five minutes p.m., the President declared the court at recess for ten minutes.

#### RECONVENED.

At three o'clock and fifteen minutes p.m., the court reconvened.

#### WITNESSES CALLED.

The following witnesses were called to the witness stand by the defense, were duly sworn, and testified: Joseph W. Ryan and May Darley.

#### ADJOURNMENT.

At four o'clock and twenty-three minutes p.m., the President declared the court adjourned until ten o'clock a.m., Friday, April 19, 1929.

#### IN SENATE.

At four o'clock and thirty minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Assistant Secretary Paul Mason at the desk.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

##### SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 142—An act providing for the organization of certain elementary school districts into union or joint union high school districts;

Also: Senate Bill No. 171—An act to amend section 952 of the Penal Code, relating to the description of an offense;

Also: Senate Bill No. 175—An act providing for the calling of elections for formation of consolidated school districts;



Also: Senate Bill No. 209—An act to authorize the counties of the State of California to establish systems for the retirement and pension of county and township officers and employees and to provide certain benefits for their dependence, and empowering county boards of supervisors to levy a special tax;

Also: Senate Bill No. 312—An act relating to the continuation of contracts for the transportation of secondary school pupils;

Also: Senate Bill No. 355—An act to provide for the leasing of real property belonging to a school district to the State Department of Education or to the Regents of the University of California;

Also: Senate Bill No. 483—An act relating to admission to junior college courses of study prescribed by high school boards;

Also: Senate Bill No. 484—An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters;

Also: Senate Bill No. 488—An act relating to uniform cost accounting for junior colleges;

Also: Senate Bill No. 568—An act to add a new article to chapter 3 of title 1 of part 111 of the Political Code, to be numbered article 11m, embracing sections 376 to 376f, inclusive, relating to a Department of Penology;

Also: Senate Bill No. 580—An act creating a Division of Schoolhouse Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings;

Also: Senate Bill No. 602—An act to amend section 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by authorizing the Industrial Accident Commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it;

Also: Senate Bill No. 603—An act to amend section 364, Workmen's Compensation, Insurance and Safety Act, chapter 589, Laws of 1927, relating to insurance by State Compensation Insurance fund against liability under the United States Longshoremen's and Harbor Workers' Compensation Act;

Also: Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State Compensation Insurance fund;

Also: Senate Bill No. 706—An act relating to the governing boards of union, joint union, county and joint county junior college districts;

Also: Senate Bill No. 811—An act to provide transportation for pupils attending secondary schools;

Also: Senate Bill No. 771—An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter;

Also: Senate Bill No. 785—An act relating to the appointment and employment of persons by the State Department of Education;

Also: Senate Bill No. 786—An act relating to the administration of the State Department of Education;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of April, 1929, at ten o'clock a.m.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 549—An act to add a new section to be numbered 402h to part 1, article X of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material;

Also: Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor;

Also: Senate Bill No. 748—An act creating a commission to codify, consolidate, revise or compile the Statutes of California and to report thereon to the Legislature at the forty-ninth session thereof;

Also: Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of 'An act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26,

1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein:

Also: Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41, and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add new sections to said act to be numbered 2a, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments:

Also: Senate Bill No. 782—An act to amend section 2186 of the Political Code:

Also: Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry, and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees:

Also: Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927:

Also: Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 623 of the Penal Code, relating to the protection of fish:

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

#### ON REVENUE AND TAXATION

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 835—An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes and licenses and prescribing penalties for the violation of the act:

Also: Assembly Bill No. 1088—An act to amend sections 3682, 3732, 3746, 3748, 3756, and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be re-referred to this committee.

Committee membership—13; committee vote: Ayes—8; absent—5.

NELSON, Chairman.

Senate Bill No. 835 ordered on file for second reading.

Assembly Bill No. 1088 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1111—An act to amend section 3748 of the Political Code, relating to the time and place of payment of taxes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—8; absent—5.

NELSON, Chairman.

Assembly Bill No. 1111 ordered on file for second reading.

#### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 408—An act to amend sections 3, 8, 10, 11, 18½ and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, and to add a new section thereto to be numbered section 20, relating to powers of the directors of said companies and

forms of insurance policies issued by said company—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

TUBBS, Chairman.

Assembly Bill No. 408 ordered on file for second reading.

#### ON OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Assembly Bill No. 35—An act to add new sections, to be numbered 23, 24 and 25 to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the suspension, withholding or denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other mineral in, upon or from tide, overflowed or submerged lands and beds of navigable rivers or lakes belonging to the State or any political subdivision thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

CANEPA, Chairman.

Assembly Bill No. 35 ordered on file for second reading.

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State; also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction, repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, the bill sent out to print, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

HANDY, Chairman.

Senate Bill No. 701 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 3746, and relating to the depositing of garbage, swill and refuse on public highways:

Also: Assembly Bill No. 661—An act to amend sections 24 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts;

Also: Assembly Bill No. 771—An act to amend section 1 of an act entitled "An act declaring and establishing a State highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura State highway," approved June 16, 1913, relating to State highways;



Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

HANDY, Chairman.

Assembly Bills Nos. 816, 661 and 771 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 581—An act to amend section 363*b* of the Political Code, and to add thereto a new section to be numbered 363*b*, relating to the Department of Public Works;

Also: Assembly Bill No. 471—An act providing for the burning or removing of grass, brush, or other inflammable matter and debris from public highways.

Also: Assembly Bill No. 85—An act to amend section 2640 of the Political Code, relating to the acquisition and construction of new roads and the grading, regrading, paving, macadamizing, surfacing, repairing and maintaining of existing roads;

Also: Assembly Bill No. 86—An act to amend section 2713 of the Political Code, relating to the construction and repair of bridges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

HANDY, Chairman.

Senate Bill No. 581 ordered on file for second reading.

Assembly Bills Nos. 471, 85 and 86 ordered on file for second reading.

#### ON CONSTITUTIONAL AMENDMENTS

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California, an amendment of section 6 of article IV, of the constitution of the State, relating to the apportionment of the State into Assembly and Senatorial districts, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10; committee vote: Ayes—6; noes—1; absent—3.

SWING, Chairman.

Senate Constitutional Amendment No. 34 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 6, relative to the issuance of bonds to the amount of \$7,500,000 for the acquisition of rights of way for railroad crossing eliminations on the roads within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission;

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California amending sections 1, 7 and 11, and repealing sections 2, 3, 9, 12 and 14 of that article;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership—10; committee vote: Ayes—6; absent—4.

SWING, Chairman.

Senate Constitutional Amendments Nos. 16 and 24 ordered on file.

SENATOR NELSON IN THE CHAIR.

At four o'clock and thirty-five minutes p.m., Senator Nelson of the First District was called to the chair.

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 24—Relative to Joint Rules of Senate and Assembly—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

Assembly Concurrent Resolution No. 24 ordered on file.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 406—An act to amend section 4237 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class;

Also: Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management therefor;

Also: Assembly Bill No. 961—An act to amend section 10 of an act entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than 100,000 persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed";

Also: Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class;

Also: Assembly Bill No. 1015—An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 406 and 882 read first time, and referred to Committee on County Government.

Assembly Bill No. 523 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 961 and 1015 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 30—Relative to Pioneer Memorial Bridge.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 30 read, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 188—An act to add a new section to the Political

Code, to be numbered 3236, relating to preference on public contracts and furnishing supplies.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 188 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 287—An act to add a new section to the Penal Code, to be numbered 637<sup>1/2</sup>, relating to trapping of game:

Also: Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended:

Also: Senate Bill No. 34—An act to add a new section to the Political Code, to be numbered 3633, relating to the Department of Public Works.

Also: Senate Bill No. 452—An act to add a new section to the Political Code, to be numbered 4052<sup>c</sup>, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 287, 267, 34 and 452 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities; and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California; and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 747 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 220—An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities or public corporations and agencies:

Also: Senate Bill No. 358—An act to amend sections 2, 3 and 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 220 and 358 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary schools of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1112 read first time, and referred to Committee on Education.



## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bill No. 11 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728, thereof to relate to the Judicial Council assigning justice of the peace—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; noes—4; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 520 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 181—An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court;

Also: Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 181 and 183 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, describing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; noes—1; absent—4.

INMAN, Vice Chairman.

Assembly Bill No. 643 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 98—An act to amend section 1861a of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished bungalow courts;

Also: Assembly Bill No. 239—An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses;

Also: Assembly Bill No. 274—An act to amend section 1415 of the Code of Civil Procedure, relating to powers, duties and obligations of special administrators;

Also: Assembly Bill No. 452—An act to add a new section to the Code of Civil Procedure, to be numbered 1161a, relating to persons holding over in case of the sale of real property by virtue of execution, foreclosure of mortgage or under a power of sale contained in a deed of trust;

Also: Assembly Bill No. 467—An act to amend section 793 of the Civil Code, relating to the termination of estates;

Also: Assembly Bill No. 468—An act to amend section 1946 of the Civil Code, relating to the hiring of real property:  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 98, 239, 274, 452, 467 and 468 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 1059—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

FELLOM, Chairman.  
BOGGS.  
INMAN.  
CHRISTIAN.  
CARTER.  
McCORMACK.  
EDWARDS.

Assembly Bill No. 1059 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 840—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

FELLOM, Chairman.  
BOGGS.  
INMAN.  
CARTER.  
McCORMACK.  
EDWARDS.

Assembly Bill No. 840 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 737—An act to add a new section to the Civil Code to be numbered 48a, relating to libel—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9; noes—3; absent—3.

INMAN, Vice Chairman.

Senate Bill No. 737 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a, 953c and 956 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 73 ordered on file for second reading.

## RECESS.

At four o'clock and forty-five minutes p.m., the presiding Senator declared the Senate at recess until eight o'clock and thirty minutes p.m.

## RECONVENED.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

(Signed out)

CHRISTIAN, Chairman.  
CLEVELAND.  
YOUNG.  
WAGY.  
GRAY.  
FELLOM.

Senate Bill No. 748 ordered on file for second reading.

## MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

## EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 17, 1929.

*To the Senate of the State of California.*

Senate Bill No. 223 is herewith returned without my approval. This is companion bill to No. 224.

This action is taken in accordance with a suggestion from Senator Breed, the author of the bill. He has advised me that the parties, at whose request the bill introduced, have concluded that they fail to accomplish the result which was intended.

Respectfully submitted.

C. C. YOUNG, Governor.

## SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 223 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, McKinley, Merriam, Murphy, Slater, Tubbs, Wagy, Weller, and West—24.  
Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney,



Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.  
SACRAMENTO, April 17, 1929.

*To the Senate of the State of California.*

Senate Bill No. 224 is herewith returned without my approval. This is companion bill to No. 223.

This action is taken in accordance with a suggestion from Senator Breed, the author of the bill. He has advised me that the parties, at whose request the bill was introduced, have concluded that they fail to accomplish the result which was intended.

Respectfully submitted.

C. C. YOUNG, Governor.

# SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 224 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Daval, Edwards, Evans, Fellom, Gray, Handy, Hurlex, Inman, Jones, Ray, Mahoney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Tubbs, Waggy, Weller, West, and Young—27.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 1124—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in their oil pursuits—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

MURPHY, Chairman.

Assembly Bill No. 1124 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 453—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sales of property of decedents.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "sole", strike out the comma, and insert in lieu thereof the following: "executor, administrator."

Amendment adopted.

### AMENDMENT NUMBER TWO.

In line 7 of the printed bill, strike out the word "anyone", and insert in lieu thereof the following: "any, one,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 496—An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 26, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 529—An act to add a new section, to be numbered 17a, to an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the use of safety measures during well drilling operations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 260—An act to amend section 366 of the Political Code, relating to the Department of Institutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 174—An act regulating the practice of professional engineering; providing for the creation and establishment of a State Board of Registration for Professional Engineers; granting certain powers to and prescribing the duties of said boards; providing for the examination and registration of professional engineers, and providing penalties for the violation of this act.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the word "engineering", strike out the word "as".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 4, line 31, of the printed bill, after the word "shall", strike out the word "county", and place in lieu thereof the word "count".

Amendment adopted.

## AMENDMENTS FROM THE FLOOR.

During the second reading of Assembly Bill No. 174 the following amendments were offered and their adoption moved by Senator Merriam:

## AMENDMENT NUMBER ONE.

On page 4, line 18, of the amended printed bill, after the word "section", strike out the word "ten", and insert in lieu thereof the word "nine".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 19, of the amended printed bill, at the beginning of the line, strike out "(10)", and insert in lieu thereof "(9)".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, line 34, of the amended printed bill, after the period at the beginning of the section, strike out "(a)".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 754—An act to provide for the forfeiture of certain lands of the State for the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, and for the forfeiture of all moneys previously paid thereon, principal as well as interest; prescribing the duties of certain public officers with respect thereto; providing for the giving of notice of said forfeitures; prescribing certain remedies, and making an appropriation for the purposes of this act.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, before the words "An act", insert the following:

"An act to add a new section to be numbered 2a to an act entitled".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 896—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes, along, in, through or across property of the State known as the Norwalk State Hospital grounds.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the title of the printed bill, as amended, strike out the words "Norwalk State Hospital", and insert in lieu thereof the words "Pacific Colony".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, as amended, strike out the words "Norwalk State Hospital", and insert in lieu thereof the words "Pacific Colony".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, lines 6 and 7, of the printed bill, as amended, strike out the words "at or near Norwalk, California", and insert in lieu thereof the words "in said county".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, all relating to the definition and regulation of the business of banking.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED NINETEEN.

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, amend the title to read as follows:

"An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act," by amending sections 9, 12 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, and by adding a new section to be known as section 148, all relating to the definition and regulation of the business of banking."

## AMENDMENT NUMBER TWO.

Strike out all of said bill, from page 11, line 42, to page 13, line 20, inclusive, and insert in lieu thereof the following:

"Sec. 31d. Whenever a national banking association authorized and qualified to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee under court and private trusts has been heretofore or is created by the conversion of a state bank likewise authorized and qualified; or whenever one or more state banks or one or more national banking associations so authorized and qualified has been heretofore or is hereafter consolidated with or merged into one or more other national banking associations or into one or more state banks, likewise authorized and qualified, such state bank or national banking association into which such state bank has been or is converted or into or with which such bank or banks has been or are merged or consolidated shall by such conversion, merger or consolidation ipso facto and by operation of law, without further transfer, substitution, act or deed and in all courts and places, be deemed and held to have, and shall become subrogated and shall succeed to, all rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts, and other relations to any person, creditor, depositor, trustor, principal or beneficiary of any court or private trust, and obligations and liabilities of every kind or nature which such predecessor bank or banks so converted or merged or consolidated into or with such state bank or national banking association shall have held or enjoyed or been subject to, and shall execute and perform all such court and private trusts in the same manner as though it had itself originally assumed the relation or trust or incurred the obligation or liability. Such state bank or national banking association shall succeed to and be entitled to take and execute and receive the appointment to all executorships, trusteeships, guardianships and other fiduciary capacities in which the bank or banks so converted or merged into or consolidated with such state bank or national banking association may be then or thereafter named, in wills therefore or thereafter probated, or in any other instruments. When such conversion, con-

solidation or merger is completed, there may be executed by the president and secretary or cashier of such state bank or national banking association its certificate, in substantially the following form:

"State of California }  
County of \_\_\_\_\_ } ss.

The undersigned, \_\_\_\_\_, president and  
\_\_\_\_\_, secretary (or cashier) of \_\_\_\_\_,  
of \_\_\_\_\_, being duly sworn, each for himself,  
certifies as follows:

Whereas, the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ is authorized  
and qualified under the laws of (the United States and of) the State of California,  
to conduct in this state the business of acting as executor, administrator, guardian of  
estates, assignee, receiver, depository or trustee; and whereas, said \_\_\_\_\_  
was created by the conversion (or consolidation, merger, sale or transfer) of \_\_\_\_\_ of  
\_\_\_\_\_,  
likewise authorized and qualified; and whereas, said association (or bank) has received  
from the comptroller of the currency (or superintendent of banks) his approval of such  
conversion (or consolidation, merger, sale or transfer), and his authorization for the  
conduct of said business under the name of \_\_\_\_\_ of  
of which authorization the following is a full, true and correct copy: (insert copy of  
authorization): now, therefore, it is hereby certified that the \_\_\_\_\_ of  
business formerly conducted by \_\_\_\_\_ of

\_\_\_\_\_ has been acquired or succeeded to by conversion (or consolidation, merger, sale or  
transfer) and is now being conducted by \_\_\_\_\_ of \_\_\_\_\_

Such certificate shall be sworn to and duly acknowledged before a notary public by  
the persons executing the same.

The recordation of such certificate in the office of the recorder of any county shall  
be, to all persons, in such county, constructive notice that all of the rights, benefits,  
privileges, duties and obligations of whatsoever kind or nature held or possessed by or  
imposed upon the bank so converted or consolidated or merged are retained by and  
imposed upon the successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the  
regularity of the proceedings taken and of the fact of such conversion or consolidation or  
merger."

#### AMENDMENT NUMBER THREE.

On page 36 of the printed bill, add a new section as follows:

"SEC. 19. The said act is hereby amended to add a new section to be known as  
section 148 of said act to read as follows:

Sec. 148. If any section, subsection, sentence, clause or phrase of this act is for  
any reason held to be unconstitutional, such decision shall not affect the validity of  
the remaining portions of this act. The Legislature hereby declares that it would  
have passed this act, and each section, subsection, sentence, clause and phrase  
thereof, irrespective of the fact that any one or more other sections, subsections,  
sentences, clauses or phrases be declared unconstitutional."

#### AMENDMENT NUMBER FOUR.

On page 6, line 25, of the printed bill, after the word "city" and before the word  
"in", insert the words "or locality".

#### AMENDMENT NUMBER FIVE.

On page 13, line 27, of the printed bill, after the word "city" and before the word  
"the", insert the words "or locality".

#### AMENDMENT NUMBER SIX.

On page 22, line 36, of the printed bill, after the word "city" and before the word  
"the", insert the words "or locality".

#### AMENDMENT NUMBER SEVEN.

On page 3, lines 23 to 24, of the printed bill, strike out the word "here-after",  
and insert in lieu thereof the word "heretofore".

The question being: Shall the Senate concur in Assembly amend-  
ments to Senate Bill No. 619?

The roll was called, and Assembly amendments to Senate Bill No. 619  
concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb,  
Crowley, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCor-

mack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 619 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 627—An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED TWENTY-SEVEN.

##### AMENDMENT NUMBER ONE.

On page 3 of the printed bill, between lines 12 and 13, insert a new paragraph reading as follows:

"The insurance commissioner, whenever he deems necessary, may make an examination of the books and accounts of any surplus line broker for the purpose of determining whether or not such surplus line broker is conducting his business in accordance with the provisions of this section. For the purpose of making such examination the insurance commissioner shall have free access to all the books and papers of such surplus line broker, and must thoroughly inspect and examine all of its affairs. All examinations must be at the expense of the surplus line broker, such expenses to be paid in advance, and if any such broker refuses to pay such expenses in advance, the insurance commissioner may refuse to issue a renewal of the license of such surplus line broker and must revoke any existing license authorizing such surplus line broker to transact business under this section."

##### AMENDMENT NUMBER TWO.

On page 3, line 20, of the printed bill, after the word "effect", strike out the comma, and insert the word "and".

##### AMENDMENT NUMBER THREE.

On page 3, line 21, of the printed bill, after the word "thereof", insert a period and strike out the following words: "the names of all authorized insurance companies refusing the risk and the rates at which such risk was offered to such authorized insurance companies."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 627?

The roll was called, and Assembly amendments to Senate Bill No. 627 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 627 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 784—An act relating to the finances of the State Board of Education.



ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED  
EIGHTY-FOUR.

AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out the number "2.1392", and insert in lieu thereof the number "2.1391".

AMENDMENT NUMBER TWO.

On page 2, line 3, of the printed bill, strike out the following: "and 2.1397", and insert in lieu thereof the following: "2.1397, and 2.1398".

AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the number "2.1392", and insert in lieu thereof the number "2.1391".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 784?

The roll was called, and Assembly amendments to Senate Bill No. 784 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Gray, Handy, Harbey, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.

NOES—None.

Senate Bill No. 784 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 773—An act to amend section 15c of the Building and Loan Commission Act.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED  
SEVENTY-THREE.

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"An act to amend sections 1 and 15c of the building and loan commission act, relating to supervision and regulation of building and loan associations and other corporations, associations and societies which are based or are operating on plans or methods similar to building and loan associations, and defining the powers and duties of the bureau of building and loan supervision in respect thereto."

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 1 of the building and loan commission act is hereby amended to read as follows:

Section 1. There is hereby created a bureau, to be known and designated as the "bureau of building and loan supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, cooperative home associations, and all other corporations, associations, and societies whenever, wherever and however formed, which are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code. Said bureau is charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society, and is vested with power to determine what associations, corporations and societies come within the purview of the laws, and is vested with full power and jurisdiction over the issuance of all bonds, debentures, certificates, shares of stock, shares of membership, contracts or other securities, or interests therein, of all building and loan associations, mutual loan associations, cooperative home associations, and all other corporations, associations, and societies whenever, wherever and however formed, which are based, or are operating on plans or methods similar to building and loan associations as defined in title sixteen of part four of division one of the Civil Code, whether issued at the time of formation thereof or subsequent thereto.

SEC. 2. Section 15c of the building and loan commission act is hereby amended to read as follows:"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 773?

The roll was called, and Assembly amendments to Senate Bill No. 773 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 773 ordered to print, and enrollment.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 193. An act to amend sections 6229a and 6229b of the Political Code, relating to group insurance and appointed Assemblymen Patterson, Clodman and Morgan as a Committee on Free Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Hurley, Lyon and Christian as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 193.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 36—An act to amend section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THIRTY-SIX

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, after the word "amend", insert the following words: "and renumber".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 36?

The roll was called, and Assembly amendment to Senate Bill No. 36 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 36 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting

the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED ONE.

AMENDMENT NUMBER ONE.

On page 2, line 16, of the amended printed bill, strike out the word "such", and insert in lieu thereof the following: "or agreeing to pay a".

AMENDMENT NUMBER TWO.

On page 2, line 18, of the amended printed bill, strike out the word "repay", and insert in lieu thereof a comma.

AMENDMENT NUMBER THREE.

On page 2, line 18, of the amended printed bill, strike out the word "the", and insert in lieu thereof the word "repaying".

AMENDMENT NUMBER FOUR.

On page 2, line 19, of the amended printed bill, strike out the word "said", and insert in lieu thereof the word "any".

AMENDMENT NUMBER FIVE.

On page 2, line 19, of the amended printed bill, insert after the word "fee", the following: "paid, reimburse the said applicant for".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 101?

The roll was called, and Assembly amendments to Senate Bill No. 101 concurred in by the following vote:

AYES.—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelsen, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES.—Senator Cleveland—1.

Senate Bill No. 101 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 54 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SIXTY-NINE.

AMENDMENT NUMBER ONE.

On page 8, line 13, of the printed bill, after the word "sponsors", insert the following: "are secured".

AMENDMENT NUMBER TWO.

On page 10, line 32, of the printed bill, strike out the word "print", and insert in lieu thereof the word "printed".



## AMENDMENT NUMBER THREE.

On page 11, lines 15 and 16, of the printed bill, strike out the following: "An index of the names of all candidates shall be appended to the pamphlet."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 569?

The roll was called, and Assembly amendments to Senate Bill No. 569 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—32.

NOES—Senator Cleveland—1.

Senate Bill No. 569 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED SEVENTY-SEVEN.

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, as amended, after the word "him", insert a comma and the following words: "excepting clothing, wearing apparel, furs, trunks and suit cases, or property of similar character."

## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, as amended, after the word "redemption", strike out the period, and insert in lieu thereof a comma and the following words: "but such excepted property above set forth must be kept for a period of six months after the last date fixed by contract for redemption."

## AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, as amended, strike out the words "said periods", and insert in lieu thereof "the respective periods".

## AMENDMENT NUMBER FOUR.

On page 1, line 5, of the printed bill, as amended, following the period after the word "redemption", insert the following: "The pledgor or his assigns shall have the right of redemption at any time during said one year period."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 677?

The roll was called, and Assembly amendments to Senate Bill No. 677 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—29.

NOES—Senator Cleveland—1.

Senate Bill No. 677 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED SEVENTY-FIVE.

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, before the word "every", insert the following: "340."

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the words "*and provided further*".

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out lines 7 and 8 and the following portion of line 9, to wit: "would amount to less than fifty cents."

## AMENDMENT NUMBER FOUR.

On page 1, line 11, of the printed bill, strike out the comma after the word "increase".

## AMENDMENT NUMBER FIVE.

On page 1, line 12, of the printed bill, strike out the period, and insert in its place a semicolon, and add the following: "*provided, however*, that a minimum charge of fifty cents may be made in any case where the monthly charge allowed by this act would amount to less than fifty cents."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 675?

The roll was called, and Assembly amendments to Senate Bill No. 675 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—Senator Cleveland—1.

Senate Bill No. 675 ordered to print, and enrollment.

## WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL.

Senator Inman asked for and was granted unanimous consent to have Assembly Bill No. 134 withdrawn from committee on Judiciary, and re-referred to Committee on Municipal Corporations.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

Bill read third time.

## SENATOR MCKINLEY IN THE CHAIR.

At nine o'clock and twenty minutes p.m., Senator McKinley of the Thirty-eighth District was called to the chair.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator Merriam moved to refer Senate Bill No. 48 to Senator Duval, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, after the word "governor", insert the words "on or before December 1, 1930".

## POINT OF ORDER.

Senator Cleveland raised the point of order that Senator Nelson was not discussing the bill now before the Senate.

## DECISION ON POINT OF ORDER.

The presiding Senator announced his decision, and declared the point of order not well taken.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 48, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 850 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 820 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At nine o'clock and fifty-seven minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.



## MOTION TO RE-REFER SENATE BILL.

Senator Lyon moved to re-refer Senate Bill No. 382 to Committee on Municipal Corporations.

## SENATOR MCKINLEY IN THE CHAIR.

At ten o'clock and twenty minutes p.m., Senator McKinley of the Thirty-eighth District was called to the chair.

The question being on Senator Lyon's motion to re-refer Senate Bill No. 382 to the Committee on Municipal Corporations.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Weller, West and Lyon.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Fellom, Gray, Lyon, McCormack, Murphy, Sharkey, Swing, and West—11.

NOES—Senators Boggs, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, and Young—19.

Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the sea coast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor; to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof.

On motion of Senator Edwards, Senate Bill No. 5 was ordered re-referred to Committee on Commerce and Navigation.

Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect.

On motion of Senator Inman, Senate Bill No. 372 was ordered re-referred to Committee on Commerce and Navigation.

## SENATE CONSTITUTIONAL AMENDMENT No. 28.

A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 8, authorizing the issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929 as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 8, reading as follows:

Sec. 8. The issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the San Francisco Harbor Improvement Act of 1929, as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor, authorizing the issuance and sale of State bonds in the sum of \$10,000,000 for the purpose of providing a fund for the construction in San Francisco Harbor of wharves, piers, seawalls, State railroad, spurs, betterments and appurtenances and for necessary dredging and filling in connection therewith and providing for the payment of the principal and interest of said bonds by the State Treasurer from revenues collected for dockage, tolls, rents, wharfage, cramage, demurrage, switching and any and all collections now or hereafter authorized by law paid into the fourth San Francisco seawall sinking fund, is hereby authorized and the said San Francisco Harbor Improvement Act of 1929 is hereby approved, adopted, legalized, validated, and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this section contained shall be a limitation upon the provisions of this section.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 28 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 495—An act to amend section 7 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, relating to appointees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156—An act to amend an act known as the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, relating to disability indemnity and death benefits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 20 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 176 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, providing for the securing of the payment of compensation by employers.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—29.

The Secretary announced the absentees.

Time, ten o'clock and five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.



## PROCEEDINGS UNDER CALL OF THE SENATE.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41 and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protests, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add 14 new sections to said act, to be numbered sections 2*a*, 2*b*, 5*a*, 25*a*, 25*b*, 25*c*, 25*d*, 25*e*, 25*f*, 25*g*, 25*h*, 25*i*, 25*j*, and 25*k*, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds; and providing for the proceedings which shall be affected by the foregoing amendments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 184 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5*a*, relating to powers of levee commissioners. ■

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 847 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks and the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment of sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture

of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Boggs moved to refer Assembly Bill No. 97 to Senator Duval, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, as amended, strike out all that part of the title following the word "transaction", and insert in lieu thereof a period.

AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, as amended, following the syllable "ment" at the beginning of the line, insert the following: "orally or".

AMENDMENT NUMBER THREE.

On page 2 of the printed bill, as amended, strike out all of lines 8 to 26, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 97, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS (RESUMED).

Senate Bill No. 279—An act to add a new section to the Penal Code, to be numbered 330b, relating to gambling devices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Luman, McCormack, McKinley, Merriam, Nelson, Slater, Swing, Weller, West, and Young—22.

NOES—Senators Canepa, Crowley, Jones, Ray, Lyon, Maloney, Murphy, and Tubbs—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 298—An act to provide for the establishment within counties and municipalities of regions to be designated by the Governor as "Protected Scenic Regions of the State of California"; setting forth the manner in which said regions may be established; extending the advisory services of the Department of Natural Resources, the director thereof and of other State departments for all purposes necessary to the establishment and regulation of said regions, to the legislative bodies of such counties and municipalities wherein said regions may be established; to empower the legislative departments of such counties and municipalities within which said regions may hereafter be designated within the limits hitherto or hereafter vested in them by law, to enact such laws and regulations as shall be necessary to define boundaries, zones, and purposes for which said regions may be used, all for

the purpose of preserving the scenic and natural resources of such regions.

On motion of Senator Nelson, Senate Bill No. 298 was ordered re-referred to Committee on Governmental Efficiency.

Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 846 passed by the following vote:

AYES—Senators Boggs, Breed, Cenepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An act to amend sections 1, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add three new sections, to be numbered 8a, 16a and 17a, of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; and abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas.

#### URGENCY CLAUSE.

SEC. 42. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of article four of the constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

At the present time in the oil and gas producing fields within the state there is now being blown into the air and wasted daily on the average approximately



500,000,000 cubic feet of gas. New fields producing heavily of natural gas are being opened up which will tend to add to the amount of natural gas being blown into the air and wasted and lost.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 360 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, and to add a new section to said act, to be numbered section 76½, relating to the foreclosure of bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12, 21 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof,

in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll on the final passage of Assembly Bill No. 489.

The roll was called, and Assembly Bill No. 489 passed by the following vote:

AYES—Senators Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Weller, and West—22.

NOES—Senators Breed, Edwards, Garrison, Inman, McCormack, Merriam, Nelson, Slater, and Young—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Concurrent Resolution No. 32—Approving the charter of the city of Redwood City, county of San Mateo, State of California, voted on and ratified by the qualified electors of said city of Redwood City at a special municipal election held therein on the ninth day of April, 1929—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

LYON, Chairman.  
CHRISTIAN.  
CROWLEY.  
FELLOM.  
McKINLEY.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER THIRTY-TWO.

Senator Cleveland asked for and was granted unanimous consent to consider Assembly Concurrent Resolution No. 32 at this time for purpose of adoption.

Assembly Concurrent Resolution No. 32—Approving the charter of the city of Redwood City, county of San Mateo, State of California.

voted on and ratified by the qualified electors of said city of Redwood City at a special municipal election held therein on the ninth day of April, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 32 adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, West, and Young—28.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 32 ordered transmitted to the Assembly.

# ADJOURNMENT.

At eleven o'clock and fifty minutes p.m., the presiding Senator declared the Senate adjourned until nine o'clock and thirty minutes a.m., Friday, April 19, 1929.

HAROLD J. POWERS, Minute Clerk.

# IN SENATE.

## SENATE CHAMBER.

SACRAMENTO, Friday, April 19, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Minute Clerk Harold J. Powers at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, April 18, 1929, the further reading was dispensed with, on motion of Senator Crowley.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to section 2 of article V of constitution of said State, relating to the election and duration of office of Governor—has



had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10; committee vote: Ayes—6; absent—4.

SWING, Chairman.

Senate Constitutional Amendment No. 35 ordered on file.

#### ON UNIVERSITIES AND TEACHERS COLLEGES.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Assembly Bill No. 1102—An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—5; absent—4.

WEST, Chairman.

Assembly Bill No. 1102 ordered re-referred to Committee on Finance.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Fellom:

SENATE CHAMBER, SACRAMENTO, April 11, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of such owners, or their agents or presumptive agents, by requiring insurance, a surety bond, or a deposit of securities; to provide means and methods for the administration of said system of security; to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries; to provide for the optional trial of claims against such security before a commissioner, for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the minimum rating law of such insurance; to prescribe penalties for violations of this act, and making an appropriation for the administration of this act.

Request referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 835—An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes and licenses; and prescribing penalties for the violation of the act.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 5, line 11, of the printed bill, strike out the words "general fund", and insert in lieu thereof the following: "teachers retirement salary fund".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State; also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction,

repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, beginning in said line 1, strike out lines 1 to 16, inclusive, and insert in lieu thereof the following: "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the department of public works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the state may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, beginning in said line 1, strike out lines 1 to 14, inclusive, and on page 2 of the printed bill, beginning in line 1, strike out lines 1 to 19, inclusive, and in lieu thereof insert the following:

"SECTION 1. The department of public works of the State of California shall have exclusive jurisdiction and is hereby empowered, except as hereinafter provided, to grant upon such terms, limitations, conditions, restrictions and under such supervision as in its judgment may be necessary or proper, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads, and for the taking and keeping of tolls from said bridges and roads situated wholly or in part within the State.

SEC. 2. No person, firm, association, corporation, city, county, city and county, or political subdivision of the State, or bridge district, or bridge and highway district, shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore exercised within one year without having first obtained from the department of public works a certificate that public convenience and necessity require the exercise of such franchise, privilege or license, provided that when the department of public works shall find, after hearing, that a toll bridge or toll road company has heretofore begun actual construction work and is prosecuting said work in good faith uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking under any franchise, privilege or license heretofore granted but not actually exercised, such bridge company may proceed under such rules and regulations, conditions, limitations or supervision as the department of public works may prescribe to the completion of such work, and may after such completion exercise such right or privilege. The department of public works shall grant said certificate of public convenience and necessity to persons, groups of persons, associations or corporations that in the discretion of said department are responsible persons.

This section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

SEC. 3. The department of public works shall have jurisdiction and is hereby empowered to fix the rate of tolls and from time to time regulate, modify and change any such tolls which may be collected on any toll bridges and toll roads which are built and constructed under the provisions of this act. The rate of toll so fixed, regulated, modified or changed shall be determined by the department of public works after hearing has been had thereon and a written finding rendered. Findings rendered by the department shall be conclusive as to the facts recited therein.

SEC. 4. The department of public works is hereby authorized and empowered to provide as a condition or limitation in any franchise granted hereunder for the pur-

chase or retaking of any toll bridge or toll road constructed by virtue of a franchise issued under the provisions of this act upon such terms and conditions as may at the time of the execution of any such franchise be determined by said department. The conditions and limitations upon which any franchise is granted hereunder must be set forth in full in the instrument executed evidencing the granting of any such franchise.

SEC. 5. The jurisdiction and power of boards of supervisors in their respective counties to grant franchises and licenses for the construction, taking and keeping of tolls on roads and bridges now provided by law is hereby terminated.

SEC. 6. Every person, firm, association or corporation operating any toll road or toll bridge within the State of California under any existing valid franchise shall keep an accurate account of the cost of construction thereof and of the amount expended in keeping such toll road or toll bridge in repair, of the cost for operation and maintenance thereof, and a record of the true financial condition of said person, firm, association or corporation, and shall, on or before March fifteenth of each year, file such statements for the preceding calendar year, verified by such person or by some member of such firm or by some officer of such corporation having knowledge of the facts, with the department of public works of the State of California. The department of public works of the State of California shall prescribe a uniform system of accounts for all such toll roads and a like system of accounts for all such bridges, and the manner in which the account of costs of construction, repair, operation and maintenance thereof and the annual statement of expenditures and revenues shall be kept, and shall prescribe the forms of such statements required under this act. The department of public works of the State of California is hereby empowered and authorized to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act.

SEC. 7. No franchise, privilege or license for the construction or maintenance of any toll bridge or toll road or for the taking and keeping of tolls therefrom shall hereafter be granted to any person, group of persons, association or corporation by the state or any political subdivision thereof; *provided, however*, that this section shall not apply to cities, counties, cities and counties, or any political subdivisions of the state, or to bridge districts or bridge and highway districts existing by virtue of, or hereafter organized under, the provisions of any law of this state; *provided, further*, that nothing in this section shall be construed to affect any person, association or corporation now operating a toll bridge or toll road under any franchise, privilege or license heretofore granted; *and provided, further*, that nothing in this section shall be construed to affect or place any limitation upon persons, groups of persons, associations or corporations holding a valid franchise under which there has been no exercise thereof within one year immediately preceding the date upon which this act takes effect.

SEC. 8. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 9. Neither this act nor any provision thereof except when specifically so stated shall apply or be construed to apply to any persons or corporations holding a franchise for or operating a toll bridge or a toll road thereunder, except in so far as the same may be permitted under the provisions of the constitution of the State of California and of the United States.

SEC. 10. All other acts or parts of acts in conflict with any provisions of this act are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Roads and Highways.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section, to be numbered 6, relative to the issuance of bonds to the amount of \$20,000,000 for the acquisition of rights of way for railroad crossing eliminations on the roads within the State highway system and within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission.



## COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the title of the printed bill, as amended, strike out the words "for the acquisition of rights of way for", and insert in lieu thereof the words: "to be used to aid counties in defraying the counties' share of costs in the acquisition of rights of way for, and construction of".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 8, of the title of the printed bill, as amended, before the word "roads", insert the word "county".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, in the last line of the title of the printed bill, as amended, after the word "commission", strike out the period, and insert the following: ", and providing that the cost of crossing elimination on county roads be divided between the county, the railroad involved, any other party to costs, in such proportions as may be determined by the state railroad commission."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 45, of the printed bill, as amended, following the word "highways", insert a comma.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 47, of the printed bill, as amended, after the word "such", insert the word "county".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 48, of the printed bill, as amended, after the word "of", insert the word "state".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 49, of the printed bill, as amended, strike out the words "as directed by the railroad commission".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 52, of the printed bill, as amended, strike out the words "by the", and insert in lieu thereof the words "and in such proportions as may be determined by the state".

Amendment adopted.

Senate Constitutional Amendment No. 16 read, ordered to print, engrossment, and on file.

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections 7 and 11 of that article.

## COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 6 of the title of the printed measure, as amended, strike out the comma following the figure "1" and the following: "7 and 11", and insert in lieu thereof the following: "and 7".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 7 of the title of the printed measure, as amended, after the comma following the figure "9", insert the figures "11,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 20, of the printed measure, as amended, strike out lines 20 to 32, inclusive, and insert in lieu thereof the following paragraph:

"For the purpose of removing existing limitations upon the power granted by section 1 of article twelve of the constitution amended as herein proposed, sections 2, 3, 9, 11, 12 and 14 of article twelve of the constitution are hereby repealed, and section 7 of article twelve of the constitution is hereby amended to read as follows:

Sec. 7. The Legislature shall not extend any franchise, nor remit the forfeiture of any franchise, of any quasi-public corporation, but may provide by general laws, applicable to all corporations formed for a limited period, for the extension of the term of existence of any corporation."

Amendment adopted.

Senate Constitutional Amendment No. 24 read, ordered to print, engrossment, and on file.

Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728 thereof to relate to the Judicial Council assigning justice of the peace.

## COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the words "judicial counsel", and insert in lieu thereof the following: "chairman of the judicial council".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, strike out the word "municipal", and insert after the word "court" the words "of record".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 737—An act to add a new section to the Civil Code, to be numbered 48a, relative to libel.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, after the word "newspaper", insert the following words: "or other publication".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, strike out the words "Two weeks", and insert in lieu thereof the following: "a reasonable time".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 634, 644, 650, 657, 659, 660, 664, 953a, 953c, 956 and 1717 thereof, and to add certain new sections thereto, to be

numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 3, line 10, of the printed bill, strike out the word "are", and insert in lieu thereof the word "or", and strike out the word "or" after the second word "served", and insert in lieu thereof the word "are".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 4, line 19, of the printed bill, strike out the comma and the following: "and at the same time shall also serve and file a memorandum of points and authorities".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 4, line 23, of the printed bill, strike out the following: "and a counter-memorandum of points and authorities".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 4, line 25, of the printed bill, following the comma after the word "affidavit", insert the following: "or by written stipulation of the parties,".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 4, line 27, of the printed bill, beginning with the word "If", strike out the remainder of line 27 and all of lines 28, 29, 30, 31 and 32.

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 5, line 2, of the printed bill, strike out "ninety (90)", and insert in lieu thereof "sixty (60)".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 5, line 4, of the printed bill, strike out "ninety", and insert in lieu thereof "sixty".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 5, line 5, of the printed bill, strike out "(90)", and insert in lieu thereof "(60)".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 5, line 7, of the printed bill, strike out "ninety (90)", and insert in lieu thereof "sixty (60)".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 5, lines 15 and 16, of the printed bill, strike out the following: "and a counter-memorandum of points and authorities".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 6, line 3, of the printed bill, strike out the following: "In passing on such motion, the court shall not be required to consider any matters except such as are presented in the moving party's memorandum of points and authorities, and the affidavits, if any."

Amendment adopted.



## AMENDMENT NUMBER TWELVE.

On page 6, line 16, of the printed bill, after the period, insert the following: "Any judgment thereafter entered shall be subject to the provisions of sections 657 and 659 of this code."

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 7, line 15, of the printed bill, strike out the word "proof", and insert in lieu thereof the word "portion".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 8, line 3, of the printed bill, strike out the word "orders", and insert in lieu thereof the word "order".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 8, line 4, of the printed bill, strike out the word "decrees", and insert in lieu thereof the word "decree".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 8, line 20, of the printed bill, strike out all of lines 20 to 52, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities, for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 23, of the printed bill, as amended in the Senate on April 2, 1929, strike out the comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 48, of the printed bill, as amended as aforementioned, strike out "ten (10)", and insert in lieu thereof "twenty (20)".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 49, of the printed bill, as amended as aforementioned, strike out "thirty (30)", and insert in lieu thereof "sixty (60)".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 7, of the printed bill, as amended as aforementioned, after the period, insert the following: "Such notice shall be mailed as herein directed, however, only in the event that the persons signing such petitions, endorsing or protesting against the granting thereof, or requesting such notice, shall in addition to their signatures set forth in writing an address to which such notice may be mailed."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 8, of the printed bill, as amended as aforementioned, strike out "affirming", and insert in lieu thereof "and as to".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 29, of the printed bill, as amended as aforementioned, after the period, insert the following: "In the event that said legislative body shall in its discretion and judgment find that the public convenience and interest require the modification of the boundaries of the proposed district or the substitution of new boundaries therefor in any such manner as to cause the inclusion in the proposed district of any lands not included in the general statement of the boundaries of the proposed district set forth in the notice of the hearing prescribed in section 3 of this act, said legislative body shall, before making any order modifying said boundaries or substituting new boundaries so as to include any additional land in said proposed district, continue said hearing for a period of not less than twenty (20) days nor more than sixty (60) days thereafter and during the time of such continuance shall give a new notice of the time and place of such continued hearing in the same manner as provided for the original notice in section 3 of this act."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 5, line 50, of the printed bill, as amended as aforementioned, after the word "of", and before the word "specifications", insert "plans and".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 6, line 2, of the printed bill, as amended as aforementioned, after the word "funds" and before the word "become", insert the following: "sufficient to pay the same".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 6, line 40, of the printed bill, as amended as aforementioned, strike out the word "of", and insert in lieu thereof "creating".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 6, line 42, of the printed bill, as amended as aforementioned, strike out "the franchises, rights or property of".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 6 of the printed bill, as amended as aforementioned, strike out all of line 43 thereof, beginning with the word "operated", all of line 44 and the word "domain" in line 45, and insert in lieu thereof "existing at the time such district is created".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 46, of the printed bill, as amended as aforementioned, after the word "facility", insert the word "then".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 46, of the printed bill, as amended as aforementioned, strike out the words "at the", and all of line 47 and the word "operation" in line 48.

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 7 of the printed bill, as amended as aforementioned, after line 42 thereof, insert a new paragraph reading as follows: "In any such proceeding conducted under any of the acts referred to in this act, whether specifically or generally referred to, the operative property, including rights of way of any railroad or street railroad company located within the district, shall be conclusively presumed not to be benefited by the acquisition or construction or acquisition and construction, establishment, maintenance or operation of any transportation facility by such district."

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 8, line 46, of the printed bill, as amended as aforementioned, after the comma, insert the word "to".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 8, line 47, of the printed bill, as amended as aforementioned, strike out "five (5)", and insert in lieu thereof "three (3)".

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On page 9, line 11, of the printed bill, as amended as aforementioned, after the word "advisory", insert "board the", and strike out the words "the board" at the end of said line 11.

Amendment adopted.

## AMENDMENT NUMBER EIGHTEEN.

On page 9, line 24, of the printed bill, as amended as aforementioned, after the word "owner", insert "or owners".

Amendment adopted.

## AMENDMENT NUMBER NINETEEN.

On page 9, line 27, of the printed bill, as amended as aforementioned, strike out "in writing petition", and insert in lieu thereof "be filed in writing with".

Amendment adopted.

## AMENDMENT NUMBER TWENTY.

On page 9, line 28, of the printed bill, as amended as aforementioned, after the word "body", insert "petitioning it".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-ONE.

On page 10, line 48, of the printed bill, as amended as aforementioned, after the word "any", insert "existing current".

Amendment adopted.

## AMENDMENT NUMBER TWENTY-TWO.

On page 11 of the printed bill, as amended as aforementioned, strike out all of line 12 beginning with the word "transportation", and all of line 13 down to and including the word "in", and insert in lieu thereof "such facility, in".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Senate Bill No. 581—An act to amend section 363b of the Political Code, and to add thereto a new section to be numbered 363i, relating to the Department of Public Works.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, strike out the letter "i" following the number "363", and insert in lieu thereof the letter "o".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 26, of the printed bill, strike out the letter "i" following the number "363", and insert in lieu thereof the letter "o".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 27, of the printed bill, strike out the letter "i" following the number "363", and insert in lieu thereof the letter "o".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 418—An act to amend the title of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article 1 of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to be numbered section 34, relating to maintenance—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Senate Bill No. 418 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Concurrent Resolution No. 23—Providing for the creation of a Joint Committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Assembly Concurrent Resolution No. 23 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 862—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions:

Also: Senate Bill No. 860—An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county

sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended;

Also: Assembly Bill No. 134—An act to amend section 1 of "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman

Senate Bills Nos. 860 and 862 ordered on file for second reading.

Assembly Bill No. 134 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on indirect evidence.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Baker moved to refer Senate Bill No. 139 to Senator Merriam, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out lines 6 to 16, inclusive, and insert in lieu thereof the following:

"A fact in issue may be proved either by direct evidence of the fact, or by proof of other facts or circumstances from which it may be inferred. Direct evidence is that which proves a fact in issue without the intervention of the proof of any other fact. Indirect or circumstantial evidence is that which tends to establish a fact in issue by proving another fact which, though true, does not conclusively establish the fact in issue but which affords an inference or presumption of its existence. Circumstantial evidence must not be rejected merely because it is circumstantial, but it is as worthy of consideration as direct evidence."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 139, with instructions to amend, respectfully reports the same back, amended as per instructions.

MERRIAM, Special Committee.

Report read, and on motion of Senator Baker adopted.

Bill ordered to print, and re-engrossment.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following constitutional amendment was offered:

By Senators Sharkey and Mueller: Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXIV thereto, relating to the construction, maintenance and operation of a salt water barrier in the Carquinez Straight, a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana

River for flood control and water conservation; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds.

Amendment referred to Committee on Constitutional Amendments

REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Ray Jones:

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to impose a special privilege tax and regulate sales and distribution by gift or sale in this State of cigars, cigarettes and smoking tobacco sold or distributed by any person, firm, corporation, or association in this State and to provide methods and penalties for the enforcement of the tax and to appropriate the revenue derived therefrom.

Request referred to Committee on Rules.

RECESS.

At ten o'clock a.m., the President pro tempore declared the Senate at recess, to reconvene as a High Court of Impeachment.

HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs.

CARLOS S. HARDY }

SENATE CHAMBER, April 19, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.



## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little and Harry F. Sewell, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESSES CALLED.

The following witnesses were called to the witness stand by the defense, were fully sworn, and testified: Bert Osburn Miller, Colfax Bell, H. L. Giesler, Milton M. Cohen and J. A. Bardin.

## RECESS.

At ten o'clock and forty minutes a.m., the President declared the court at recess for two minutes.

## RECONVENED.

At ten o'clock and forty-two minutes a.m., the court reconvened.

## WITNESS RECALLED

J. A. Bardin was recalled to the witness stand by the defense, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—36.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The managers of the Assembly and counsel were present as follows: Managers Walter J. Little, William B. Hornblower, Melvyn I. Cronin and Harry F. Sewell, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESS CALLED.

J. A. Bardin was recalled to the witness stand by the defense, and testified.

## WITNESS CALLED.

Russell Scott was called to the witness stand by the defense, was duly sworn, and testified.

## RECESS.

At two o'clock and thirty-five minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At two o'clock and forty five minutes p.m., the court reconvened.

## WITNESS RECALLED.

Roland Rich Woolley was recalled to the witness stand by the defense, and testified.

## ADJOURNMENT.

At four o'clock and twenty eight minutes p.m., the President declared the court adjourned until ten o'clock a.m., Tuesday, April 23, 1929.

## IN SENATE.

At four o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON FEDERAL RELATIONS.

## SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred engrossed Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to Committee on Finance.

EDWARDS, Chairman.

Assembly Bill No. 262 ordered on file for second reading.

## ON EDUCATION.

## SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 830—An act for the establishment in the city of Sacramento, county of Sacramento, State of California, of a technical school to be known as the "California State College" and making an appropriation therefor, and authorizing the use of Sacramento City Junior College buildings and grounds for such college—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

SLATER, Chairman.

Senate Bill No. 830 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 611—An act relating to the apportionment of moneys to elementary school

districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

SLATER, Chairman.

Assembly Bill No. 611 ordered on file for second reading.

#### ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 1066—An act to amend sections 24 and 50 of the Public Utilities Act, relating to passenger stage corporations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—11.

WAGY, Chairman.

Assembly Bill No. 1066 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 486—An act to amend section 16r12 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Assembly Bill No. 486 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the United States of America:

Also: Assembly Bill No. 655—An act to add a new section to the Political Code to be numbered section 4041i, authorizing the board of supervisors of the counties thereof to provide for the working of prisoners confined in the county jail and prescribing the compensation of the persons in charge thereof;

Also: Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class;

Also: Assembly Bill No. 936—An act to amend section 19r13 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Assembly Bill No. 938—An act to amend section 2322r13 of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class;

Also: Assembly Bill No. 1121—An act to amend section 2322r2 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the second class; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Assembly Bills Nos. 332, 655, 936, 938 and 1121 ordered on file for second reading.

Senate Bill No. 853 ordered on file for second reading.



ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 519—An act to repeal section 1188 of the Political Code, relating to elections—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes 7; absent 4.

MERRIAM, Chairman.

Senate Bill No. 519 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 390—An act to amend section 1024 of the Political Code, relating to registration of electors and conduct of elections—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes 7; absent 4.

MERRIAM, Chairman.

Assembly Bill No. 390 ordered on file for second reading.

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Assembly Bill No. 769—An act providing for the compilation of, printing, binding, publishing, and distribution of a Legislative Manual, State Blue Book, or Roster, repealing all conflicting acts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

JONES, RAY, Chairman.

Assembly Bill No. 769 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon;

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Also: Senate Bill No. 524—An act to provide procedure for determining whether or not a reclamation district to be known as "South Basin-South Basin Canal Reclamation District" should be created; fixing the boundaries thereof in the event of the creation thereof; providing for the management and control thereof; vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district in the event of its creation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 350—An act making an appropriation to clear and straighten the channel of the Mokelumne River from Woodbridge to the Galt-New Hope bridge for protection of State and county bridges and highways;

Also: Senate Bill No. 264—An act to regulate the display of red lights on or in view of public highways and granting to boards of supervisors authority for the zoning of public highways relative to the display of red lights;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 30—An act to amend an act entitled "An act to regulate

the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended by adding a new section thereto, to be numbered section 14, relating to registration of drug stores;

Also: Senate Bill No. 47—An act to be known as the "Water Conservation Act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts.

Also: Senate Bill No. 150—An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens;

Also: Senate Bill No. 153—An act to amend section 14 of an act entitled "An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a Board of Parole Commissioners for the parole of, and government of paroled prisoners,'" approved June 16, 1913, as amended, relating to parole of prisoners and the conditions which may be imposed upon the granting thereof;

Also: Senate Bill No. 257—An act to repeal section 772 of the Penal Code, relating to officers of the court;

Also: Senate Bill No. 325—An act amending section 522 of the Civil Code of the State of California, relating to the increase or diminishing of the capital stock and the creating or increasing of the bonded indebtedness of wagon-road corporations;

Also: Senate Bill No. 413—An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding four new sections to be numbered 11, 12, 13 and 14, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof;

Also: Senate Bill No. 471—An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations;

Also: Senate Bill No. 575—An act to amend section 19 of the Corporate Securities Act, approved May 18, 1917, as amended;

Also: Senate Bill No. 629—An act to amend section 453hh of the Civil Code, relating to the business of land value insurance, declaring the conditions of which land value insurance may be done and providing penalties for violation of the provisions of this act;

Also: Senate Bill No. 711—An act to add a new section to the Civil Code to be numbered 2981, relative to the sale or disposal of property held under certain conditional sales contracts provided for in section 2980 of the Civil Code;

Also: Senate Bill No. 840—An act to amend section 472 of the Political Code, relating to the duties of the Attorney General and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1929, at nine o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 45—An act to amend section 4251 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Assembly Bill No. 45 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 4, line 50, of the printed bill, as amended in Assembly March 13, 1929, strike out the words "and fifty", and insert in lieu thereof the word "twenty-five".

## AMENDMENT NUMBER TWO.

On page 5, line 13, of the printed bill, as amended in Assembly March 13, 1929, beginning in said line 13, strike out the following: "\$4,000 for the period beginning with the date upon which this act becomes effective and ending December 31, 1927, and thereafter a salary of four thousand dollars (\$4,000)".

## AMENDMENT NUMBER THREE.

On page 5, line 18, of the printed bill, as amended in Assembly March 13, 1929, immediately following the semicolon after the word "county" in said line, insert the following: "*provided*, that in counties of this class, the surveyor may appoint five transit men two of whom shall receive the sum of nine dollars per day, each, and three of whom shall receive the sum of eight dollars per day, each, while actually engaged in work for the county,".

## AMENDMENT NUMBER FOUR.

On page 5, line 19, of the printed bill, as amended in Assembly March 13, 1929, strike out the word "salary", and insert in lieu thereof the word "salaries".

## AMENDMENT NUMBER FIVE.

On page 5, line 23, of the printed bill, as amended in Assembly March 13, 1929, immediately following the period after the word "work", insert the following: "It is hereby found as a fact that the salaries herein provided for do not work an increase in the compensation of said surveyor and same shall apply and become effective immediately."

## AMENDMENT NUMBER SIX.

On page 5, line 41, of the printed bill, as amended in Assembly March 13, 1929, immediately after the word "first", insert the words "and second".

## AMENDMENT NUMBER SEVEN.

On page 5, line 42, of the printed bill, as amended in Assembly March 13, 1929, immediately following the word "month", insert a comma and the following: "each".

## AMENDMENT NUMBER EIGHT.

On page 5, line 43, of the printed bill, as amended in Assembly March 13, 1929, strike out the words "this class", and insert in lieu thereof the words "these classes".

## AMENDMENT NUMBER NINE.

On page 5, line 45, of the printed bill, as amended in Assembly March 13, 1929, strike out all of lines 45 to 46, inclusive.

## AMENDMENT NUMBER TEN.

On page 5, line 48, of the printed bill, as amended in Assembly March 13, 1929, strike out the semicolon after the word "month", and insert in lieu thereof a comma and the following: "*provided*, that nothing contained in this provision as to the salaries of justices of the peace of townships of the third class shall affect the salary of said justice of the peace of townships of the third class or the salary of his clerk prior to January 1, 1931;".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 45, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print.

Assembly Bill No. 494—An act providing for the establishment and maintenance of twenty-four hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Senate Bill No. 494 to Senator Duval, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 37, of the printed bill, insert after the period following the syllable "same" the words "Children admitted will be those whose cases represent such serious behavior problems as to need constant study and care, who need more than foster home placement and definitely require twenty-four hour supervision."

## AMENDMENT NUMBER TWO.

On page 2, line 43, of the printed bill, insert after the period following the word "case" the words "The board of admission shall observe the progress of each child, advise and recommend his release, as soon as sufficient progress is indicated."

## AMENDMENT NUMBER THREE.

On page 2, line 47, of the printed bill, strike out the comma following the word "abstract", and the words "without parent or guardian", and the comma following the word "guardian".

## AMENDMENT NUMBER FOUR.

On page 3, line 4, of the printed bill, strike out the period following the first word "guardian", and insert the words "in compliance with the recommendation of the board of admission".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 494, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Merriam adopted.  
Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 350—An act making an appropriation to clear the channel of the Mokelumne River from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson channel.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 59 to Senator Tubbs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 30, of the printed bill, as amended March 27, 1929, strike out the words "of record", and insert in lieu thereof the words "in cities, cities and counties, towns and judicial townships having a population of fifty thousand, or more."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 59, with instructions to amend, respectfully reports the same back, amended as per instructions.

TUBBS, Special Committee.

Report read, and on motion of Senator Inman adopted.  
Bill ordered to print, and re-engrossment.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 744—An act to permit the State Compensation Insurance Fund to pay premiums on automobile liability insurance.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 744 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives;

Also: Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 4 and 741 ordered to enrollment.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches and his name be stricken from the payroll of the Senate, effective as of Sunday, April 21, 1929:

Neal Fellom, Page..... \$2.50 per day

Resolution read, and on motion of Senator Crowley adopted.

#### ADJOURNMENT.

At four o'clock and forty minutes p.m., on motion of Senator Cassidy, the President pro tempore declared the Senate adjourned until ten o'clock a.m., Monday, April 22, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, April 22, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Minute Clerk Harold J. Powers at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, April 19, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Carter was, on motion of Senator McCormack, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Allen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Minton William Kaye and Wentworth Goss, lieutenants in the air corps of the United States Army.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Wright, supervisor of Los Angeles County.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Charles H. Y. Lewis and Mrs. Charles H. Y. Lewis of Los Angeles.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. D. Williamson of Suisun.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence A. Dickson, mayor of Compton.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marshall Bowen, city engineer of Whittier.

## ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 176—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by providing a penalty of 20 per cent but not exceeding \$1,000 to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act;

Also: Assembly Bill No. 489—An act to amend section 29 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, as amended, providing for the securing of the payment of compensation by employers.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

## SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of



acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees;

Also: Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees;

Also: Senate Bill No. 493—An act making an appropriation to be expended by the State Director of Agriculture in the performance of his powers and duties in relation to land settlement and land settlement projects;

Also: Senate Bill No. 732—An act to amend sections 373a and 373b of the Political Code, relating to the Department of Natural Resources;

Also: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California, an amendment of section 6, of article IV, of the constitution of the State, relating to the apportionment of the State into Assembly and Senatorial districts;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California;

Also: Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith;

Also: Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 740—An act to amend section 359b of the Political Code, relating to the Governor's Council;

Also: Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Assembly Bill No. 740 ordered on file for second reading.

Senate Bill No. 662 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 418—An act to amend the title of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and

payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, and to add a new section to be numbered section 3½, relating to maintenance.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"An act to amend section 2 of the "county improvement act of 1921," approved June 3, 1921, as amended."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 16, inclusive; also on page 2 of the printed bill, strike out all of lines 1 to 50, inclusive; also on page 3 of the printed bill, strike out all of lines 1 to 51, inclusive; also on page 4 of the printed bill, strike out all of lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 2 of the county improvement act of 1921, approved June 3, 1921, as amended, is hereby amended to read as follows:

Sec. 2. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other existing improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the lands lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement, or upon such district as the board of supervisors shall determine will be benefited by the maintenance and operation of the improvements proposed to be maintained; the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected. Said resolution shall describe the boundaries of the district benefited and to be assessed for such maintenance and operation (which district shall hereafter in this act be designated and referred to as the maintenance district), or if said improvements or any part thereof to be maintained be constructed in the same proceeding, it may describe said district as being the same boundaries as those of the district to be assessed for the cost of constructing said improvement, which district in either case may be designated by a name by which it may thereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of taxes.

At any time not later than the hour for hearing objections to the proposed work as provided in said improvement act of 1911, or at any time not later than the time fixed in the resolution of intention for hearing of objections, if the resolution of intention provides for maintenance only, any person permitted by the provisions of said act to make written protest against the proposed work or against the extent of the district to be assessed therefor, or both, may make like protest and in like manner against the ordering of the formation of the maintenance district or against the extent of said maintenance district, or both, at the time set for hearing protests, as prescribed in said act. The board of supervisors, in addition to hearing protests against the proposed work or improvement and the extent of the district to be assessed therefor, shall hear and pass upon all protests against the formation of the maintenance district and against the extent thereof, and its decision shall be final and conclusive; *provided*, that, when the board of supervisors finds that the protest against the formation of the maintenance district is made by the owners of more than one-half of the area of the property included within such district, no further proceedings shall be taken for a period of six months from the date of the decision of the board of supervisors on said hearing, unless said protests be overruled by an affirmative vote of four-fifths vote of the members of the board of supervisors. The board of supervisors may adjourn said hearing from time to time.

In the event that the board of supervisors, in its resolution of intention, shall declare its intention to order a maintenance district formed, the notice of improvement provided for in said improvement act of 1911 shall likewise give notice of such declaration of intention and that protests against the same may be filed and will be heard in accordance with the provisions of this act.

The board of supervisors shall be deemed to have acquired jurisdiction to order that such a maintenance district be formed to be assessed to pay the costs of maintaining and operating the improvement constructed at the same time or any or all other existing improvements such as are permitted to be constructed herein.

and in the same manner prescribed in said improvement act of 1911 for the acquiring of jurisdiction to order the construction of improvements, and it may thereupon order the formation of such a maintenance district for such purpose, which order may be contained in the resolution ordering the construction of work or improvements in those cases where such work or improvement is provided to be done in the resolution of intention.

Thereupon a copy of said resolution ordering the formation of the maintenance district shall be filed in the office of the county assessor and the county assessor shall thereafter, in making up the assessment roll, segregate the property included within such district on the assessment roll under the designation contained in said resolution. The board of supervisors shall thereafter, in each year, prior to the time of fixing the county tax rate, estimate the cost of maintaining and operating the said improvements to be maintained and operated within said district during the ensuing year. Said board shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and shall, in addition to all other taxes, fix a special tax rate for the lands within said assessment district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the board of supervisors shall determine shall be borne by said district, and the board of supervisors shall levy a special assessment tax each year upon the lands in such district sufficient to pay such expense or said portion of such expense. Such special assessment tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes and when collected shall be paid into the county treasury to the credit of the fund of such maintenance district and be used for the payment of the expenses of such district, and said board shall have the power to control and order the expenditure thereof for said purposes.

The board of supervisors may contribute toward the cost of such work or maintenance and shall have the power in its discretion to temporarily transfer moneys to said maintenance district fund from other funds in which such moneys are not immediately needed, the money so transferred to be used for the purposes herein provided and to be retransferred therefrom out of the first available receipts.

The maintenance district in this section provided for may include property lying within an incorporated city or cities; *provided*, that the consent of the legislative body of such incorporated city or cities, expressed by resolution, to the formation of such district shall first be obtained before the resolution of intention is adopted by the board of supervisors."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 860—An act to amend section 41 of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 862—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 830—An act for the establishment in the city of Sacramento, county of Sacramento, State of California, of a technical school to be known as the "California State College" and making an appropriation therefor, and authorizing the use of Sacramento City Junior College buildings and grounds for such college.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

"An act to provide for the organization of college districts and for the maintenance therein of technical schools or colleges, and authorizing such college district to issue bonds.



The people of the State of California do enact as follows:

SECTION 1. Technical colleges may be established as part of the public school system of this state and the college districts may be formed and organized in accordance with the provisions of this act; whenever such college districts are organized in accordance with the provisions of this act they may establish therein a technical school or college. The purpose of such school or college shall be to furnish to the people of both sexes such professional training, mental and manual training, in arts and sciences, including mechanics, engineering, business methods, and domestic economies, and such other technical and allied subjects as may be established by the board of trustees of said college from time to time. This act shall be liberally construed to the end that the colleges so established may at all times contribute to the industrial, educational and social welfare of the State of California.

SEC. 2. Any county, or city and county, having a city within its boundaries which has an average daily attendance in its school department during the preceding school year of fourteen (14,000) thousand or over, including elementary, high school, and junior college, may be organized into a college district, under the provisions of this act, by proceeding as follows: Whenever a petition signed by at least three hundred (300) qualified electors of such county, asking that the territory of such county be organized into a college district, shall be presented to the county superintendent of schools of such county, such superintendent of schools, after verifying the signatures to said petition and satisfying himself that the signatures are sufficient, shall approve the same, and the said board of supervisors must submit the question of establishing such college district to the qualified electors of each county and a special election be called for that purpose. Notice of such special election must be given by publication in some newspaper in the county for at least two weeks before the date of election. The ballots used at such election shall contain the words "College District—Yes" and "College District—No" and the voters shall express their choice by marking a cross (X) with pencil, ink, or rubber stamp, for the answer they desire to give. Said special election shall be conducted in the manner prescribed for conducting special elections. If the majority of all votes cast upon the question of establishing a college district are in the affirmative, the board of supervisors of such county shall make an order declaring that such college district has been organized.

SEC. 3. The board of trustees of such college district shall be appointed by the governor and shall consist of five members. The terms of office of such trustees shall be five years, except in appointing the first board of trustees, the governor shall appoint such members, as follows: one member for one year; one member for two years; one member for three years; one member for four years, and one member for five years; *provided, however*, that in case other counties are annexed to such college district, then the members of such board of trustees shall be increased by one member for each county annexed, to be appointed for a term of five years.

SEC. 4. The powers and duties of said board of trustees of such college district are as follows:

1. To prescribe rules for their government and the government of the college.
2. To provide for the purchase of apparatus, furniture, equipment, stationery and textbooks for the use of students.
3. To elect the president of the college, who shall be ex officio secretary of the board, and an assistant secretary who shall receive such salary as shall be allowed by the board.
4. To elect members of the faculty and other collegiate officers and employees and to fix their salaries and prescribe their duties.
5. To control and spend all moneys appropriated for the support and maintenance of the college and all moneys received for tuition, or donation.
6. To acquire, in the name of such college, real property as a college site, either by purchase of gift and to construct on said site the necessary buildings, or to lease buildings and grounds upon such terms as they may see fit for the use of such college.
7. To establish and maintain courses of study.

SEC. 5. Said board of trustees shall have power and are authorized to make arrangements with any junior college district, within such district, for the use of its buildings and grounds, for the operation and maintenance of such college, and any junior college district within said college district shall have power to permit the use of its buildings and grounds upon such terms as may be agreed upon.

SEC. 6. The courses of study established by the board of trustees shall include such courses in the subjects outlined in this act, above the courses taught in the junior colleges of this state; such course to be approved by the state board of education.

SEC. 7. It shall be the duty of the board of trustees to estimate the amount of money required maintaining such college in said district for the current school year, including rent, construction of school buildings, or any additions to plant already constructed. Upon the making of such estimate, said board of trustees shall estimate the amount of money to be raised and transmit such estimate to the board, or boards, of supervisors of the county, or counties, comprising said college district. In case more than one county is included in such college district, then the amount to be raised in each county shall be apportioned in accordance with the assessed valuation in each county. Upon the receipt of such estimate, it shall be the duty

of the board of supervisors, at the time of making the tax levy for the year for county purposes, to levy a special tax on all the taxable property in such county sufficient in amount to raise the money set forth in said estimate. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected, and when collected shall be paid into the treasury of the county in which such college has been established. Should any board of supervisors with whom such estimate is filed fail to levy the tax as required by this section, it shall be the duty of the auditor of their county to make such levy.

SEC. 8. All taxes levied and collected under the provisions of this act shall be placed by the county treasurer receiving same in a special fund to the credit of the college district for which the same were levied, and used only for the purposes for which same were levied.

SEC. 9. Whenever a petition signed by two hundred (200) qualified electors in any county contiguous to any college district shall be presented to the superintendent of schools of such county, asking that the territory in such county shall be annexed and become a part of any college district, accompanied by an agreement signed by a majority of the members of the board of trustees of any college district to which annexation is desired, consenting to such annexation and setting forth the terms thereof, such superintendent of schools shall, after verifying the signatures therein and finding them sufficient, transmit such petition and agreement to the board of supervisors of his county. Said board of supervisors shall set said petition for hearing and cause the notice of such hearing to be given by publication in a newspaper of general circulation published in said county at least once a week for three successive weeks before the date of such hearing. Upon such hearing, the board may, in their discretion, make an order annexing the territory in such county to such college district.

SEC. 10. Students not residing in such college district may be permitted to attend such college upon such terms and conditions as the board of trustees may determine. In case of students residing in the State of California and not residing in said school district, the cost of such tuition can not exceed the cost of educating such student for the school year; such cost to be based upon the cost of operation of such school, including necessary depreciation in the school plant. The cost of such tuition of the student residing in this state and not residing in any college district may be paid by the county wherein he resides, when approved by the county superintendent of schools of the county in which he resides and authorized by the board of supervisors of said county.

SEC. 11. The board of trustees of such college district may, when in their judgment it is advisable, issue bonds for the purposes and in the manner set forth in "An act to provide for the issuance of bonds of junior college districts" enacted 1921, statutes of 1921, page seven hundred twenty-four, and the provisions of said act are hereby adopted by reference for the purposes of this act; *provided*, that the certain words used in said act shall for the purpose of this act be construed as follows: The words "junior college district" shall be construed as referring to "college district" and the words "junior college board" shall be construed as referring to the "board of trustees of college district."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Education.

Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 519—An act to repeal section 1188 of the Political Code, relating to elections.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word "repeal", and insert in lieu thereof the word "amend".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, strike out all of said line 2, and insert in lieu thereof the following: "amended to read as follows:

1188. A candidate at any special election for any public office including presidential electors either as individuals or by group as provided in section 1197 of this

code, may be nominated in the manner following: A nomination paper containing the name of the candidate to be nominated, or, in the case of presidential electors the names of the candidates either as individuals or by group, with other information required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made subject to the restrictions contained in said direct primary law. The provisions of said direct primary law as therein applied to nonpartisan offices, shall substantially govern as to the manner the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures and the filing thereof with the county clerk and the certification thereto by the county clerk and transmission thereof to the secretary of state or to the city clerk or secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of filing fees and all other things necessary to get the name of the candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a special election and not on the ballot for nomination at a primary election.

Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the special election as provided by law."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 808—An act to amend section 633aa of the Political Code, relating to insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1088—An act to amend sections 3682, 3746, 3756 and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, as amended, strike out the words "first day of November", and insert in lieu thereof "day when taxes are payable".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 15, of the printed bill, as amended, strike out the words "and payable".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 30, of the printed bill, as amended, following the period, insert "The tax collector may fix a date in advance of the due date when payments may be made."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 35, of the printed bill, as amended, strike out the words "first day of November", and insert in lieu thereof "day upon which payments may be made as provided in the preceding section".

Amendment adopted.



## AMENDMENT NUMBER FIVE.

On page 3, line 18, of the printed bill, following the period, add a new section to read as follows:

"SEC. 7. This act shall not become effective until June 30, 1930."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revenue and Taxation.

## SENATOR LYON IN THE CHAIR.

At ten o'clock and twenty minutes a.m., Senator Lyon of the Thirty-fourth District was called to the chair.

Assembly Bill No. 1111—An act to amend section 3748 of the Political Code, relating to the time and place of payment of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 408—An act to amend sections 3, 7, 8, 10, 11, 18<sup>1</sup> and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, and to add a new section thereto to be numbered section 20, relating to powers of the directors of said companies and forms of insurance policies issued by said company.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the figures "11."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 47, of the printed bill, strike out all of lines 47 to 52, inclusive; also strike out all of lines 1 to 23, inclusive, on page 4.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, line 24, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 38, of the printed bill, after the comma following the designation "19----", insert the following: "and terminating at noon of the ---- day of ----, 19----".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 52, of the printed bill, after the word "reconstruction", insert the following: "by reason of any ordinance or law regulating repairs or reconstruction".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 8, line 7, of the printed bill, after the word "and", insert the following: "if not more than one thousand five hundred dollars".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 8, line 9, of the printed bill, after the period, insert the following: "If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the president of this company, or in his absence, the vice president, or in the absence of both the secretary thereof, shall forthwith convene the board of directors of said company, whose duty it shall be when convened to adjust the same."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 10, line 32, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "5".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 10, line 40, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "eleven".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 35—An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 15 of the title of the printed bill, as amended in Assembly March 19, 1929, strike out the words "suspension, withholding or", and insert in lieu thereof the following: "withholding and".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 44, of the printed bill, as amended in Assembly March 19, 1929, strike out the figures "18", and insert in lieu thereof the figures "17".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 47, of the printed bill, as amended in Assembly March 19, 1929, strike out the figures "18", and insert in lieu thereof the figures "17".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 5, line 14, of the printed bill, as amended in Assembly March 19, 1929, strike out the figures "18", and insert in lieu thereof the figures "17".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5, line 18, of the printed bill, as amended in Assembly March 19, 1929, strike out the figures "18", and insert in lieu thereof the figures "17".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 661—An act to amend sections 24, 29 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the

State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 771—An act to amend section 1 of an act entitled "An act declaring and establishing a State highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara, and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura State Highway," approved June 16, 1913, relating to State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 471—An act providing for the burning or removing of grass, brush or other inflammable matter and debris from public highways.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, as amended in Assembly March 28, 1929, after the word "fund", insert a comma and the following: "or any road fund".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 85—An act to amend section 2640 of the Political Code, relating to the acquisition of new roads and the grading, reggrading, paving, macadamizing, surfacing, repairing and maintaining of existing roads.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, strike out the word "five", and insert in lieu thereof the word "ten".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 22, of the printed bill, strike out the figures "5,000", and insert in lieu thereof the figures "10,000".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 86—An act to amend section 2713 of the Political Code, relating to the construction and repair of bridges.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the word "five", and insert in lieu thereof the word "ten".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the figures "5,000", and insert in lieu thereof the figures "10,000".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 181—An act to amend section 274 of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the following: "or any instructions (given)".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the following: "(or) to be given by such court to the jury,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, strike out the following: "or insanity".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 10, of the printed bill, insert the following new matter after the comma following "ceeding": "or necessary order, petition, citation, commitment, testimony or judgment in any insanity proceeding or proceedings relative to an alleged feeble-minded person, or the evidence in, or any other part or the whole of, any proceeding in which the custody or support of minor children is involved,".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 13, of the printed bill, insert the following new matter after the comma following the word "typewriter": "in either case".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 14, of the printed bill, strike out the words "the general fund in".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 1 of the printed bill, strike out all of lines 15, 16 and 17, and insert in lieu thereof the following: "in the manner set forth in section 274 of this code."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 4, of the printed bill, as amended, strike out the comma after the word "cases", and insert in lieu thereof the following: "and in any case or proceed-

ing wherein the custody or support of a minor child is involved and in which the court specifically so directs".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2 of the printed bill, as amended, strike out all of lines 16 and 17, and insert in lieu thereof the following:

"In those civil cases where the instructions given by the court are not from written instructions or where written instructions submitted are changed by the court, the court may order the transcription of the instructions or any part thereof given to the jury and the fee for the transcription shall be a legal charge against".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 18, of the printed bill, as amended, strike out the words "the general fund in".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 19, of the printed bill, as amended, strike out "in the same manner as any other claim against the", and insert in lieu thereof "and the county auditor shall draw his warrant therefor".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 20, of the printed bill, as amended, strike out the word "county".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, describing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 98—An act to amend section 1861a of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished bungalow courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 239—An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 274—An act to amend section 1415 of the Code of Civil Procedure, relating to powers, duties and obligations of special administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 452—An act to add a new section to the Code of Civil Procedure, to be numbered 1161a, relating to persons holding over in case of the sale of real property by virtue of execution, foreclosure of mortgage or under a power of sale contained in a deed of trust.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 467—An act to amend section 793 of the Civil Code, relating to the termination of estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 468—An act to amend section 1946 of the Civil Code, relating to the hiring of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1059—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 840—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1124—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

Bill read second time, and ordered on file for third reading.

Assembly Concurrent Resolution No. 23—Relative to creation of a joint committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

#### COMMITTEE AMENDMENT.

During the second reading of the resolution, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 2, line 27, of the printed resolution, as amended in Assembly March 29, 1929, strike out lines 27 to 30, inclusive, and insert in lieu thereof the following: "not exceeding the sum of seven thousand five hundred dollars from the contingent fund of the Assembly, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Assembly for the purposes aforesaid, and the sum of seven thousand five hundred dollars from the contingent fund of the Senate, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Senate for the purposes aforesaid,".

Amendment adopted.

Resolution read, ordered to print, and on third reading file.



Assembly Bill No. 134—An act to amend section 1 of "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word and figure "section 5", and insert in lieu thereof "sections 4 and 5".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the word and figure "Section 5", and insert in lieu thereof "Section 4".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, strike out lines 6 to 8, inclusive, and insert in lieu thereof the following:

"Sec. 4. In addition to any moneys heretofore appropriated the sum of twenty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in accordance with law for the purpose of carrying out the provisions of this act and completing the work of said commission.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Sec. 5. The commission and all offices and positions thereunder shall cease and determine on the first day of September, 1931."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Federal Relations.

Assembly Bill No. 611—An act relating to the apportionment of moneys to elementary school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1066—An act to amend sections 24 and 50½ of the Public Utilities Act, relating to passenger stage corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 486—An act to amend section 16r1a of the Weights and Measures Act approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections 16r6 and".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 3 of the title of the printed bill, after the word "the", insert the following: "sixth and".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 1 of the printed bill, strike out the figures "16x12", and insert in lieu thereof the figures "16x6".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 4 of the printed bill, strike out lines 4 to 12, inclusive, and insert in lieu thereof the following:

"16x6. The sealer of weights and measures in counties of the sixth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred seventy-five dollars per month each.

Sec. 2. Section 16x12 of the "Weights and measures act," approved June 16, 1913, as amended, is hereby amended to read as follows:

16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each. In counties of this class there shall be allowed to the sealer of weights and measures, one clerk, which position is hereby created, to be appointed by the sealer of weights and measures, at a salary of one hundred twenty-five dollars per month, payable at the same time and out of the same fund as other county officers are paid."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 655—An act to add a new section to the Political Code, to be numbered section 4041i, authorizing the board of supervisors of the counties thereof to provide for the working of prisoners confined in the county jail and prescribing the compensation of the persons in charge thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 936—An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 938—An act to amend section 2322x13 of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1121—An act to amend section 2322x2 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the second class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 390—An act to amend section 1094 of the Political Code, relating to the registration of electors and conduct of elections.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 30, of the printed bill, as amended, strike out the word "two", and insert in lieu thereof the words "must be filed in his office not less than twenty days before the date of the next succeeding election and it shall".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 35, of the printed bill, as amended, following the word "officer", insert the following: ", and they must be received in his office not less than ten days before the day of said election".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 769—An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, or Roster, repealing all conflicting acts, and making an appropriation to carry out the provisions thereof.

Bill read second time, and ordered on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator West moved to refer Senate Constitutional Amendment No. 5 to Senator Lyon, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, lines 14 and 15, of the printed measure, strike out the words "together with fifteen duly qualified voters, who shall be elected at large from the state".

##### AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed measure, strike out the word "six", and insert in lieu thereof the word "ten".

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator West adopted.

Senate Constitutional Amendment No. 5 ordered to print, and re-engrossment.

Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurley moved to refer Senate Bill No. 262 to Senator Christian, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the words "section 9 of".

## AMENDMENT NUMBER TWO.

In lines 9 and 10 of the title of the printed bill, strike out the following: "and approved May 26, 1927, relating to license fees".

## AMENDMENT NUMBER THREE.

On page 1, line 1, of the printed bill, strike out the following: "Section 9 of", and insert in lieu thereof the word "The".

## AMENDMENT NUMBER FOUR.

On page 1, line 9, of the printed bill, strike out the following: "and approved May 26, 1927".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 262, with instructions to amend, respectfully reports the same back, amended as per instructions.

CHRISTIAN, Special Committee.

Report read, and on motion of Senator Hurley adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 7—An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Handy moved to refer Senate Bill No. 7 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, lines 8 and 9, of the printed bill, strike out the following: "two and one-half".

## AMENDMENT NUMBER TWO.

On page 2, lines 12 and 13, of the printed bill, strike out the following: "two and one-half,".

## AMENDMENT NUMBER THREE.

On page 2, line 19, of the printed bill, strike out the following: "two and one-half, seven,".

## AMENDMENT NUMBER FOUR.

On page 2, line 22, of the printed bill, strike out the following: "two and one-half, seven,".

## AMENDMENT NUMBER FIVE.

On page 3, line 10, of the printed bill, following the period, insert the following: "Every person who takes or gathers any clams of any species in fish and game district number eighteen "A" is guilty of a misdemeanor."

## AMENDMENT NUMBER SIX.

On page 3, line 24, of the printed bill, after the period, insert the following: "Every person, who, in fish and game district number ten, takes or gathers or has in possession during any one calendar day more than fifteen Washington clams, is guilty of a misdemeanor."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 7, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print, and re-engrossment.

SECRETARY JOSEPH A. BEEK AT THE DESK.

CONSIDERATION OF DAILY BILL.

UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED FORTY-SEVEN.

## AMENDMENT NUMBER ONE.

On page 4, line 32, of the printed bill, as amended, strike out the words "resulting from both injuries".

## AMENDMENT NUMBER TWO.

On page 6, line 51, of the printed bill, as amended, strike out all of said line 51, and insert in lieu thereof the following: "sand nine hundred ninety-nine dollars and

ninety-two cents; *provided, however*, that said death benefit shall not exceed the sum of five thousand dollars except as otherwise provided in subdivision (b) of section 6 of this act and section 29 of this act."

## AMENDMENT NUMBER THREE.

On page 7, line 16, of the printed bill, as amended, strike out all of said line 16, and insert in lieu thereof the following: "thousand nine hundred ninety-nine dollars and ninety-two cents; *provided, however*, that said death benefit shall not exceed the sum of five thousand dollars except as otherwise provided in subdivision (b) of section 6 of this act and section 29 of this act."

## AMENDMENT NUMBER FOUR.

On page 6, line 52, of the printed bill, as amended in Assembly April 11, 1929, after the word "benefit", insert the following: "when added to the disability indemnity which at the time of his death has accrued and become payable".

## AMENDMENT NUMBER FIVE.

On page 7, line 21, of the printed bill, as amended in Assembly April 11, 1929, after the word "benefit", insert the following: "when added to the disability indemnity which at the time of his death has accrued and become payable".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 747?

The roll was called, and Assembly amendments to Senate Bill No. 747 concurred in by the following vote:

AYES—Senators Allen, Breed, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Handy, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West and Young—22.

NOES—None.

Senate Bill No. 747 ordered to print, and enrollment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.—(RESUMED).

Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Allen, Breed, Cobb, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Weller, and Young—21.

NOES—Senators Cleveland, Jones, Ray; Wagy, and West—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Senate Bill No. 12 to Senator Ray Jones, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, as amended, strike out the words "hereby declares the recognition of", and insert in lieu thereof the word "recognizes".

## AMENDMENT NUMBER TWO.

On page 1, line 18, of the printed bill, as amended, beginning in said line 18, strike out the words "the recognition", and insert in lieu thereof the word "recognizes".



## AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed bill, as amended, strike out the words "declares the recognition", and insert in lieu thereof the word "recognizes".

## AMENDMENT NUMBER FOUR.

On page 2, line 5, of the printed bill, as amended, strike out the word "important".

## AMENDMENT NUMBER FIVE.

On page 2, line 9, of the printed bill, as amended, beginning in said line 9, strike out the words "the recognition that important", and insert in lieu thereof the words "recognizes that".

## AMENDMENT NUMBER SIX.

On page 2, line 11, of the printed bill, as amended, beginning in said line 11, strike out the words "are established unwarrantedly", and insert in lieu thereof the words: "are without foundation in fact".

## AMENDMENT NUMBER SEVEN.

On page 3, line 50, of the printed bill, as amended, strike out the word "will", and insert in lieu thereof the word "shall".

## AMENDMENT NUMBER EIGHT.

On page 3, line 51, of the printed bill, as amended, strike out the words "appointments enduring", and insert in lieu thereof the words "and shall hold office as such for the term of".

## AMENDMENT NUMBER NINE.

On page 4, line 1, of the printed bill, as amended, after the syllable "ment", insert the following: "and until a successor shall have been appointed."

## AMENDMENT NUMBER TEN.

On page 4, line 2, of the printed bill, as amended, strike out the word "will", and insert in lieu thereof the word "shall".

## AMENDMENT NUMBER ELEVEN.

On page 4, line 4, of the printed bill as amended, strike out the following: "Vacancies shall be filled as they occur."

## AMENDMENT NUMBER TWELVE.

On page 4, line 6, of the printed bill, as amended, strike out the comma after the word "investigate", and also strike out the following: "hold hearings or in any way obtain", and insert in lieu thereof the following: "and hold hearings for the purpose of obtaining".

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 9, of the printed bill, as amended, strike out the words "an investigation has been completed", and insert in lieu thereof the following: "such investigation or hearing has been concluded".

## AMENDMENT NUMBER FOURTEEN.

On page 4, line 11, of the printed bill, as amended, strike out the period after the word "committee", and insert in lieu thereof a comma and the following: "setting forth therein the facts upon which such findings, conclusions and recommendations are based."

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 14, of the printed bill, as amended, after the word "court", insert the following: "of competent jurisdiction".

## AMENDMENT NUMBER SIXTEEN.

On page 4, line 15, of the printed bill, as amended, strike out all of said line 15, and insert in lieu thereof the following: "such court, the same to be admissible as evidence in such proceeding."

## AMENDMENT NUMBER SEVENTEEN.

On page 4, line 16, of the printed bill, as amended, strike out all of lines 16 and 17, inclusive.

## AMENDMENT NUMBER EIGHTEEN.

On page 4, line 20, of the printed bill, as amended, strike out the period after the word "investigations", and insert in lieu thereof the following: "and hearings."

## AMENDMENT NUMBER NINETEEN.

On page 4, line 23, of the printed bill, as amended, strike out the word "investigations", and insert in lieu thereof the words "investigation or hearing".

## AMENDMENT NUMBER TWENTY.

On page 4, line 26, of the printed bill, as amended, strike out the words "open to any citizen of", and insert in lieu thereof the following: "public records and open to inspection by the public".

## AMENDMENT NUMBER TWENTY-ONE.

On page 4, line 27, of the printed bill, as amended, strike out the words "this state".

## AMENDMENT NUMBER TWENTY-TWO.

On page 4, line 28, of the printed bill, as amended, strike out the word "closed", and insert in lieu thereof the words "finally determined".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 12, with instructions to amend, respectfully reports the same back, amended as per instructions.

JONES, RAY, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print, and re-engrossment.

## SPECIAL ORDER.

Senator Inman moved that Senate Bills Nos. 86, 82, 85, 733, 88, 93, 78, 53, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 71, 72, 74, 79, 80, 87, 89, 90, 91, 94, 96, 97, 98, 81, 84, 99, 734 and 73 be made a special order for Tuesday, April 30, 1929, at eleven o'clock a.m.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

Bill read third time.

## URGENCY CLAUSE.

Sec. 23. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that this act shall go into immediate effect, by reason of the following facts, to wit:

That certain crops will come into bearing and unless State supervision is exercised over the handling and sale of said crops the effect will be detrimental and to the damage of a great number of the producers of said crops and will imperil the property and safety of land owners of the State and that through the means provided in this act the necessary supervision of the handling and sale of said crops will be provided, and it is hereby declared that this act constitutes an urgency measure which, under the provisions of section 1 of article IV of the constitution of the State of California shall be put into immediate effect.

This act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam,

Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—36.

NOES—Senator West—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORTS OF COMMITTEES ON FREE CONFERENCE

The following reports were received and read:

#### SENATE CHAMBER, SACRAMENTO, April 18, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section—reports that it has met a like committee of the Assembly, consisting of Assemblymen Wright, Feeley and Arnold, and that the Committee on Free Conference has agreed to recommend the following amendments:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the amended printed bill, strike out the word "action", and insert in lieu thereof the word "actions".

##### AMENDMENT NUMBER TWO.

On page 2, line 19, of the amended printed bill, strike out the word "fifty", and insert in lieu thereof the word "twenty-five".

##### AMENDMENT NUMBER THREE.

On page 2, line 2, of the amended printed bill, insert after the word "summons", the following: "in the said action upon any person, firm, association, or corporation within his jurisdiction".

##### AMENDMENT NUMBER FOUR.

On page 2, lines 3 and 4, of the amended printed bill, strike out the following: "person, firm or corporation", and insert in lieu thereof the words "money or property of any defendant".

SHARKEY,  
INMAN,  
BOGGS,

Senate Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 167 ordered to print and enrollment.

Also:

#### SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 193—An act to amend section 629a and 629b of the Political Code, relating to group insurance—reports that it has met a like committee of the Assembly, consisting of Assemblymen Patterson, Cloudman and Morgan, and that the Committee on Free Conference has agreed to recommend the following amendments:

##### AMENDMENT NUMBER ONE.

Amend the title of the printed amended bill, by inserting the letter "s" following the letter "n" in the word "section".

##### AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed amended bill, following the word "commissioner", strike out the comma.



## AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed amended bill, following the comma in said line, insert the following: "and members of labor unions and members of the national guard,".

## AMENDMENT NUMBER FOUR.

On page 2, line 14, of the printed amended bill, strike out the semicolon, and insert in lieu thereof a period.

## AMENDMENT NUMBER FIVE.

On page 2, line 14, of the printed amended bill, beginning with the word "any", strike out the balance of the line, and all of lines 15 to 38, inclusive, and insert in lieu thereof a new paragraph as follows: "The following forms of life insurance are also declared to be group insurance within the meaning of this chapter: life insurance covering the members of any labor union or of any association of employees of the United States, of the state, county, or municipal governments, employees of school districts (including teachers), irrigation districts, or other political subdivisions of government. Such insurance shall be written under a policy issued to such union or association, which union or association shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or the association and the members thereof jointly, and insuring only members of such union who are actively engaged in the same occupation, or of such association, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or association or the officials thereof; *provided, however*, that when a premium is to be paid by the union or the association and its members jointly, and the benefits are offered to all eligible members, not less than seventy-five per centum of such members may be so insured; *and provided, further*, that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance."

## AMENDMENT NUMBER SIX.

On page 4, line 5, of the printed amended bill, strike out the entire line.

HURLEY, Chairman.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 193 ordered to print, and enrollment.

Senate Bill No. 152—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the land and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925.

## SUSTAINING GOVERNOR'S VETO.

Message from the Governor announcing his objections to Senate Bill No. 152, read previously.

The question being: Shall Senate Bill No. 152 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—33.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 232—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

On motion of Senator Boggs, Senate Bill No. 232 was ordered re-referred to Committee on Agriculture and Live Stock.

#### SENATE CONSTITUTIONAL AMENDMENT No. 33.

A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article XI of said constitution, relative to elections and eligibility of voters, disabilities and absent voters.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California hereby propose to the people of the State of California that section 1 of article XI of the constitution of said State be amended to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 40 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 40 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; *provided, further*, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; *provided, further*, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are required to travel and who, by such affidavit as the Legislature may prescribe, show that they expect to be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the civil, congressional, military or naval service of the United States or of the State, may be absent from their respective precincts on the day on which any primary or general election is held, or who because of injury or disability are absent from their precincts or unable to go to the polling places; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the Legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the Legislature may prescribe; *provided*, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county

clerk of the county in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 33 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 33 ordered transmitted to the Assembly.

Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators Allen, Boggs, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—25.

NOES—Senators Canepa, Gray, Hurley, Lyon, Maloney, Rochester, West, and Young—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 400 passed by the following vote:

AYES—Senators Allen, Boggs, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, and Weller—24.

NOES—Senators Breed, Canepa, Gray, Lyon, Maloney, Rochester, Tubbs, West, and Young—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and fifty-five minutes p.m., the presiding Senator declared the Senate at recess until two o'clock p.m.

RECONVENED.

At two o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.



## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 129—An act providing for the allowance of traveling expenses of members of governing boards of union or joint union high school districts;

Also: Assembly Bill No. 161—An act appropriating money to pay the claim of Annie Locantelli against the State of California;

Also: Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 412a, relating to the service of summons on nonresident persons in certain actions;

Also: Assembly Bill No. 714—An act creating the Napa State Farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof; and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 809—An act to amend section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings, to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended;

Also: Assembly Bill No. 970—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," as amended, approved May 23, 1925, by adding a new section, to be designated as section \_\_\_\_\_, relating to pension for marshals and deputy marshals of cities of the first and one-half class;

Also: Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, by amending section 7 thereof and adding new sections thereto to be numbered 37 to 59, inclusive, relating to the powers and duties of water districts and the boards of directors thereof, and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bill No. 129 read first time, and referred to Committee on Education.

Assembly Bill No. 161 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 654 and 970 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 714 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 809 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 988 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1140—An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian River;

Also: Assembly Bill No. 1141—An act making an appropriation for the construction of jetties at the mouth of the Russian River.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 1140 and 1141 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 289—An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 289 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 25—Relative to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation;

Also: Assembly Concurrent Resolution No. 33—Relative to holding of the Tenth Olympiad games in the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Concurrent Resolution No. 25 read, and referred to Committee on Conservation.

Assembly Concurrent Resolution No. 33 read, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 36—Relative to adjournment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 36 read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927.

Bill read second time, and re-referred to Committee on Finance.

Assembly Bill No. 117—An act to provide aid for needy blind persons, creating a State Blind Benefit Commission, and defining the powers and duties thereof, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read second time, and re-referred to Committee on Finance.

Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930.

Bill read second time, and re-referred to Committee on Finance.

Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read second time, and re-referred to Committee on Finance.

SENATOR INMAN IN THE CHAIR.

At two o'clock and ten minutes p.m., Senator Inman of the Seventh District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 844 passed by the following vote:

AYES—Senators Allen, Breed, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Christian, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 265—An act to amend section 51 of an act entitled “An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the ‘Railroad Commission fund’ and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act, approved April 23, 1915, as amended.”

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack,

McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An act to permit any producer or grower of agricultural products to vend, hawk, peddle, sell or offer for sale such products in any county, town, village, incorporated city or municipality in the State of California without paying a license therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 refused passage by the following vote:

AYES—Senators Boggs, Christian, Cleveland, Cobb, Duval, Garrison, Merriam, and Swing—8.

NOES—Senators Allen, Baker, Breed, Canepa, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

Senate Bill No. 680—An act to repeal chapter 1 and articles I to VI, inclusive, of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code, all relating to partnerships; and to make the Partnership Law of the State of California uniform with the law of other states.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy,

Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 503 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 855 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONCURRENT RESOLUTION No. 24.

Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries, relative to the control of salmon fishing.

WHEREAS, The reports of the Fish and Game Commission of the State of California show that for some years last past the amount of salmon taken in the waters of the State of California has been diminishing, and that one of the chief causes thereof has been the excessive use of trolling, both adjacent to and off the coasts of California, Oregon and Washington; and,

WHEREAS, It has been reported that by reason of the fact that a part of said trolling activities have been conducted so far off-shore that no state, acting alone, has ample jurisdiction to regulate, prohibit or control the said fishing by trolling, and that millions of immature salmon are taken in their natural feeding grounds in this manner, thereby reducing the annual catch of this valuable food fish; now, therefore, be it

Resolved by the Senate, The Assembly concurring, That the Fish and Game Commission of the State of California, be, and is hereby directed to confer with the proper officials of the states of Oregon, and Washington, and also with the United States Department of Fisheries, to the end that a comprehensive plan for the protection and control of the salmon industry may be outlined, and to report to the Legislature at the next regular session its findings and recommendations.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller,

Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—36.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 24 ordered transmitted to the Assembly.

Senate Bill No. 306—An act to appropriate the sum of \$10,000 to be used in the dredging and widening of the Pajaro River between the counties of Santa Cruz and Monterey.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479—An act to amend section 737*q* of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 479 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 797—An act providing for the formation, government, and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and or one or more municipalities; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors and authorizing counties and cities, jointly and separately to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the

incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; providing for the levy of special assessments within such district to defray such costs and expenses either wholly or partially and authorizing differential special assessments within such district; and providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California and from any person or persons; and providing for the election within any such harbor districts formed under this act of a board of harbor governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such board of governors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 797 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons and corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 792 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78—An act to amend section 607 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 607a and 607b, relating to instructions to jurors in jury trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 841—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of all cattle therein; to provide for the slaughter of cattle which positively react to said test; to provide for the method of payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof, and the slaughter of positive reactors to the tuberculin test; to prescribe the duties of the Director of Agriculture in relation to this act, including the making of rules and regulations to carry out the provisions thereof; to provide an appropriation therefor; to prescribe penalties for violation of the provisions hereof; to repeal an act entitled "An act known as the 'Bovine Tuberculosis Law' of California," approved April 4, 1927, and all other acts or parts of acts in conflict herewith.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Jones moved to refer Senate Bill No. 481 to Senator Wagy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 6, line 26, of the printed bill, as amended April 16, 1929, strike out lines 26 to 35, inclusive, and insert in lieu thereof the following:

"SEC. 12. The offspring of any diseased dairy cow shall immediately be separated from its mother, and shall not be fed the milk from such diseased dairy cow until such milk".

The question being on Senator Jones' motion to refer Senate Bill No. 841 to Senator Wagy as a Special Committee of One for amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Canepa, Christian, Cleveland, Edwards, Fellow, Garrison, Hurley Jones, Ray; Rochester, Swing, Wagy, and West—12.

NOES—Senators Allen, Baker, Boggs, Breed, Cobb, Crowley, Duval, Evans Gray, Handy, Inman, Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Tubbs, Weller, and Young—20.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 814 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Fellow, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—Senators Jones, Ray; and West—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 732—An act to amend sections 373a, 373b, 373c, 373d, 373e, 373f, 373g and 373h of the Political Code, relating to the Department of Natural Resources.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Nelson, Rochester, Slater, Swing, Tubbs, Wag, Weller, and Young—26.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An act to add a new section to the Political Code, to be numbered section 4041s, relating to powers and duties of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 705 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—34.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—33.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 428 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—30.  
 NOES—Senator Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At four o'clock and thirty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 549—An act to add a new section to be numbered 402*h*, to part I, article X. of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Fellom to introduce a bill entitled—An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of such owners, or their agents or presumptive agents, by requiring insurance, a surety bond, or a deposit of securities; to provide means and methods for the administration of said system of security; to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries; to provide for the optional trial of claims against such security before a commissioner, for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the minimum rating law of such insurance; to prescribe penalties for violations of this act, and making an appropriation for the administration of this act—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Ray Jones to introduce a bill entitled—An act to impose a special privilege tax and regulate sales and distribution by gift or sale in this State of cigars, cigarettes and smoking-tobacco sold or distributed by any person, firm, corporation, or association in this State and to provide methods and penalties for the enforcement of the tax and to appropriate the revenue derived therefrom—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of



article IV of the constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—32.

**NOES**—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Fellom:

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

**MR. PRESIDENT:** In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act providing for the control, management and regulation of the San Francisco Harbor; creating the San Francisco Port Authority; providing for the disposition of revenues derived from the operation of said harbor; providing for the issuance and sale of revenue bonds; providing for the payment of interest from bonds and the redemption thereof.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred the request of Senator Fellom to introduce a bill entitled—An act providing for the control, management and regulation of the San Francisco Harbor, creating the San Francisco Port Authority; providing for the disposition of revenues derived from the operation of said harbor; providing for the issuance and sale of revenue bonds; providing for the payment of interest from bonds and the redemption thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

**BREED, Chairman.**

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—31.

**NOES**—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Fellom: Senate Bill No. 863—An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of owners, or their agents or presumptive agents, by requiring insurance, a surety bond, or a deposit of securities; to provide means and methods for the administration of said system of security; to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries; to provide for the optional trial of claims against such security before a commissioner, for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the minimum rating law of such insur-

ance; to prescribe penalties for violations of this act, and making an appropriation for the administration of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ray Jones: Senate Bill No. 864—An act to impose a special privilege tax and regulate sales and distribution by gift or sale in this State of cigars, cigarettes and smoking-tobacco sold or distributed by any person, firm, corporation, or association in this State and to provide methods and penalties for the enforcement of the tax and to appropriate the revenue derived therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fellom: Senate Bill No. 865—An act providing for the control, management and regulation of the San Francisco Harbor; creating the San Francisco Port Authority; providing for the disposition of revenues derived from the operation of said harbor; providing for the issuance and sale of revenue bonds; providing for the payment of interest from bonds and the redemption thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, April 19, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 200—An act to prohibit any person or common carrier by railroad moving any fixed signal, switch or switch light for the purpose of what is commonly known as test of employees, to define fixed signals, and providing penalties for the violation of the provisions hereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; noes—3; absent—1.

WAGY, Chairman.

Senate Bill No. 200 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 53—An act to add a new section to be numbered 10½ to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts;

Also: Assembly Bill No. 75—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 2, 30a, 39 and 47 thereof;

Also: Assembly Bill No. 150—An act to amend section 4250 of the Political Code, relating to compensation of officers and jurors in counties of the twenty-first class;

Also: Assembly Bill No. 538—An act to add a new section to the Penal Code, to be numbered 164, relating to the making of contracts for the collection of damages for injuries to persons or property or both; declaring the making of such contracts to be the practice of law; providing for penalties therefor; and for exceptions thereto;

Also: Assembly Bill No. 872—An act to amend section 1 of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, relating to the disposition of the proceeds of sale;

Also: Assembly Bill No. 932—An act to add a new section to an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition

of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as approved May 26, 1927, to be numbered 13a, relating to a revolving fund for the State Highway Commission;

Also: Assembly Bill No. 1116—An act to add a new section, to be numbered section 1½, to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants, for employment," approved April 20, 1917, as amended, and to amend section 2 thereof, relating to the protection of cash bonds put up by employees or applicants for employment and providing penalties for violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 53 and 75 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 150 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 538 and 1116 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 872 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 932 read first time, and referred to Committee on Revenue and Taxation.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 738—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cobb, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tubbs, and Wagye—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 193—An act to provide for the standardization of cement pipes sold for irrigation purposes and providing for the enforcement thereof.

Bill read third time.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Garrison moved to refer Assembly Bill No. 193 to Senator Cobb, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 7, line 24, of the printed bill, after the word "manufactures", insert a comma and the word "sells,".



## AMENDMENT NUMBER TWO.

On page 7, line 28, of the printed bill, after said line 28, insert the following:

"SEC. 4. In the event that any sections, section, or part thereof, of this act shall be found to be unconstitutional, the remainder of this act shall not be invalidated thereby, but shall remain in full force and effect. The Legislature hereby declares that it would have passed this act and all sections, or section, or parts thereof, irrespective of the fact that any sections, section, or part thereof, were invalid for any cause whatsoever."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 193, with instructions to amend, respectfully reports the same back, amended as per instructions.

COBB, Special Committee.

Report read, and on motion of Senator Garrison adopted.

Bill ordered to print.

Assembly Bill No. 806—An act to amend section 4149a of the Political Code, relating to the duties of the live stock inspector.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Garrison moved to refer Assembly Bill No. 69 to Senator Cleveland, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, as amended in the Senate on April 15, 1929, after the word "is" and before the word "of", insert the following: "under execution and is".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 69, with instructions to amend, respectfully reports the same back, amended as per instructions.

CLEVELAND, Special Committee.

Report read, and on motion of Senator Garrison adopted.

Bill ordered to print.

## REQUEST OF SENATOR FELLOW.

Senator Fellow requested that the picture of the members of the Legislature and State officers be printed in the Journal.

Request granted.

## RECESS.

At four o'clock and fifty-five minutes p.m., the President pro tempore declared the Senate at recess until eight o'clock and thirty minutes p.m.

## RECONVENED.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair, Secretary Joseph A. Beek at the desk.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.  
SACRAMENTO, April 22, 1929.

*To the Senate of the State of California.*

Senate Bill No. 212 is returned without my approval.

The intention of this bill was to protect the board of directors of irrigation districts from a possible liability through acts for which members of the board were in no way responsible. The measure, however, fails to accomplish this result, and the author agrees with me that "as written, the bill would place irrigation districts in a more unfavorable position than they now occupy."

Accordingly those interested have agreed that it is best to attempt no immediate change in the present law dealing with this subject, and I am therefore withholding my approval to this bill.

Respectfully submitted.

C. C. YOUNG, Governor.

SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 212 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and Young—26.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 18, 1929, passed Assembly Bill No. 173—An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments.

ARTHUR A. O'HINIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 173 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables:

Also: Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property;

Also: Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone and electric power corporations;

Also: Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs;

Also: Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California;

Also: Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the Medical Corps of the Army, Navy and Public Health Service of the United States;

Also: Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts;

Also: Senate Bill No. 740—An act to amend the title and section 1 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, and providing for the burial of soldiers, sailors, marines and nurses who shall have served in or with the Army or Navy of the United States and the burial of widows of such soldiers, sailors or nurses;

Also: Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 39, 40, 41, 288, 402, 213, 654, 740 and 783 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 to 375d, inclusive, relating to a Department of Investment for purposes of representation in the Governor's Council—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 841 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED TWELVE.

##### AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, as amended in Senate March 27, 1929, after the word "fund", in said line, insert a comma and the following: "out of said appropriation."

##### AMENDMENT NUMBER TWO.

On page 1, line 20, of the printed bill, as amended in Senate March 27, 1929, following the word "fund" in said line, change the period to a comma, and insert the following: "the aggregate amount of such transfers from the general fund in no case to exceed the appropriation made in section 2 of this act."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 812?



The roll was called, and Assembly amendments to Senate Bill No. 812 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and Young—25.

NOES—None.

Senate Bill No. 812 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED SIXTEEN.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, following the coming after the word "admission", add the word "blemish", followed by a comma.

##### AMENDMENT NUMBER TWO.

On page 1, line 25, of the printed bill, strike out the period following the word "act", and insert in lieu thereof a semicolon followed by the words, "provided, that the words "foot specialist" shall not be construed as to include or prohibit the manufacture, the recommendation or sale of either corrective shoes or appliances for human feet."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 216?

The roll was called, and Assembly amendments to Senate Bill No. 216 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, and Wagy—22.

NOES—None.

Senate Bill No. 216 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mount Diablo State Park fund—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo Park in California," approved May 21, 1927, by

amending section 3 of said act, relating to the Mount Diablo State Park fund.

# ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED ELEVEN.

## AMENDMENT NUMBER ONE.

On page 1, line 9, of the printed bill, as amended in Senate March 27, 1929, after the word "fund" in said line, insert a comma and the following: "out of said appropriation."

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, as amended in Senate March 27, 1929, following the word "fund" in said line, change the period to a comma, and insert the following: "the aggregate amount of such transfers from the general fund in no case to exceed the appropriation made hereunder."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 811?

The roll was called, and Assembly amendments to Senate Bill No. 811 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, and Young—24.

NOES—None.

Senate Bill No. 811 ordered to print, and enrollment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

BOGGS, Chairman.

Senate Bill No. 658 ordered on file for second reading.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1023—An act to amend section 1557 of the Penal Code, relating to extradition;

Also: Assembly Bill No. 900—An act to amend sections 5 and 19 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1023 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 900 read first time, and referred to Committee on Municipal Corporations.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of, an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 857 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATOR NELSON IN THE CHAIR.

At nine o'clock and thirty minutes p.m., Senator Nelson of the First District was called to the chair.

Senate Bill No. 264—An act to add a new section to the Penal Code, to be numbered 588d, relating to the display of red lights on or near public highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350—An act making an appropriation to clear the channel of the Mokelumne River from the Southern Pacific bridge near Woodbridge to the point where the United States government has cleared the channel near Benson channel.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 687 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An act to amend section 361*c* of the Political Code, and to add a new section to said code, to be numbered 361*h*, relating to the Department of Agriculture and the Division of Land Settlement thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 782—An act to amend section 2186 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 782 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 592—An act to amend sections 51, 66, 72 and 73 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 592 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—33.

NOES—Senators Cleveland, and West—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 593—An act to add two new sections to the "California Vehicle Act," approved May 30, 1923, as amended, to be numbered 36 $\frac{1}{2}$  and 36 $\frac{3}{4}$ , relating to registration of motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 593 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registration of motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—Senators Mueller, and Rochester—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 595—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence upon the part of State and subordinate officers, agents and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 595 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 596—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 596 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 597—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, relating to applications for operators' and chauffeurs' licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 597 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, West, and Young—35.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 598—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operators' and chauffeurs' license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle.

Bill read third time.

#### RE-REFERENCE OF ASSEMBLY BILL.

Senator Tubbs moved that Assembly Bill No. 598 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Assembly Bill No. 599—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 599 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagz, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 600—An act to amend section 74 of the California Vehicle Act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 600 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagz, Weller, West, and Young—30.

NOES—Senator Fellom—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 981—An act to provide for the protection of certain employees of cities, city and counties, incorporated or unincorporated cities, towns or districts, against personal liability incurred while acting within the course of their duty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 981 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS (RESUMED).

Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Wag, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ADJOURNMENT.

At eleven o'clock and ten minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until nine o'clock and thirty minutes a.m., Tuesday, April 23, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

#### SENATE CHAMBER,

SACRAMENTO, Tuesday, April 23, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller,

Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, April 22, 1929, the further reading was dispensed with, on motion of Senator Slater.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Henry S. Callahan of Long Beach.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alen Gardner, Ray H. Boudeaux and Minton William Kaye, lieutenants in the Air Corps of the United States Army, and Fred Ducato of the University of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 400—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State:

Also: Assembly Bill No. 1060—An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—9; absent—6.

SHARKEY, Chairman.

Assembly Bills Nos. 400 and 1060 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 809—An act to amend section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings, to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Assembly Bill No. 809 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 104—An act to regulate the practice of nursing; to provide



for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of The Board of Regents of the University of California, and to provide penalties for violation thereof,'" approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Professional and Vocational Standards, should such a department be created, and in that event defining the powers and duties of said department under this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bill No. 104 ordered on file for second reading.

**Also:**

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 12—An act to add a new section to be numbered 283h to the Penal Code, relating to the sale of kosher meats and meat preparations, and kosher food, defining the word "kosher" and providing penalties for the violation thereof;

Also: Assembly Bill No. 226—An act to amend section 4 of an act entitled "An act to regulate the preparation, manufacture, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 20, 1923, as amended;

Also: Assembly Bill No. 244—An act to add a new section to an act entitled "An act to provide for suitable sanitary conditions in foundries and metal shops and providing penalties for the violation thereof," approved May 24, 1921, to be numbered 4, relating to the enforcement of said act;

Also: Assembly Bill No. 366—An act to amend section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement; and creating the Division of Chemistry fund," approved June 3, 1921 as amended, relative to the registration or cancellation of registration of economic poisons;

Also: Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said districts embraced in territory in more than one county, and adding territory to districts already formed;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman

Assembly Bills Nos. 226, 244, 366, 568 and 12 ordered on file for second reading.

**Also:**

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and

sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists;

Also: Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

CROWLEY, Chairman.

Senate Bills Nos. 258 and 620 ordered on file for second reading.

#### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1027—An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—13.

BOGGS, Chairman.

Assembly Bill No. 1027 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 378—An act to amend section 3700a of the Political Code, relating to the salary of the secretary of the State Board of Equalization—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that the bill do pass as amended, and be re-referred to Committee on Finance.

Committee membership—11.

(Signed out)

MUELLER, Chairman.  
BAKER.  
COBB.  
MALONEY.  
MURPHY.  
NELSON.  
TUBBS.

Senate Bill No. 378 ordered re-referred to Committee on Finance.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 3 of the printed bill, after the word "be", insert the word "forty-three".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 9 of the printed bill, after the word "any", insert the word "twenty-two".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 18 of the printed bill, begin said line with the word "five".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

In line 22 of the printed bill, strike out the numerals "1929", and insert in lieu thereof the numerals "1931".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

In line 23 of the printed bill, strike out the numerals "1928" and the comma, and insert in lieu thereof "1930, five".

Amendment adopted.

## AMENDMENT FROM THE FLOOR.

During the second reading of the bill, the following amendment was offered and its adoption moved by Senator McKinley:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out the period following the word "procedure", and insert in lieu thereof the following: "relating to judges in counties of the first class."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 200—An act to prohibit any person or common carrier by railroad moving any fixed signal, switch or switch light for the purpose of what is commonly known as test of employees, to define fixed signals, and providing penalties for the violation of the provisions hereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1926.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following:

"An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 23, inclusive, also strike out all of pages 2 to 4, inclusive, and insert in lieu thereof the following:

"SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of twenty thousand dollars to be expended in accordance with law during the eighty-first and eighty-second fiscal years by the



state board of health for the purpose of inspection and enforcement and for otherwise carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Agriculture and Live Stock.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 740—An act to amend section 359*b* of the Political Code, relating to the Governor's Council.

##### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, as amended, after the comma following the word "resources", insert the following: "director of investment,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

##### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following amendment was introduced:

By Senator Lyon: Senate Constitutional Amendment No. 39—Proposed amendment to article XIII of the constitution, relative to taxation.

Amendment referred to Committee on Constitutional Amendments.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 98—An act to amend section 1861*a* of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished bungalow courts.

Bill read third time.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Lyon moved to refer Assembly Bill No. 98 to Senator Fellom, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "*provided, however,* this section shall not apply to personal property sold on conditional sales contracts, the title to which remains in the vendor, excepting that the apartment house keeper or bungalow court keeper shall have the right, as to such contracts, to be subrogated in place and instead of the vendee."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 98, with instructions to amend, respectfully reports the same back, amended as per instructions.

FELLOM, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Bill ordered to print.

## RECESS.

At ten o'clock a.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs.

CARLOS S. HARDY }

SENATE CHAMBER, April 23, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Harry F. Sewell, Melvyn I. Cronin and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESS CALLED.

Jack I. Woolley was called to the witness stand by the defense, was duly sworn, and testified.

## WITNESS RECALLED.

Edward J. Dennison was recalled to the witness stand by the defense, and testified.

## RECESS.

At ten o'clock and fifty minutes a.m., the President declared the court at recess for five minutes.

## RECONVENED.

At ten o'clock and fifty-five minutes a.m., the court reconvened.

## WITNESS RECALLED.

Edward J. Dennison was recalled to the witness stand by the defense, and testified.

## WITNESS CALLED.

Carlos S. Hardy was called to the witness stand by the defense, was duly sworn, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin, Harry F. Sewell and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand by the defense, and testified.

## RECESS.

At two o'clock and fifty minutes p.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At three o'clock p.m., the court reconvened.

## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand by the defense, and testified.

## ADJOURNMENT.

At four o'clock and twenty-two minutes p.m., the President declared the court adjourned until ten o'clock a.m., Wednesday, April 24, 1929.



## IN SENATE.

At four o'clock and thirty minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## RECESS.

At four o'clock and thirty-five minutes p.m., on motion of Senator Crowley, the President pro tempore declared the Senate at recess until four o'clock and forty minutes p.m., to listen to a short address by Paul McNutt, National Commander of the American Legion.

## RECONVENED.

At four o'clock and forty minutes p.m., the Senate reconvened. President pro tempore of the Senate, Arthur H. Breed, in the chair. Secretary Joseph A. Beek at the desk.

## RECESS.

At four o'clock and forty-two minutes p.m., the President pro tempore declared the Senate at recess until eight o'clock and forty-five minutes p.m.

## RECONVENED.

At eight o'clock and forty-five minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

## SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 754—An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled "An act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bidders on public works under the jurisdiction and control of the Department of Public Works—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

MUELLER, Chairman.

Senate Bill No. 754 ordered on file for second reading.

## ON CORPORATIONS.

## SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Senate Bill No. 222 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Bill No. 574—An act to amend the Political Code by adding a new section

thereto to be numbered section 594c, relating to the sale of securities and capital stock of companies organized for the purpose of transacting an insurance business—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Assembly Bill No. 574 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 221—An act to amend section 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

McKINLEY, Chairman.

Senate Bill No. 221 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 543—An act to amend section 2646 of the Political Code, relating to maintenance and repair of county highways;

Also: Assembly Bill No. 571—An act to amend sections 591 and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of delinquency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund;

Also: Assembly Bill No. 609—An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor;

Also: Assembly Bill No. 1062—An act to add a new section to chapter 4h of part III, title V of the Political Code to be numbered section 2322k, relating to the distribution of certain pests, and to repeal an act entitled "An act to prevent the spread of certain species of plant pests by means of containers, appliances or articles used in connection with various agricultural commodities, to confer upon the Director of the Department of Agriculture the power to designate such species and such treatment therefor as he shall deem adequate to prevent such spread, to confer upon the county horticultural commissioners the power to prescribe such treatment, to prohibit the transporting from or into any county or locality of the State of any such containers, appliances or articles unless proof shall have been furnished that the same have not been exposed to infection or infestation by such plant pests, to make a violation of the provisions hereof a misdemeanor, and to repeal an act entitled 'An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the Director of Agriculture in relation thereto,' approved June 3, 1921," approved April 3, 1925;

Also: Assembly Bill No. 1087—An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 543 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 571 read first time, and referred to Committee on Insurance.

Assembly Bill No. 609 read first time, and referred to Committee on Finance.

Assembly Bill No. 1062 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1087 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 462—An act to amend section 9a34 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, and to add thereto a new section to be numbered 9a22, relating to the salaries of county librarians in counties of the twenty-second and thirty-fourth classes.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 462 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED THIRTY-SEVEN.

##### AMENDMENT NUMBER ONE.

On page 2, line 43, of the printed bill, strike out the words "guilty of a felony", and insert in lieu thereof the following: "punishable by imprisonment in the county jail for eight months; *provided*, that every such inmate who, having been convicted of a felony, escapes from said hospital is punishable by imprisonment in the state prison not exceeding two years".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 337?

The roll was called, and Assembly amendment to Senate Bill No. 337 concurred in by the following vote:

AYES—Senators Allen, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, West, and Young—26.

NOES—None.

Senate Bill No. 337 ordered to print, and enrollment.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 789—An act to amend sections 7 and 8 of an act entitled



"An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to protest;

Also: Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to section 2 of article V of constitution of said State, relating to the election and duration of office of Governor; And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 466—An act to amend an act to create a flood control district to be called "American River Flood Control District"; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding \$25,000, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing said indebtedness by the State and for the repayment of one-half of the moneys so advanced by the State for such redemption, and appropriating the sum of \$25,000 for said purpose, "approved May 28, 1927, by adding a new section thereto, to be numbered 18a," making an appropriation in the sum of \$25,000 to defray the expenses of the district and providing that a portion thereof shall be returned to the State.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Senate Bill No. 466 to Senator McCormack, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 2, line 1, of the title of the printed bill, as amended in Senate April 3, 1929, strike out the words "An act entitled", and insert in lieu thereof the word "the".

## AMENDMENT NUMBER TWO.

On page 2, line 3, of the title of the printed bill, as amended in Senate April 3, 1929, after the word "sections", insert the figure "1" and a comma.

## AMENDMENT NUMBER THREE.

On page 2, line 6, of the title of the printed bill, as amended in Senate April 3, 1929, strike out the word "four", and insert in lieu thereof the word "five".

## AMENDMENT NUMBER FOUR.

On page 2, line 9, of the title of the printed bill, as amended in Senate April 3, 1929, after the comma following the word "trustees", insert the following: "A new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions".

## AMENDMENT NUMBER FIVE.

On page 2, line 1, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "2", and insert in lieu thereof the figure "1".

## AMENDMENT NUMBER SIX.

On page 3, line 7, of the printed bill, as amended in Senate April 3, 1929, after the semicolon following the word "follows", insert a new paragraph as follows:

"SECTION 1. A flood control district is hereby created to be called "American river flood control district," within the county of Sacramento and the boundaries of and territory included within said district shall be as follows:

Beginning at the intersection of the easterly boundary line of reclamation district number one thousand with the south line of fractional section thirty-one, township ten north, range five east, Mount Diablo base and meridian, and running thence easterly along the south line of said section thirty-one to the westerly line of section six of the Rancho del Paso, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book A of surveys, survey number ninety-four; thence southerly along the westerly line of said section six of the Rancho del Paso to the southwest corner of said section; thence easterly along the section lines common to sections five, six, nine and ten of said Rancho del Paso to the northeast corner of section ten of said Rancho del Paso, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho del Paso, said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North avenue to the center line of Cedar street as said street is shown on the plat of Del Paso Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar street to the center line of Grand avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said Grand avenue to the center line of Maple street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple street to the north line of lot thirteen of Oak Ridge acres, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said lot thirteen of Oak Ridge acres to the northwest corner of said lot thirteen; thence southerly along the lot lines common to lots thirteen, fourteen, twenty-two, twenty-one, forty-six, forty-seven, fifty-three and fifty-two of said Oak Ridge acres to the center line of Los Robles boulevard as said boulevard is shown on said plat of Oak Ridge acres; thence easterly along the center line of said Los Robles boulevard to the intersection of said center line with the center line of Marysville boulevard as shown on said plat of said Oak Ridge acres; thence southwesterly along the center line of said Marysville boulevard and the center line of Marysville road to the center line of Arcade boulevard as shown on the map of subdivision number three, North Sacramento, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, maps numbers thirty-four and thirty-five; thence easterly along the center line of said Arcade boulevard to the intersection of the center line of Ben Ali avenue as shown upon said map of said subdivision number three, North Sacramento with the center line of Del Paso boulevard as shown on said map of subdivision number three, North Sacramento; thence southeasterly along

the center line of said Ben Ali avenue to the center line of Kenwood street as shown on said map of subdivision number three, North Sacramento; thence northeasterly and easterly along the center line of said Kenwood street to the center line of Twentieth street as shown on said map of subdivision number three, North Sacramento; thence southerly along the center line of said Twentieth street to the intersection of said center line with the westerly right of way line of the Central Pacific railway; thence southwesterly along the said westerly right of way line of the said Central Pacific railway to the lot line common to lots thirteen and twelve of North Sacramento subdivision number eight according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book thirteen of maps, map number forty-nine; thence northwesterly along said lot line common to lots thirteen and twelve of said North Sacramento subdivision number eight and the production of said lot line to the center line of Helena avenue as shown on the said plat of North Sacramento subdivision number eight; thence southwesterly along the center line of said Helena avenue to the center line of Sixteenth street as shown on the plat of said North Sacramento subdivision number eight; thence northwesterly along the center line of Sixteenth street to the center line of Iris avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly along the center line of said Iris avenue to the center line of Land avenue as shown on the plat of said North Sacramento subdivision number eight; thence along the center line of said Land avenue to the intersection of said center line with the center line of a twenty foot alley between lots one to eight and lots nine and eleven of block thirty five as shown on the plat of said North Sacramento subdivision number eight; thence southwesterly along the center line of said alley to the northwesterly production of the lot line common to lots eighteen and nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly to the northerly corner of lot nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly along the lot line common to said lots eighteen and nineteen of said block thirty to the northwest corner of lot twenty of said block thirty; thence southerly along the lot line common to said lots nineteen and twenty of said block thirty and the production thereof to the center line of Helena avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly to the center line of San Antonio street as shown on the plat of said North Sacramento subdivision number eight; thence southerly along the center lines of San Antonio street as shown on the plat of said North Sacramento subdivision number eight and Thirteenth street as shown on the plat of North Sacramento subdivision number one, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, map number twenty-six, to the center line of El Camino avenue as shown on the plat of said North Sacramento subdivision number one; thence easterly along the center line of said El Camino avenue to the west line of section twenty-seven of the Rancho del Paso, thence southerly along the west line of said section twenty-seven of the Rancho del Paso to the center line of Stephenson avenue as shown on the plat of subdivision of section number twenty-eight, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number nine; thence easterly along the center line of said Stephenson avenue one-quarter mile, more or less, to the intersection of said center line with the lot line common to lots six and seven of said subdivision of section number twenty-eight; thence southerly one-half mile, more or less, along the lot lines common to lots six, seven, eleven, twenty-one and twenty-three of said subdivision of section number twenty-eight to the southerly lot corner common to lots twenty-one and twenty-three of said subdivision of section number twenty-eight; thence westerly one-quarter mile, more or less, along the southerly line of lots twenty-three, twenty-six and twenty-five of said subdivision of section number twenty-eight to the center line of Nineteenth street as shown on the plat of said subdivision of section number twenty-eight; thence southerly one-quarter mile, more or less, along the center line of said Nineteenth street to the northwest corner of lot fifty-six of said subdivision of section number twenty-eight; thence easterly one-half mile, more or less, along the northerly line of lots fifty-six, fifty-five, fifty-four and fifty-three to the northeast corner of lot fifty-three of said subdivision of section number twenty-eight; thence southerly one-quarter mile, more or less, to the southeast corner of lot sixty of said subdivision of section number twenty-eight; thence southerly three-eighths of a mile, more or less, along the west line of the northeast one-quarter of section sixty-five of the Rancho del Paso, to the southwest corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-eighth of a mile, more or less, to the southeast corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence northerly one-eighth of a mile, more or less, to the northeast corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-quarter of a mile, more or less, to the southeast corner of the northwest one-quarter of the northeast one-quarter of the northeast one-quarter of said section sixty-five; thence northerly one-quarter of a mile, more or less, to the northeast corner of the northwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-quarter mile, more or less, to the section corner common to sections twenty-eight, twenty-nine, sixty-five and sixty-two of the



Rancho del Paso; thence southerly one mile, more or less, to the section corner common to sections sixty-five, sixty-two, sixty-four and sixty-three of the Rancho del Paso; thence easterly along the north line of Oak field, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book fourteen of maps, map number nineteen, said north line being also the section line common to sections sixty-two and sixty-three of the Rancho del Paso, to the northeast corner of lot three of said Oak field; thence southerly along the lot lines common to lots three, four, twenty-nine, thirty, thirty-five and thirty-six of said Oak field to the southerly boundary of said Oak field; thence southeasterly and northeasterly along the southerly boundary of Oak field to the southeast corner of lot forty-three of said Oak Field; thence northerly along the east line of said lot forty-three to the northeast corner thereof; thence easterly along the north line of lots forty-four, forty-five, forty-six and forty-seven of said Oak field to a point on the east line of section sixty-three of the Rancho del Paso, said point being in the center of a county road known as the H street road; thence northeasterly along the center line of said H street road to the northerly lot corner common to lots two and three of Citrus Heights addition number sixteen, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number six; thence southeasterly along the lot line common to said lots two and three of said Citrus Heights addition number sixteen to the southerly lot corner common to said lots two and three; thence northeasterly, northwesterly, northeasterly and southeasterly along the boundary line of said Citrus Heights addition number sixteen to the most southerly corner of lot eight of said Citrus Heights addition number sixteen; thence easterly to the center of section fifty-seven of the Rancho del Paso; thence south to the center of the American river; thence southwesterly down and along the center of the American river to the section line common to sections five and six, township eight north, range six east, Mount Diablo base and meridian; thence south along said section line to a point eleven and seventy one-hundredths chains north of the section corner common to sections five, six, seven and eight, township eight north, range six east; thence south twenty degrees east to the southerly line of the right of way of the Sacramento Valley railroad; thence southwesterly and westerly along the said southerly right of way line of said Sacramento Valley railroad to the intersection thereof with the northerly production of the easterly boundary line of lot number thirty-two of New Ramona colony, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book two of maps, map number seven; thence southerly along the easterly boundary of lots thirty-two, thirty-one, twenty-three, twenty-four and thirty of said New Ramona colony to the southeast corner of lot thirty of said New Ramona colony; thence continuing southerly along the production of the easterly lot line of said lot thirty to the center line of a county road, said road being the easterly production of Vine street as shown on the plat of Raffetto Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number fifty-seven; thence westerly along the center line of said county road and said Vine street to the southeast corner of the city limits of the city of Sacramento; thence westerly along the southerly city limits of the city of Sacramento to the intersection thereof with the easterly bank of the Sacramento river; thence northerly along said east bank of the Sacramento river to the intersection thereof with the southerly boundary of reclamation district number one thousand; thence easterly and northerly along the boundary of said reclamation district number one thousand to the point of beginning, containing twenty-three thousand acres, more or less, and being composed of the city of Sacramento, the city of North Sacramento, and certain contiguous unincorporated territory in Sacramento county.

SEC. 2. Section 2 of said act is hereby amended to read as follows:".

#### AMENDMENT NUMBER SEVEN.

On page 4, line 2, of the printed bill, as amended in Senate April 3, 1929, beginning on said line 2, strike out the words "to that end. The", and insert in lieu thereof the following: "and to that end the".

#### AMENDMENT NUMBER EIGHT.

On page 4, line 37, of the printed bill, as amended in Senate April 3, 1929, strike out the period following the word "provided", and insert in lieu thereof a semicolon and the following: "and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrant shall bear after registration and until such payment."

#### AMENDMENT NUMBER NINE.

On page 5, line 20, of the printed bill, as amended in Senate April 3, 1929, strike out the words "this act", and insert in lieu thereof the following: "subdivision (1) of this section".

#### AMENDMENT NUMBER TEN.

On page 5, line 29, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "2", and insert in lieu thereof the figure "3".

## AMENDMENT NUMBER ELEVEN.

On page 6, line 25, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "3", and insert in lieu thereof the figure "4".

## AMENDMENT NUMBER TWELVE.

On page 6, line 33, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "4", and insert in lieu thereof the figure "5".

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 45, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "5", and insert in lieu thereof the figure "6".

## AMENDMENT NUMBER FOURTEEN.

On page 6, line 47, of the printed bill, as amended in Senate April 3, 1929, strike out the period and the word "They", and insert in lieu thereof a comma and the following: "but each member of the board shall receive the necessary expenses incurred by him in the performance of his duties. Said board of trustees".

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 5, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "6", and insert in lieu thereof the figure "7".

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 46, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "7", and insert in lieu thereof the figure "8".

## AMENDMENT NUMBER SEVENTEEN.

On page 8, line 10, of the printed bill, as amended in Senate April 3, 1929, strike out the word "these", and insert in lieu thereof the word "the".

## AMENDMENT NUMBER EIGHTEEN.

On page 8, line 21, of the printed bill, as amended in Senate April 3, 1929, strike out the word "therefor", and insert in lieu thereof the word "therefrom".

## AMENDMENT NUMBER NINETEEN.

On page 8, line 23, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "8", and insert in lieu thereof the figure "9".

## AMENDMENT NUMBER TWENTY.

On page 8, line 25, of the printed bill, as amended in Senate April 3, 1929, strike out the word "original".

## AMENDMENT NUMBER TWENTY-ONE.

On page 8, line 33, of the printed bill, as amended in Senate April 3, 1929, after the word "flood", insert the following: "and storm".

## AMENDMENT NUMBER TWENTY-TWO.

On page 8, line 35, of the printed bill, as amended in Senate April 3, 1929, after the word "flood", insert the following: "waters, the".

## AMENDMENT NUMBER TWENTY-THREE.

On page 9, line 6, of the printed bill, as amended in Senate April 3, 1929, strike out the word "thereat", and insert in lieu thereof the following: "except as herein-after otherwise provided".

## AMENDMENT NUMBER TWENTY-FOUR.

On page 9, line 20, of the printed bill, as amended in Senate April 3, 1929, after the period insert a new paragraph as follows:

"SEC. 10. A new section is hereby added to said act to be numbered 10a and to read as follows:

Sec. 10a. Notwithstanding any other provision in this act contained, the city council or other governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages to be raised therefrom in each of such zones for the purposes of assessment have been finally fixed and determined by the board of trustees as in section 9 of this act provided but before the calling of the bond election as in section 10 of this act provided, may, with the consent of the board of trustees of said district, enter into a contract with said district to pay to said district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the electors residing within said zone or zones shall not be entitled to vote at such bond election. Said contract shall contain such other and additional provisions as may in the opinion of the board of trustees of said district be necessary or advisable in order to protect the interests of said district and to

substitute said contract in lieu and instead of said assessments within said zone or zones so assumed by said municipality or other political subdivision. It shall be wholly optional with the board of trustees of said district whether or not to proceed as in this section provided."

## AMENDMENT NUMBER TWENTY-FIVE.

On page 9, line 21, of the printed bill, as amended in Senate April 3, 1929, strike out the figure "9", and insert in lieu thereof the figures "11".

## AMENDMENT NUMBER TWENTY-SIX.

On page 9, line 30, of the printed bill, as amended in Senate April 3, 1929, after the word "place", insert a comma and the following: "or places".

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 9, line 38, of the printed bill, as amended in Senate April 3, 1929, after the word "place", insert a comma and the following: "or places,".

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 10, line 3, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "10", and insert in lieu thereof the figures "12".

## AMENDMENT NUMBER TWENTY-NINE.

On page 10, line 5, of the printed bill, as amended in Senate April 3, 1929, strike out the words "Within ten days after the execution", and insert in lieu thereof the following: "At any time prior to the sale and delivery".

## AMENDMENT NUMBER THIRTY.

On page 10, line 35, of the printed bill, as amended in Senate April 3, 1929, commencing in said line 35, strike out the following: "and no such action or proceeding shall be commenced by any party other than the board of trustees until the expiration of ten days after such bonds have been so executed, nor unless the action in this section provided for shall not have been commenced by the board of trustees within said period of ten days", and insert in lieu thereof the following: "and if the action or proceeding shall be commenced by the board of trustees as in this section provided, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board of trustees".

## AMENDMENT NUMBER THIRTY-ONE.

On page 10, line 49, of the printed bill, as amended in Senate April 3, 1929, commencing in said line 49, strike out the following: "The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention."

## AMENDMENT NUMBER THIRTY-TWO.

On page 11, line 1, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "11", and insert in lieu thereof the figures "13".

## AMENDMENT NUMBER THIRTY-THREE.

On page 11, line 21, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "12", and insert in lieu thereof the figures "14".

## AMENDMENT NUMBER THIRTY-FOUR.

On page 11, line 41, of the printed bill, as amended in Senate April 3, 1929, strike out the word "on", and insert in lieu thereof the word "or".

## AMENDMENT NUMBER THIRTY-FIVE.

On page 11, line 47, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "13", and insert in lieu thereof the figures "15".

## AMENDMENT NUMBER THIRTY-SIX.

On page 12, line 7, of the printed bill, as amended in Senate April 3, 1929, strike out the word "property", and insert in lieu thereof the word "lands".

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 12, line 8, of the printed bill, as amended in Senate April 3, 1929, strike out the word "property", and insert in lieu thereof the word "lands".

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 12, line 11, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "14", and insert in lieu thereof the figures "16".

## AMENDMENT NUMBER THIRTY-NINE.

On page 12, line 21, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "15", and insert in lieu thereof the figures "17".



## AMENDMENT NUMBER FORTY.

On page 12, line 32, of the printed bill, as amended in Senate April 3, 1929, after the word "levy", insert the following: "in which tax may be included a sum sufficient, in the judgment of the board of trustees, to take care of anticipated delinquencies".

## AMENDMENT NUMBER FORTY-ONE.

On page 12, line 35, of the printed bill, as amended in Senate April 3, 1929, after the comma following the word "thereof", strike out the word "and".

## AMENDMENT NUMBER FORTY-TWO.

On page 13, line 39, of the printed bill, as amended in Senate April 3, 1929, after the word "tax", insert the following: "for each zone".

## AMENDMENT NUMBER FORTY-THREE.

On page 14, line 5, of the printed bill, as amended in Senate April 3, 1929, strike out the words "real property", and insert in lieu thereof the word "land".

## AMENDMENT NUMBER FORTY-FOUR.

On page 14, line 11, of the printed bill, as amended in Senate April 3, 1929, strike out the word "takes", and insert in lieu thereof the word "taxes".

## AMENDMENT NUMBER FORTY FIVE.

On page 14, line 32, of the printed bill, as amended in Senate April 3, 1929, strike out the words "as distinguished from a general tax".

## AMENDMENT NUMBER FORTY-SIX.

On page 14, line 33, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "16", and insert in lieu thereof the figures "18".

## AMENDMENT NUMBER FORTY SEVEN.

On page 15, line 25, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "17", and insert in lieu thereof the figures "19".

## AMENDMENT NUMBER FORTY EIGHT.

On page 15, line 33, of the printed bill, as amended in Senate April 3, 1929, strike out the word "twenty-five", and insert in lieu thereof the word "thirty".

## AMENDMENT NUMBER FORTY NINE.

On page 15, line 33, of the printed bill, as amended in Senate April 3, 1929, beginning in said line 33, strike out the word "twenty-five", and insert in lieu thereof the word "thirty".

## AMENDMENT NUMBER FIFTY.

On page 15, line 46, of the printed bill, as amended in Senate April 3, 1929, strike out the word "twenty-five", and insert in lieu thereof the word "thirty".

## AMENDMENT NUMBER FIFTY-ONE.

On page 16, line 18, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "18", and insert in lieu thereof the figures "20".

## AMENDMENT NUMBER FIFTY-TWO.

On page 16, line 37, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "19", and insert in lieu thereof the figures "21".

## AMENDMENT NUMBER FIFTY-THREE.

On page 16, line 52, of the printed bill, as amended in Senate April 3, 1929, strike out the word "readvertised", and insert in lieu thereof the word "readvertise".

## AMENDMENT NUMBER FIFTY-FOUR.

On page 17, line 12, of the printed bill, as amended in Senate April 3, 1929, strike out the period following the word "section", and insert in lieu thereof a semicolon and the following: "provided further, that none of the foregoing provisions of this section shall apply to work done by contract with the United States, State of California, or any political subdivision, or public agency thereof."

## AMENDMENT NUMBER FIFTY-FIVE.

On page 17, line 20, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "20", and insert in lieu thereof the figures "22".

## AMENDMENT NUMBER FIFTY SIX.

On page 17, line 23, of the printed bill, as amended in Senate April 3, 1929, beginning in said line 23, strike out the following: "and the proceeds of the sale thereof have been expended" [as in this act provided and authorized.].

## AMENDMENT NUMBER FIFTY-SEVEN.

On page 17, line 37, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "21", and insert in lieu thereof the figures "23".

## AMENDMENT NUMBER FIFTY-EIGHT.

On page 17, line 38, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "22", and insert in lieu thereof the figures "24".

## AMENDMENT NUMBER FIFTY-NINE.

On page 17, line 50, of the printed bill, as amended in Senate April 3, 1929, strike out the figures "23", and insert in lieu thereof the figures "25".

## AMENDMENT NUMBER SIXTY.

On page 18, line 8, of the printed bill, as amended in Senate April 3, 1929, after the word "the", insert the following: "lands within said district including the".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 466, with instructions to amend, respectfully reports the same back, amended as per instructions.

MCCORMACK, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 386—An act to add a new section, to be numbered 3, to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury of all moneys, belonging to the State, received by the various State institutions, commissioners and officers and directing the disposition of same,' approved March 17, 1899, as amended, relating to the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1905.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 386 to Senator Handy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, as amended, after the comma following the syllables "prinations", insert the following: "and the proceeds from the sale or exchange of surplus products between public institutions, the disposition of which is otherwise provided for by law."

## AMENDMENT NUMBER TWO.

On page 2, line 27, of the printed bill, as amended, strike out all of said line following the comma after the word "institution", and strike out the following words: "of money or with wearing apparel."

## AMENDMENT NUMBER THREE.

On page 2, line 36, of the printed bill, as amended, strike out the comma, and insert in lieu thereof a period, and strike out all of the words in said line following said comma, and strike out all of lines 37 to 42, inclusive, of said page, and strike out the following words in line 43 of said page: "the proposals therefor".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 386, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board or commission.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Senate Bill No. 301 to Senator Maloney as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out all of lines 4 to 7, inclusive, and insert in lieu thereof the following: "board of supervisors to a county office as defined by section 4013 of the Political Code".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 301, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting or reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in lime, cement and other reduction plants.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Murphy moved to refer Senate Bill No. 14 to Senator Crowley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 10, of the title of the amended printed bill, insert after the word "employed" the words "in sheds or buildings."

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the title of the amended printed bill, strike out the period, and insert in lieu thereof the following: "where dust is created."

## AMENDMENT NUMBER THREE.

On page 1, lines 15, 16 and 17, of the amended printed bill, strike out the following: "or employees working in sheds or buildings in lime, cement or other reduction plants where dust is created".

## AMENDMENT NUMBER FOUR.

On page 2, lines 6 to 10, inclusive, of the amended printed bill, strike out the following: " ; provided, further, that this section shall not apply to workers employed in such lime, cement or other reduction plants in the installation or repair of machinery, buildings or equipment, nor in case of extraordinary emergency.", and insert in lieu thereof a period.



## AMENDMENT NUMBER FIVE.

On page 2, line 10, of the amended printed bill, insert a new paragraph reading as follows:

"The period of employment for all employees working in sheds or buildings in lime, cement or other reduction plants where dust is created shall not average more than eight hours per day nor exceed forty-eight hours within any calendar week; *provided, however*, that this provision shall not apply to workers employed in the installation or repair of machinery, buildings or equipment, nor in cases of extraordinary emergency."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 22, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 14, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Murphy adopted.

Bill ordered to print, and re-engrossment.

## SENATOR WELLER IN THE CHAIR.

At nine o'clock and twenty-five minutes p.m., Senator Weller of the Thirty-sixth District was called to the chair.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish and other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto, to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Lyon moved to refer Senate Bill No. 434, as amended March 15, 1929, to Senator Hurley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 3, line 3, of the printed bill, following the word "process", strike out the punctuation mark and insert a semicolon and the following: "except of the species, in the manner and to the amount allowed by this act;"

## AMENDMENT NUMBER TWO.

On page 3, line 16, of the printed bill, strike out that portion of the line following the semicolon, and all of lines 17 to 22, inclusive, and in lieu thereof insert the following: "*provided*, that in order to permit sardine canneries to operate efficiently and economically and at a constant rate of output approaching maximum capacity, and in order to allow such canning plants to discard broken and spoiled fish and fish of a size unsuitable for canning and unavoidable overcatches, it is hereby declared lawful for a canner of sardines actually engaged in canning sardines to take and use in a reduction plant in each calendar month sardines to the amount of forty per cent (40%) of the amount of sardines actually received at such canning plant during each calendar month: *provided further*, that in determining percentage

of sardines used for reduction purposes by canneries it shall be deemed that a ton of sardines suitable for canning in size and condition will produce twenty cases of one pound oval cans of sardines (forty-eight cans to the case) or the equivalent, if other size cans are used.

In order to provide for the efficient and economical operation of plants preserving sardines by the common methods of drying, salting, smoking, or pickling, it is hereby declared to be lawful for such plants to discard and use in a reduction plant or by reduction process such sardines as are unfit for drying, salting, smoking, or pickling, which are not deliberately taken into the plant in a condition unfit for processing.

Other fish, undesirable for canning, drying, salting, smoking, or pickling, may be used in a reduction process when the same are delivered at any canning, drying, salting, smoking, or pickling plant mixed with sardines or when received in a condition unfit for canning, drying, salting, smoking, or pickling; provided that the same have not been deliberately taken into such plant in an unfit condition."

#### AMENDMENT NUMBER THREE.

On page 2 of the printed bill, following line 20, and before line 21, insert the following paragraph:

"It shall be unlawful to take, catch, kill or have in possession any sardines in the State of California at any time except as provided in this section. It shall be lawful to take, catch, kill and have in possession sardines during the open season which shall begin and end, both dates inclusive, as herein prescribed, the open season in fish and game districts numbered eighteen, nineteen, twenty, twenty "A" and twenty-one shall be from November first of one year to March thirty-first of the year following; the open season elsewhere in the state shall be from August first of one year to February fifteenth of the year following; *provided*, that sardines may be taken or held in possession at any time for bait or for sale in the fresh fish market or for consumption in a fresh condition or for the purpose of packing in cans commonly known as quarter-pound or square cans less than a half pound in net weight."

#### DEMAND FOR PREVIOUS QUESTION.

Senator Inman demanded the previous question.

The question being put: Shall the main question be now put?

Demand sustained.

The question being on Senator Lyon's motion to refer Senate Bill No. 434 to Senator Hurley as Special Committee of One for amendment.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Lyon, Tubbs and Young.

The roll was called, and the motion carried by the following vote:

AYES—Senators Baker, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Gray, Hurley, Inman, Lyon, Maloney, McKinley, Merriam, Pedrotti, Sharkey, Swing, and West—20.

NOES—Senators Allen, Breed, Cassidy, Cobb, Fellom, Garrison, Handy, Jones, Ray, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and Young—17.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 434, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Lyon adopted.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Carter moved to refer Senate Bill No. 434 to Senator Sharkey, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 3, line 22, of the printed bill, as amended March 15, 1929, after the word "month" and period following, add the following:

"In order to regulate plants other than packing plants and reduction plants, where by a reduction or extraction process, the fish or the oil therefrom is manufactured into products which are fit for human consumption, the fish and game

commission shall have the powers hereby granted to make a determination as to whether the products of such plants are intended to be used for human consumption. It shall be unlawful for any person, firm, association or corporation except packers as above specified, by a reduction or extraction process to use sardines without obtaining a permit from the fish and game commission.

In order to obtain such permit, written application must be filed with said fish and game commission, setting forth the quantity of fish to be used, the location of the plant, process used and the nature of products to be manufactured out of the sardines to be received.

Thereupon the fish and game commission shall hold a hearing and the applicant shall furnish proof that the product to be manufactured out of such fish is fit for human consumption, is intended so to be used, and will, in fact, be used for human consumption and that either fifty per cent of the wet weight of such fish or all of the oil extracted from such fish will be used in the manufacture of such product within the State of California. If the commission is satisfied that the product so to be manufactured is fit for human consumption, and will, in fact, be used entirely for human consumption and that either fifty per cent of the wet weight of the fish will be used in the manufacture of such product or that all of the oil to be extracted from such fish will be so used, and within the State of California, then the commission shall issue a permit authorizing applicant to use in its said plant the quantity of fish requested in said application for the purposes therein specified. If at any time it shall appear to the commission that neither fifty per cent of the wet weight of the fish received at said plant under such permit nor all of the oil extracted from such fish is being used to manufacture within the State of California a product fit for human consumption or that all of the product manufactured at said plant from such fish under said permit is not being used entirely for human consumption then the commission shall issue an order requiring the permittee to show cause before the commission at a time and place to be fixed by said commission why said permit should not be revoked. The time of the hearing shall be not less than five days after the service of said order to show cause. At such hearing, the commission shall take testimony and if the commission finds that any of the terms of the permit have been violated, it may revoke said permit or suspend the same for such period of time as to it may seem proper."

The question being on Senator Carter's motion to refer Senate Bill No. 434 to Senator Sharkey, as a Special Committee of One, for amendment.

#### AYES AND NOES DEMANDED.

A roll call was demanded by Senators Murphy, Evans, and Carter. The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Christian, Cleveland, Edwards, Evans, Gray, Lyon, McKinley, Merriam, Podrotti, Rochester, Sharkey, Weller, and West—14.

NOES—Senators Allen, Breed, Canepa, Cassidy, Cobb, Crowley, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, and Young—21.

Senate Bill No. 434 ordered to print and re-engrossment.

#### RE-REFERENCE OF SENATE BILL.

Senator Inman asked for and was granted unanimous consent to have Senate Bill No. 863 withdrawn from Committee on Judiciary and re-referred to Committee on Insurance.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, April 23, 1929.

*To the Senate of the State of California.*

Senate Bill No. 416 is herewith returned without my approval.

This bill is designed to place aircraft and aviators within the State under the regulation of Congress and the rules of the Federal Department of Commerce. This is a bill along lines of a policy with which everyone is in agreement, and it would most assuredly be signed except for two very vital omissions which should form part of any proper aviation legislation.

The first of these omissions has to do with the safeguarding of aviation regulation until the time of our next legislative session. The Attorney General has advised me that should Congress at its next session enact legislation on this subject materially



different from that which is incorporated in this bill, the provisions of this bill would probably no longer be legal and constitutional, thus leaving us without any aviation law at all.

It is admitted by everybody that this must not be permitted to happen. The Attorney General and Legislative Counsel have accordingly prepared a saving clause, whereby, in the event this bill should become unconstitutional, the State could carry out the desired purpose through an agency which would place in effect the appropriate federal regulations.

The second omission has to do with the regulation of unduly low flying over populated areas, and with the protection of the public against unnecessary stunt flying. The value of such a provision has been demonstrated by the lamentable accident which took place only a day or two ago. While this dangerous practice is covered in a measure by federal regulations, the facilities of the federal regulatory officials are admittedly inadequate to sufficient public protection.

If it had been possible, these two necessary additions—one for legal safeguards and the other for public protection—would have been incorporated as amendments to the present bill; for without them the bill, though incorporating principles with which everyone agrees, is fatally defective as a safe and permanent aviation law. This bill has passed both houses, however, and it is therefore too late to amend it.

Fortunately there is now pending on third reading in the Senate a companion Assembly measure, embodying exactly the principles and provisions of this Senate bill. Its author has agreed that the two omissions above noted shall be added as amendments to this companion bill, thus forestalling a possible situation where the State might be left without any aviation law, and also affording the added protection to the public which is the chief purpose of such a law. The resulting legislation will therefore give to aviation exactly the legislation which it is seeking, with the additional safeguards which these two amendments offer.

Accordingly, upon the advice of the Attorney General, I am returning Senate Bill No. 416 without my approval.

Respectfully submitted.

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 416 become a law notwithstanding the objections of the Governor?

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Follom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 673—An act relating to the ages of retirement and to the payment of retirement salaries to teachers employed in the public schools of this State;

Also: Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California;

Also: Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years;

Also: Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or

State and private parties with any such bridges also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to acquire, purchase or construct or the cost of such acquisition or construction and the amount of revenue bonds issued to be issued for such purpose; also authorizing California Toll Bridge Authority to issue toll revenue bonds to provide funds for the acquisition or construction of any bridges or other toll highway crossings deemed to be in the public interest and the interest thereon only by the tolls or other means received from such bridges or bridges or other highway crossings and to operate the same and maintain the same; also authorizing the acquisition and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridges or other highway crossings and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and repaid and the payment of tolls and revenue bonds and the payment of interest thereon; also authorizing the California Toll Bridge Authority to charge and fix the rates of tolls on such bridges or other highway crossings and regarding the amount thereof; also authorizing the Department of Public Works of the State of California to acquire and maintain any toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridge or other toll highway crossing or approach thereto, with rights, easements, franchises, and other appurtenances necessary to acquire same; also authorizing the same to be used by any person, firm or private corporation or otherwise and defining the powers thereof; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the movement of commodities or passengers; and providing the time and manner of making such payments; also providing for the elimination of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the rental of the terms of such franchises or bonds issued hereunder; also creating and establishing public funds and specifying the manner in which moneys may be withdrawn therefrom; also providing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings required or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Board of Public Works to designate certain to city roads as State highways; also authorizing the acquisition or construction of rights or interests in connection with such bridges or other highway crossings; also authorizing county insurance, indemnity bonds or contract to secure on bridges and other highway crossings constructed under this act; also giving, donating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto. Has had the same under consideration and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill Nos. 673, 674, 856, 858 and 700 ordered on file for second reading.

Also—

MR. PRESIDENT, Your Committee on Finance to which was referred Assembly Bill No. 117—An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, moving transportation thereon and prescribing penalties for the violation of the provisions of the act.

Also Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California; providing

the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act;

Also: Assembly Bill No. 374—An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin prison;

Also: Assembly Bill No. 385—An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom;

Also: Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State Teachers College;

Also: Assembly Bill No. 448—An act making an appropriation for the purchase of a land site and the construction and equipment of a warehouse thereon, for the use of the Division of Motor Vehicles, and such other State uses as may be approved by the director of finance; transferring certain moneys to the general fund and abolishing the transfer and operators' license fund;

Also: Assembly Bill No. 744—An act making an appropriation to pay the claim of H. C. Miller against the State of California;

Also: Assembly Bill No. 772—An act making an appropriation for the construction and completion, equipment, and furnishing of an addition to the State office building at San Francisco, California;

Also: Assembly Bill No. 945—An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry;

Also: Assembly Bill No. 1061—An act making an appropriation to meet a deficiency in the appropriation for subsidies, of the Bureau of Tuberculosis of the Department of Public Health;

Also: Assembly Bill No. 1067—An act making an appropriation to meet a deficiency in the appropriation for support of the Railroad Commission for the seventy-ninth and eightieth fiscal years;

Also: Assembly Bill No. 1093—An act making an appropriation for minor construction, improvements and repairs at San Quentin Prison;

Also: Assembly Bill No. 1102—An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego;

Also: Assembly Bill No. 1129—An act making an appropriation for the construction of a cottage at the Woman's Relief Corps Home;

Also: Assembly Bill No. 1140—An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian River;

Also: Assembly Bill No. 1141—An act making an appropriation for the construction of jetties at the mouth of the Russian River;

Also: Assembly Bill No. 1084—An act making an appropriation to meet the deficiency in the appropriation for support of the University of California for the seventy-ninth and eightieth fiscal years;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Assembly Bills Nos. 117, 166, 374, 385, 436, 448, 744, 772, 945, 1061, 1067, 1093, 1102, 1129, 1140, 1141, 1084 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 487—An act to provide for the establishment and maintenance of convalescent tuberculosis departments or colonies and preventoria, defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill No. 487 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 700—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in Riverside County, State of California—has had the same under consideration, and respectfully reports the same



back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Assembly Bill No. 700 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 516—An act to amend sections 1, 3, 4, 5, 10, 12, 13, 22, 23, 24 and 36 of the Direct Primary Law approved June 16, 1913, as amended, relating to the time at which primary elections and party conventions shall be held, and the manner of selecting members of county central committees, and limiting the right of candidates to affiliate with more than one political party—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

MERRIAM, Chairman.

Senate Bill No. 516 ordered on file for second reading.

#### ON BANKING.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 373—An act to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

WELLER, Chairman.

Senate Bill No. 373 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes and dates, produced by another in the State of California, and making the same an urgency measure, making an appropriation therefor—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

#### ADJOURNMENT.

At eleven o'clock and thirty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until nine o'clock and thirty minutes a.m., Wednesday, April 24, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, April 24, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, April 23, 1929, the further reading was dispensed with, on motion of Senator Slater.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 40—Relative to approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a nominating municipal election held therein on the sixteenth day of April, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 40—Relative to approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a nominating municipal election held therein on the sixteenth day of April, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 40 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 40 ordered transmitted to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 39—Relative to approving four certain amendments to the charter of the city of Pacific Grove, California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 39—Relative to approving four certain amendments to the charter of the city of Pacific Grove, California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 39 adopted by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 39 ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management thereof, and making an appropriation therefor:

Also: Assembly Bill No. 714—An act creating the Napa State Farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately:

Has had the same under consideration, and respectfully reports the same back, and recommends that they be re-referred to Committee on Finance.

Committee membership: 5; committee vote: Ayes—4; absent—1.

GRAY, Chairman.

Assembly Bills Nos. 523 and 714 ordered re-referred to Committee on Finance.

##### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 75—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending section 39 thereof:

Also: Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, by amending the title thereof and sections 7 and 18 thereof and adding new sections thereto to be numbered 37 to 59 inclusive, relating to the powers and duties of water districts and the boards of directors thereof and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such district:



Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

GARRISON, Chairman.

Assembly Bills Nos. 75 and 988 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 403—An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor:

Also: Assembly Bill No. 798—An act authorizing and providing for report upon the methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and be referred to the Committee on Finance for further consideration.

Committee membership—7; committee vote: Ayes—6; absent—1.

GARRISON, Chairman.

Assembly Bills Nos. 403 and 798 ordered referred to Committee on Finance.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 394—An act to amend section 626f of the Penal Code, relating to the protection of fish and game—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 394 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Manufactures.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 251 ordered re-referred to Committee on Manufactures.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 208—An act to amend section 636 of the Penal Code, relating to netting;

Also: Senate Bill No. 692—An act to add a new section to the Penal Code, to be numbered 629b, relating to the protection of fish;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bills Nos. 208 and 692 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and

defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Vocational Standards, should such a department be created and in that event defining the powers and duties of said department under this act.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 23, of the printed bill, strike out lines 23 to 30, inclusive, and insert in lieu thereof the following: "determined by the board."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians and cosmetologists.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 8, of the printed bill, strike out the entire line.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 10, of the printed bill, following the word "nature", insert a comma.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 29, of the printed bill, strike out all of said line 29, and insert in lieu thereof the following:

"Sec. 2a. A new section to be numbered 3a is hereby added to said act to read as follows:

Sec. 3a. It shall be unlawful for any person, firm or corporation to hire, or employ any person to engage in the practice of cosmetology, or any branch thereof, unless such person then hold a valid, unexpired and unrevoked certificate of registration and license to practice the occupations of a hairdresser and cosmetician, or cosmetologist, or one or more of the branches of cosmetology, as the case may be, issued under the provisions of this act. A violation of the provisions of this section shall constitute a misdemeanor punishable as provided in section 3 hereof.

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, strike out lines 15 to 21, inclusive, and insert in lieu thereof the following: "for every meeting of the board which they attend and ten (\$10.00) dollars for the correction of every fifty examination papers or fraction thereof, together with their necessary".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 754—An act to add a new section to be numbered 2a to an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 221—An act to amend section 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are herein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title to the printed bill, strike out line 1, and insert in lieu thereof the following:

"An act to amend sections 2 and 20 of an act entitled "An act provid-".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 1 to 22, inclusive, and pages 2 and 3, and insert in lieu thereof the following:

"SECTION 1. Section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, relating to fees, is hereby amended to read as follows:

Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting"; "oath"



includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respecting meanings:

1. The word "department" means the "state corporation department" created by this act.

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign private corporations, associations, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined.

4. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment.

5. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined.

6. The word "individual" in so far as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue.

7. The word "security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security.

8. "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; *provided*, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; *and provided*, *further*, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

9. The word "agent" as used in this act means and includes every person or company employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security not exempt under the provisions of this act.

10. The word "broker" includes every person or company, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security not exempt under the provisions of this act issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.

11. The word "mortgage" shall be deemed to include a deed of trust to secure a debt, and the word "mortgagee" shall be deemed to include a trustee and/or beneficiary under a deed of trust.

(b) Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

1. Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or resale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or resold in this state as a valid obligation by such foreign government or by such state, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the federal farm loan act of July 17, 1916, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to authority granted by the congress of the United States of America, or by any company organized and existing under and by virtue of any act of congress.

4. Any security issued by and representing an interest in or a direct obligation of a state bank, trust company or savings institution incorporated under the laws of this state.

5. Any security the issuance of which has been authorized by the railroad commission of this state or by the interstate commerce commission.

6. Any security issued by a company organized for the purpose of conducting a building and loan business within this state subject to the supervision of the building and loan commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business within this state subject to the jurisdiction of the insurance commissioner.

8. Any security (except notes, bonds, debentures, or other evidences of indebtedness) issued by a company organized under the laws of this state exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit and no part of the earnings of which inures to the benefit of any private stockholder or individual.

9. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this state.

10. Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce.

11. Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(c) Except as hereinafter expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

1. At any judicial, executor's, administrator's or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

2. By or for the account of a pledgee or mortgagee selling or offering for sale or delivery in the ordinary course of business, to liquidate a bona fide debt, a security pledge in good faith as security for such debt.

3. The sale in a bona fide way of any security by an owner who is not the issuer or an underwriter thereof, who sells the same for his own account; and not for the purpose of evading the provisions of this act.

SEC. 2. Section 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

SEC. 20. The commissioner shall charge and collect the following fees:

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One-twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees;

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; *provided, however*, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Interim or voting trust certificates shall be deemed to have a value equal to the aggregate value of the securities to be represented by said interim or voting trust certificates.

(d) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(e) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a permit or other authority to make dividends, create debts, or to divide, withdraw, increase, reduce or pay to the stockholders, or any of them, the capital stock, or any part thereof, the same amount that would otherwise be chargeable or collectible if such application were for a permit to issue securities; *provided*, that in any such case the value shall be determined by the amount of dividends made, debts created, or capital stock divided, withdrawn, increased, reduced, or paid.

3. For filing any application for a broker's certificate, twenty-five dollars.

4. For filing any application for an agent's certificate, five dollars.

5. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation, not exceeding ten dollars per day, paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents for each folio.

7. For certified copies of official documents, orders and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of section 18 of this act, and for transcript on appeal, fifteen cents for each folio and one dollar for each certificate under seal affixed thereto.

8. For certificate of service and mailing of process served upon the commissioner under the provisions of section 18 of this act, two dollars.

9. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charge and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the corporation commission fund, which fund is hereby created."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are herein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 3, of the printed bill, strike out the words "of his own selection", and insert in lieu thereof the words "employed by him".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 4, of the printed bill, strike out the word "selected", and insert in lieu thereof the word "employed".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, strike out the words "first certified to the commissioner by the civil", strike out all of line 6 of said page 2, and strike out the following words of line 7 of said page: "such questions of fact", and insert in lieu thereof the following: "certified to the commissioner from an eligible list of persons



found competent to pass upon such questions of fact by the state civil service commission under the terms of the civil service act".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 516—An act to amend sections 1, 3, 4, 5, 10, 12, 13, 22, 23, 24 and 36 of the Direct Primary Law approved June 16, 1913, as amended, relating to the time at which primary elections and party conventions shall be held, and the manner of selecting members of county central committees, and limiting the right of candidates to affiliate with more than one political party.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

Strike out all of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend sections 5 and 12 of the direct primary law, approved June 16, 1913, as amended, and to add thereto two new sections numbered 30 and 30a, respectively, relating to methods of getting candidates names upon ballots, the form and preparation of primary election ballots, statements of campaign expenses, and the duties of the secretary of state in relation thereto."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On pages 1 to 4 of the printed bill, strike out all of lines 1 to 23, inclusive, on page 1; also strike out all of lines 1 to 52, inclusive, on page 2; also strike out lines 1 to 52, inclusive, on page 3; also strike out all of lines 1 to 25, inclusive, on page 4, and insert in lieu thereof the following:

"SECTION 1. Section 5 of the direct primary law, approved June 16, 1913, as amended, is hereby amended to read as".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 4 of the printed bill, strike out all of line 28, and insert in lieu thereof the following: "the official ballot to be used at the August primary".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 7 of the printed bill, strike out all of line 17, and insert in lieu thereof the following: "at least sixty-five days before the August primary".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 8 of the printed bill, strike out all of line 30, and insert in lieu thereof the following: "August primary election and within five days after being".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 10 of the printed bill, strike out all of line 33, and insert in lieu thereof the following: "be as determined by the secretary of state. Every candidate who is the candidate of more than one party shall have his declaration of candidacy or acceptance printed but once; but under each party for whose nomination he is a candidate, shall appear a statement that he is a candidate of such party, together with the list of party sponsors who have proposed his nomination by such party. Under each".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On pages 10 and 11 of the printed bill, strike out all of lines 47 to 52 on page 10; also strike out all of lines 1 to 13, inclusive, of page 11, and insert in lieu thereof the following:

"(1) Nothing herein contained shall be construed as prohibiting the independent nomination of candidates for office at special elections, or the nomination of presidential electors, as provided by section 1188 of the Political Code. No person whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be eligible to be named by a party central committee to fill a vacancy, as provided in section 25 of this act, for the same or any other office at the ensuing general election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election unless at such primary election he has received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general election."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 11 of the printed bill, strike out all of lines 25 to 31, inclusive.

Amendment adopted.

## AMENDMENT NUMBER NINE.

On pages 11 and 12 of the printed bill, strike out all of lines 32 to 52, inclusive, on page 11; also strike out all of lines 1 to 23, inclusive, on page 12, and insert in lieu thereof the following:

"SEC. 2. Section 12 of said act is hereby amended to read as follows:"

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 12 of the printed bill, strike out all of line 47, and insert in lieu thereof the following: "printed official ballots to be used at any August".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 13 of the printed bill, strike out all of line 2, and insert in lieu thereof the following: "lots for any primary election other than the August".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 14 of the printed bill, strike out all of line 28, and insert in lieu thereof the following: "atorial district," if any. Finally under the heading county committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 15, line 30, of the printed bill, after the comma following the word "congress", in said line, insert the following: "or state senator,".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 15, lines 32 and 33, of the printed bill, beginning in said line 32, strike out the following: "except the office of state senator or assemblyman,".

Amendment adopted.

## AMENDMENT NUMBER FIFTEEN.

On page 15, line 49, of the printed bill, strike out the words "state senator or".

Amendment adopted.

## AMENDMENT NUMBER SIXTEEN.

On page 16 of the printed bill, strike out all of lines 26 to 32, inclusive, and insert in lieu thereof the following:

"(c) If the office is that of assemblyman the names of all candidates for such office shall be placed upon the ballot in alphabetical order."

Amendment adopted.

## AMENDMENT NUMBER SEVENTEEN.

On pages 21 to 29, inclusive, of the printed bill, strike out all of lines 1 to 52, inclusive, on page 21; also strike out all of lines 1 to 52, inclusive, on page 22; also strike out all of lines 1 to 52, inclusive, on page 23; also strike out all of lines 1 to 52, inclusive, on page 24; also strike out all of lines 1 to 52, inclusive, on page 25; also strike out all of lines 1 to 50, inclusive, on page 26; also strike out all of lines 1 to 51, inclusive, on page 27; also strike out all of lines 1 to 51, inclusive, on page 28; also strike out all of lines 1 to 5, inclusive, on page 29, and insert in lieu thereof the following:

"Sec. 3. Section 30 of said act is hereby amended to read as follows:

Sec. 30. Every person who shall be a candidate for nomination to any elective office shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person who has failed to file such statements in the time limit herein provided.

SEC. 4. A new section numbered 30a is hereby added to said act, said section to read as follows:

Sec. 30a. The secretary of state shall, on the sixteenth day after every such primary election make a canvass of all the verified statements that have been filed by candidates, and if, as a result thereof, it is found that any candidate or candidates have failed to file the statements required by sections 29 and 30 of this act, it is the duty of the secretary of state, forthwith, either directly, or through his authorized agent, to become the complaining witness against every such candidate and diligently to seek the arrest and conviction, under the provisions of section 31 of this act, of each such delinquent candidate."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Senate Bill No. 373—An act to add a new section to the Civil Code, to be numbered 3150a, relating to the liability of banks on negotiable instruments forwarded for collection and the liability of the drawer of such instruments.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 673—An act relating to the payment of retirement salaries to teachers employed in the public schools of this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 700—An act authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, and to operate and maintain bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state; also to charge tolls for passage over said bridges; also to fix the rate of said tolls; also to issue and sell nontaxable, interest bearing revenue bonds, and to fix the rate of interest thereon, with which to build, purchase, condemn or otherwise acquire bridges and approaches thereto; also to fix the time of maturity; also to provide by the collection of tolls for the money with which to retire said bonds and to pay the interest thereon; also to pay into the State treasury all moneys collected hereby, and to create a special fund to be styled "the highway bridge fund"; also to create a first lien on such tolls that may be collected for the use of any such bridge or approaches thereto; also to provide that certain property already appropriated to another public use may be condemned and taken for the bridge purposes herein set out; and also declaring that the building or ownership of bridges and approaches contemplated by this act shall be a superior or paramount right or necessity; also that when two or more bridges are coupled or consolidated under one bond issue or under one contract that when such bridges have been paid for that thereafter no tolls shall be charged or collected on either or any such bridge or bridges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 487—An act to provide for the establishment and maintenance of convalescent tuberculosis departments or colonies and preventoria, defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 2 to 5, inclusive, of the title, and insert in lieu thereof the following: "preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of state aid to cities, counties, cities and counties, and groups of counties, for the care and treatment of such persons; defining the powers and duties of the department of public health and bureau of tuberculosis in relation thereto, and making an appropriation therefor."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SECTION 1. Every city, county, city and county, or group of counties which maintains a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis and maintains a preventorium in conjunction therewith, shall receive from the state the sum of three dollars per week for each person susceptible to tuberculosis cared for in said preventorium at public expense, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support, and who has been a bona fide resident of the city, county, city

and county or of one of the counties of said group of counties for one year; *provided*, that no city, county, city and county or group of counties shall be entitled to receive such state aid unless the tuberculosis preventorium conforms with the regulations of, and is approved by, the bureau of tuberculosis of the state department of public health. The medical superintendent of each preventorium receiving state aid under this section shall render semiannually to said bureau of tuberculosis".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 25, of the printed bill, strike out all of said line 25; also strike out all of page 2, and insert in lieu thereof the following:

"SEC. 2. Beginning July 1, 1930, the subsidy herein provided, for the care of patients suffering from tuberculosis shall only be expended for the care and treatment of citizens of the United States of America."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 809—An act to amend section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings, to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 226—An act to amend section 4 of an act entitled "An act to regulate the preparation, manufacturing, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 29, 1923, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 244—An act to add a new section to an act entitled "An act to provide for suitable sanitary conditions in foundries and metal shops and providing penalties for the violation thereof," approved May 24, 1921, to be numbered 4, relating to the enforcement of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 366—An act to amend section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement, and creating the Division of Chemistry fund," approved June 3, 1921, as amended, relative to the registration or cancellation of registration of economic poisons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said districts embraced in territory in more than one county, and adding territory to districts already formed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 400—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 12—An act to add a new section, to be numbered 383b, to the Penal Code, relating to the sale of kosher meats and meat preparations, and kosher food, defining the word "kosher" and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1060—An act to amend section 159 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to appropriations to the several counties from the motor vehicle fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1027—An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out all of lines 8 to 10, inclusive, and insert in lieu thereof the following:

"District 1a. The counties of San Francisco and San Mateo shall constitute agricultural district number one a.

District 2. The county of San Joaquin shall constitute agricultural district number two.

District 3. The county of Butte shall constitute agricultural district number three.

District 4. The counties of Sonoma and Marin shall constitute agricultural district number four.

District 5. The county of Santa Clara shall constitute agricultural district number five.

District 6. The county of Los Angeles shall constitute agricultural district number six.

District 7. The county of Monterey shall constitute agricultural district number seven.

District 8. The county of El Dorado shall constitute agricultural district number eight.



District 9. The county of Humboldt shall constitute agricultural district number nine.

District 10. The county of Siskiyou shall constitute agricultural district number ten.

District 11. The counties of Plumas and Sierra shall constitute agricultural district number eleven; *provided*, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

District 12. The counties of Lake and Mendocino shall constitute agricultural district number twelve.

District 13. The counties of Sutter and Yuba shall constitute agricultural district number thirteen.

District 14. The county of Santa Cruz shall constitute agricultural district number fourteen.

District 15. The county of Kern shall constitute agricultural district number fifteen.

District 16. The county of San Luis Obispo shall constitute agricultural district number sixteen.

District 17. The county of Nevada shall constitute agricultural district number seventeen.

District 18. The counties of Mono, Inyo, and Alpine shall constitute agricultural district number eighteen.

District 19. All that portion of Santa Barbara county lying east of Gavilan and south of the Santa Ynez mountains, shall constitute agricultural district number nineteen.

District 20. The county of Placer shall constitute agricultural district number twenty.

District 21. The counties of Fresno and Madera shall constitute agricultural district number twenty-one.

District 22. The county of San Diego shall constitute agricultural district number twenty-two.

District 23. The county of Contra Costa shall constitute agricultural district number twenty-three.

District 24. The counties of Tulare and Kings shall constitute agricultural district number twenty-four.

District 25. The county of Napa shall constitute agricultural district number twenty-five.

District 26. The county of Amador shall constitute agricultural district number twenty-six.

District 27. The counties of Shasta and Trinity shall constitute agricultural district number twenty-seven.

District 28. The county of San Bernardino shall constitute agricultural district number twenty-eight.

District 29. The county of Tuolumne shall constitute agricultural district number twenty-nine.

District 30. The county of Tehama shall constitute agricultural district number thirty.

District 31. The county of Ventura shall constitute agricultural district number thirty-one.

District 32. The county of Orange shall constitute agricultural district number thirty-two.

District 33. The county of San Benito shall constitute agricultural district number thirty-three.

District 34. The county of Modoc shall constitute agricultural district number thirty-four.

District 35. The counties of Merced and Mariposa shall constitute agricultural district number thirty-five.

District 36. The county of Solano shall constitute agricultural district number thirty-six.

District 37. All that portion of Santa Barbara county not included in agricultural district number nineteen shall constitute agricultural district number thirty-seven.

District 38. The county of Stanislaus shall constitute agricultural district number thirty-eight.

District 39. The county of Calaveras shall constitute agricultural district number thirty-nine.

District 40. The county of Yolo shall constitute agricultural district number forty.

District 41. The county of Del Norte shall constitute agricultural district number forty-one.

District 42. The county of Glenn shall constitute agricultural district number forty-two.

District 43. The county of Lassen shall constitute agricultural district number forty-three.

District 44. The county of Colusa shall constitute agricultural district number forty-four.

District 45. The county of Imperial shall constitute agricultural district number forty-five.

District 46. The county of Riverside shall constitute agricultural district number forty-six."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 574—An act to amend section 428 of the Civil Code, limiting the amount of insurance which may be carried in this State on any one risk; and providing exemptions from the provisions of this section.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 117—An act to provide aid for needy blind persons, creating a State Blind Benefit Commission, and defining the powers and duties thereof, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 374—An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin Prison.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 385—An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State Teachers College.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 448—An act making an appropriation for the purchase of a land site and the construction and equipment of a warehouse thereon, for the use of the Division of Motor Vehicles, and such other State uses as may be approved by the Director of Finance; transferring certain moneys to the general fund and abolishing the transfer and operators' license fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 744—An act to permit the State Compensation Insurance fund to pay premiums on automobile liability insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 772—An act making an appropriation for the construction, completion, equipment, and furnishing of the State Office Building at San Francisco, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 945—An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1061—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1067—An act making an appropriation to meet a deficiency in the appropriation for support of the Railroad Commission for the seventy-ninth and eightieth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1093—An act making an appropriation for minor construction, improvements, and repairs at San Quentin Prison.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1102—An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1129—An act making an appropriation for the Woman's Relief Corps Home.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1140—An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian River.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1141—An act making an appropriation for the construction of jetties at the mouth of the Russian River.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1084—An act making an appropriation to meet the deficiency in the appropriation for support of the University of California for the seventy-ninth and eightieth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 700—An act authorizing the Department of Finance to sell certain property described as the southeast quarter of section 9, township 3 south, range 2 east, San Bernardino base and meridian, situated in Riverside County, State of California.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended, strike out the comma, and insert a period, and strike out the following words in said line: "the proceeds to go to the regents of the univer-", and strike out all of lines 7 and 8 of said page.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



## RECESS.

At ten o'clock a.m., on motion of Senator Tubbs, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, April 24, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagye, Weller, West, and Young—39.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Harry F. Sewell, Walter J. Little and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand by the defense, and testified.

## RECESS.

At eleven o'clock and twenty minutes a.m., the President declared the court at recess for ten minutes.

## RECONVENED.

At eleven o'clock and thirty minutes a.m., the court reconvened.

## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand by the defense, and testified.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin, Harry F. Sewell and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand by the defense, and testified.

## RECESS.

At five o'clock p.m., the President declared the court at recess until eight o'clock and thirty minutes p.m.

## IN SENATE.

At five o'clock and five minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## RECESS.

At five o'clock and six minutes p.m., the President pro tempore declared the Senate at recess until eight o'clock and fifteen minutes p.m.

## RECONVENED.

At eight o'clock and fifteen minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 763—An act to amend sections 14, 15 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15a and 37a, respectively, relating to the auditing of canceled warrants and providing for

the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 763 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 352—An act to amend section 461 of the Penal Code, relating to punishment for burglary;

Also: Assembly Bill No. 353—An act to amend section 213 of the Penal Code, relating to the penalty for robbery;

Also: Assembly Bill No. 724—An act to amend section 476 of the Penal Code, relating to the issuing of fictitious bills, notes, checks, or instruments in writing with intent to defraud;

Also: Assembly Bill No. 725—An act to amend section 473 of the Penal Code, relating to the penalty for forgery;

Also: Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 352, 353, 724 and 725 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 786 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 269—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 287—An act to amend section 2528 and to repeal sections 2529, 2530, 2533 and 2535 of the Political Code, all relating to moneys received or collected or coming into the possession of the Board of State Harbor Commissioners and the disposition and expenditure thereof;

Also: Assembly Bill No. 998—An act to amend the "Water Commission Act," approved June 16, 1913, as amended, by amending sections 10a, 24, 30, 31, 32, 34, 35, 36 and 36e thereby and by adding thereto a new section to be numbered 37g, relating to collection of funds and payment of costs of water distribution by Water Master;

Also: Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes;

Also: Assembly Bill No. 428—An act to provide for the assessment, levy and collection of taxes for the support of the State government for the eighty-first and eighty-second fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 269 read first time, and referred to Committee on County Government.

Assembly Bill No. 287 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 998 read first time, and referred to Committee on Irrigation.

Assembly Bills Nos. 81 and 428 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the constitution



of said State by adding a new paragraph to section 14 of article XIII of said constitution, to be designated as subdivision (4b), relating to revenue and taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Constitutional Amendment No. 34 read, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District and Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 762 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by amending section 34, providing for the disposition of proceeds of bond sales, and section 42, relating to installments to pay the interest and principal on bonds and by repealing section 36 thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 761 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and resting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations;

Also: Senate Bill No. 611—An act to add a new section to be numbered 1279a to the Code of Civil Procedure, relating to the changing of names of corporations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 535 and 611 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 594—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles:

Also: Assembly Bill No. 596—An act to add a new section to the Civil Code, to be numbered 1714½, relating to imputed negligence;

Also: Assembly Bill No. 597—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, as amended, relating to applications for operators and chauffeurs licenses.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 112—An act to prohibit the employment of aliens by contractors and subcontractors on public work and providing penalties for violations of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 218 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Constitutional Amendment No. 31 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000; as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restrictions on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 35 ordered to unfinished business file.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 264—An act to amend section 1 of an act entitled "An act to take title to and thereafter maintain as a State highway, the toll road in Tuolumne and Mariposa counties, known as Big Oak Flat and Yosemite road; also, a section of the Tuolumne County road to connect said toll road with the Sonora lateral of the State highway," approved May 19, 1915, and to repeal sections 2 and 3 of said act, all relating to State highways—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Assembly Bill No. 264 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Concurrent Resolution No. 30—Relative to Pioneer Memorial Bridge—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Assembly Concurrent Resolution No. 30 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State; also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction, repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, bill reprinted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Senate Bill No. 701 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 579—An act amending section 3 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Senate Bill No. 579 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 299—An act to amend section 4300j of the Political Code, relating to fees of jurors;

Also: Assembly Bill No. 402—An act to amend section 1033 of the Code of Civil Procedure, relating to costs in civil cases;

Also: Assembly Bill No. 407—An act to amend section 1280 of the Code of Civil Procedure, relating to validity of arbitration agreements;

Also: Assembly Bill No. 497—An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriage;

Also: Assembly Bill No. 527—An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bills Nos. 299, 402, 407, 497 and 527 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1123—An act to amend section 2 of an act entitled "An act to provide for



the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bill No. 1123 ordered re-referred to Committee on Finance.  
Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 790—An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bill No. 790 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 734—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor;

Also: Assembly Bill No. 949—An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

INMAN, Vice Chairman.

Assembly Bills Nos. 734 and 949 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 11—An act creating an additional district court of appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Assembly Bill No. 11 ordered on file for second reading.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Cobb:

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 4236½ of the Political Code, relating to the compensation of county and township officers in counties of the seventh class

Request referred to Committee on Rules

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Concurrent Resolution No. 23—Relative to creation of a joint committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

Resolution read.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pedrotti moved to refer Assembly Concurrent Resolution No. 23 to Senator Lyon, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, as amended in the Senate on April 22, 1929, strike out the period, and insert in lieu thereof the following: "; and, be it further

*Resolved*, That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further".

## AMENDMENT NUMBER TWO.

On page 1, line 21, of the printed amended bill, strike out the word "It", and insert in lieu thereof the following: "*Resolved*, That it".

## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed amended bill, strike out the period, and insert in lieu thereof the following: "; and, be it further".

## AMENDMENT NUMBER FOUR.

On page 2, line 6, of the printed amended bill, strike out the word "It", and insert in lieu thereof the following: "*Resolved*, That it".

## AMENDMENT NUMBER FIVE.

On page 2, line 10, of the printed amended bill, strike out the period, and insert in lieu thereof the following: "; and, be it further".

## AMENDMENT NUMBER SIX.

On page 2, line 11, of the printed amended bill, strike out the word "The", and insert in lieu thereof the following: "*Resolved*, That the".

## AMENDMENT NUMBER SEVEN.

On page 2, line 21, of the printed amended bill, strike out the period, and insert in lieu thereof the following: "; and, be it further".

## AMENDMENT NUMBER EIGHT.

On page 2, line 22, of the printed amended bill, strike out the word "The", and insert in lieu thereof the following: "*Resolved*, That the".

## AMENDMENT NUMBER NINE.

On page 2, line 44, of the printed amended bill, after the word "and", insert a comma.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Concurrent Resolution No. 23, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator Pedrotti adopted.

Assembly Concurrent Resolution No. 23 ordered to print.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

Assembly Bill No. 289—An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of

judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 289?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 289 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, and Young—27.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President pro tempore announced the appointment of Senators Merriam, Pedrotti and Rochester as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate amendments to Assembly Bill No. 289.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

#### ADJOURNMENT.

At eight o'clock and thirty-five minutes p.m., on motion of Senator Slater, the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Thursday, April 25, 1929.

#### IN HIGH COURT OF IMPEACHMENT.

At eight o'clock and thirty-seven minutes p.m., the court reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—36.

#### PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

#### MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin, Harry F. Sewell, Clare Woolwine and William B. Hornblower, and counsel Pembroke Gochner.

#### DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.



## WITNESS RECALLED.

Carlos S. Hardy was recalled to the witness stand and testified.

## WITNESS RECALLED.

Lorraine Wiseman-Sielaff was recalled to the witness stand by the defense, and testified.

## WITNESSES CALLED IN REBUTTAL.

The following witnesses were called to the witness stand by the Managers of the Assembly, and testified: Clara McDonald, Virla Kimball and Aimee Semple McPherson.

## RECESS.

At eleven o'clock p.m., the President declared the court at recess for five minutes.

## RECONVENED.

At eleven o'clock and five minutes p.m., the court reconvened.

## MOTION BY SENATOR BREED.

Senator Breed moved that when the Senate recess on Thursday, April 25, after conclusion of the arguments of the Managers of the Assembly and the defense, that such recess be taken until 8 o'clock p.m.

Motion carried.

## ADJOURNMENT.

At eleven o'clock and twenty minutes p.m., the President declared the court adjourned until ten o'clock a.m., Thursday, April 25, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE

SENATE CHAMBER,  
SACRAMENTO, Thursday, April 25, 1929.

The Senate met at nine o'clock and fifty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagdy, Weller, West, and Young—9.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, April 24, 1929, the further reading was dispensed with, on motion of Senator Crowley.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, April 24, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that I have this day appointed E. Forrest Mitchell Insurance Commissioner, vice Charles R. Detrick, term expired, and request your concurrence therein and consent thereto.

Respectfully submitted.

C. C. YOUNG, Governor.

Governor's message referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters;

Also: Senate Bill No. 139—An act to add a new section to the Penal Code, to be numbered 1127a, relating to instructions on indirect evidence;

Also: Senate Bill No. 262—An act to repeal an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, as amended;

Also: Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII, of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California amending sections 1 and 7, and repealing sections 2, 3, 9, 11, 12 and 14 of that article;

Also: Senate Bill No. 581—An act to amend section 363b of the Political Code, and to add thereto a new section to be numbered 363o, relating to the Department of Public Works;

Also: Senate Bill No. 737—An act to add a new section to the Civil Code to be numbered 48a, relating to libel;

Also: Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class;

Also: Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years;

Also: Senate Bill No. 200—An act to prohibit any person or common carrier by railroad moving any fixed signal, switch or switch light for the purpose of what is commonly known as test of employees, to define fixed signals, and providing penalties for the violation of the provisions hereof;

Also: Senate Bill No. 860—An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended;

Also: Senate Bill No. 862—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions;

Also: Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the

powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

Mr. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 42—An act to add a new section to be numbered section 74 to an act entitled "An act to provide for the care, management and protection of State highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to State highways;

Also: Senate Bill No. 144—An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this state; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 145—An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this State; requiring a permit, to be issued by the Industrial Accident Commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the Industrial Accident Commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections;

Also: Senate Bill No. 161—An act relating to the transportation of pupils in elementary school districts;

Also: Senate Bill No. 172—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act;

Also: Senate Bill No. 173—An act to amend section 487 of the Penal Code, defining grand theft;

Also: Senate Bill No. 206—An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm;

Also: Senate Bill No. 211—An act to amend sections 1, 8, 9 and 10 and to repeal section 3 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaged in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor, and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b relating to the enforcement thereof and the escheat of ores seized thereunder;

Also: Senate Bill No. 284—An act to amend section 1238 of the Civil Code, relating to homesteads;

Also: Senate Bill No. 332—An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors;

Also: Senate Bill No. 368—An act to amend section 25 of an act entitled "An act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, relating to definitions;

Also: Senate Bill No. 385—An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act;

Also: Senate Bill No. 410—An act creating the office of Chief of the Division of Narcotic Enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a Division of Narcotic Enforcement under the direction and control of the State Board of Pharmacy," approved May 17, 1927;



Also: Senate Bill No. 475—An act to amend section 648a of the Civil Code, relating to formation of building and loan associations; requiring a permit from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of such associations; and providing penalties for violation of the provisions of the act;

Also: Senate Bill No. 486—An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act;

Also: Senate Bill No. 573—An act to amend section 453j of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter 6, division I, part IV, title II, of the Civil Code;

Also: Senate Bill No. 578—An act to amend section 19b of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons; and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, relating to appointments of referees in juvenile court cases and fixing the salaries thereof;

Also: Senate Bill No. 623—An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value;

Also: Senate Bill No. 674—An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a public officer;

Also: Senate Bill No. 743—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof;

Also: Senate Bill No. 828—An act to amend section 6 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the Industrial Accident Commission;

Also: Senate Bill No. 829—An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,'" approved March 18, 1899, as amended;

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article IV thereof, a new section to be numbered 31a, relating to the indemnification of owners of live stock;

Also: Senate Concurrent Resolution No. 20—Providing for the appointment of a Committee on Tax Investigation;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of April, 1929, at two o'clock and thirty minutes p.m.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 675—An act to amend section 340 of the Penal Code, relating to pawnbrokers;

Also: Senate Bill No. 677—An act to amend section 341 of the Penal Code, relating to pawnbrokers;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1929, at four o'clock and fifteen minutes p.m.

EDWARDS, Acting Chairman.

## ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 693—An act to regulate the possession of machine guns and providing a penalty for violation thereof;

Also: Senate Bill No. 657—An act to amend the Penal Code of California, by adding thereto two new sections to be numbered 597*b* and 597*c*, relating to cropping of the ears of dogs;

Also: Assembly Bill No. 1000—An act to amend section 70 of the Penal Code, relating to bribery;

Also: Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners; and to repeal sections 18, 18*a* and 1588, of the Penal Code, relating to terms of imprisonment;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

BAKER, Chairman.

Senate Bills Nos. 693 and 657 ordered on file for second reading.

Assembly Bills Nos. 1000 and 977 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office;

Also: Assembly Bill No. 966—An act to amend section 664 of the Penal Code, relating to the punishment for attempt to commit crime;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

BAKER, Chairman.

Senate Bill No. 570 ordered on file for second reading.

Assembly Bill No. 966 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 873—An act to amend an act entitled "An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the Department of Agriculture in relation thereto, and penalties for the violation hereof."

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Handy moved to refer Assembly Bill No. 873 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 9, line 18, of the printed bill, strike out the words "cattle pro-" and all of lines 19 to 27, inclusive, and insert in lieu thereof the following: "department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act".

## AMENDMENT NUMBER TWO.

On page 10, line 8, of the printed bill, directly after the comma following the word "eight", insert the following: "of the statutes of 1917".

## AMENDMENT NUMBER THREE.

On page 10, line 17, of the printed bill, directly after the comma following the word "thereto", insert the following: "under the approved provisions of the act of May 28, 1917,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 873, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.  
Bill ordered to print.

Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Slater moved to refer Assembly Bill No. 1028 to Senator Handy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 15, of the printed bill, as amended, immediately following the comma after the word "annum", insert the following: "one chief deputy at a salary of two thousand dollars per annum,".

## AMENDMENT NUMBER TWO.

On page 2, line 16, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof the word "five".

## AMENDMENT NUMBER THREE.

On page 2, line 51, of the printed bill, as amended, strike out the words "and provided, further," and insert in lieu thereof the following: "provided,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1028, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Slater adopted.  
Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 394—An act to amend section 626 of the Penal Code, relating to the protection of fish and game.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 208—An act to amend section 636 of the Penal Code, relating to netting.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, after the comma following the word "twenty-two", insert the following: "and in tidewaters in Klamath River fish and game district,".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 2, line 52, of the printed bill, strike out the following: "20 "A".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 31, of the printed bill, strike out lines 31 to 38, inclusive, and insert in lieu thereof the following: "caught with a purse seine or with a round haul-net; and provided, further, that in fish and game district".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 4, line 21, of the printed bill, after the word "districts", insert the word "two".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4, line 23, of the printed bill, after the word "districts", insert the word "two".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 25, of the printed bill, after the word "nets", insert the following: "in water less than twenty-five fathoms in depth".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 30, of the printed bill, strike out the word "two".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 692—An act to add a new section to the Penal Code, to be numbered 629b, relating to the protection of fish.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, after the period following the word "misdemeanor", add the following: "*provided, however,* that the provisions of this act shall not be extended nor apply to the use of salmon roe or fish eggs as bait or for the purpose of taking or attempting to take fish, or the sale or possession of salmon roe or fish eggs in fish and game districts numbers four, four and three-quarters, four "A", four "E", nineteen, twenty, twenty "A", twenty-one and twenty-two".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Fish and Game.

Senate Bill No. 579—An act amending section 3 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the number "3", and insert in lieu thereof the number "1".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the number "3", and insert in lieu thereof the number "1".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, beginning in line 9, strike out lines 9 to 22, inclusive, on page 1, and lines 1 to 31, inclusive, on page 2, and insert in lieu thereof the following:

"Section 1. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind excepting improvements on the property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the department of engineering. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind, shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the advisory board of the department of engineering and the original draft or a certified copy thereof filed permanently in the office of the department of engineering before further action is taken."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State; also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction, repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 4, line 36, of the printed bill, immediately after the semicolon after the word "thereof", strike out the word "pro" and lines 37, 38, 39, and 40, and the words "visions of any law of this state" in line 41, and insert in lieu thereof the following: "provided, however, that this section shall not be construed to prevent the state through the department of public works from granting a franchise, privilege or license to cities, counties, cities and counties, or any political subdivisions of the

state, or to bridge districts or bridge and highway districts existing by virtue of, or hereafter organized under, the provisions of any law of this state".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Roads and Highways.

#### RECESS.

At ten o'clock a.m., on motion of Senator Tubbs, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }

vs. }

CARLOS S. HARDY }

SENATE CHAMBER, April 25, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

#### PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

#### MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin and Clare Woolwine, and counsel Pembroke Gochnauer.

#### DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

#### DEFENSE RESTED.

Upon inquiry of the President, the defense announced the defense rested their case.

#### PROSECUTION RESTED.

Upon inquiry of the President, the Managers of the Assembly announced that the Managers rested their case.

#### ARGUMENT BY MANAGERS OF THE ASSEMBLY.

Walter J. Little, a Manager of the Assembly, addressed the court in behalf of the Managers of the Assembly.

#### RECESS.

At eleven o'clock and twenty minutes a.m., the President declared the court at recess for five minutes.



## RECONVENED.

At eleven o'clock and twenty-five minutes a.m., the court reconvened.

## ARGUMENT BY MANAGERS OF THE ASSEMBLY—(CONTINUED).

Walter J. Little, a Manager of the Assembly, continued his address to the court in behalf of the Managers of the Assembly.

## RECESS.

At twelve o'clock m., the President declared the court at recess until one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—36.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## ARGUMENT BY MANAGERS OF ASSEMBLY—(CONTINUED).

Walter J. Little, a Manager of the Assembly, continued his address to the court in behalf of the Managers of the Assembly.

Manager Walter J. Little concluded his argument at two o'clock and twenty-five minutes p.m.

## RECESS.

At two o'clock and twenty-eight minutes p.m., the President declared the court at recess for five minutes.

## RECONVENED.

At two o'clock and thirty-three minutes p.m., the court reconvened.

## ARGUMENT BY DEFENSE.

Rex B. Hardy, of counsel for the defense, addressed the court on behalf of the defendant.

Rex B. Hardy concluded his argument at three o'clock and thirteen minutes p.m.

## ARGUMENT BY DEFENSE.

Frank M. Carr, of counsel for the defense, addressed the court in behalf of the defendant.

## RECESS.

At three o'clock and fifty-three minutes p.m., the President declared the court at recess until four o'clock p.m.

## RECONVENED.

At four o'clock p.m., the court reconvened.

## ARGUMENT BY DEFENSE—(CONTINUED).

Frank M. Carr, of counsel for the defense, continued his address to the court in behalf of the defendant.

Frank M. Carr concluded his argument at four o'clock and thirty minutes p.m.

## ARGUMENT BY DEFENSE.

Ray E. Nimmo, of counsel for the defense, addressed the court in behalf of the defendant.

Ray E. Nimmo concluded his argument at five o'clock and forty-two minutes p.m.

## RECESS.

At five o'clock and forty-three minutes p.m., the President declared the court at recess until eight o'clock p.m.

## IN SENATE.

At five o'clock and forty-five minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## RECESS.

At five o'clock and forty-seven minutes p.m., the President declared the Senate at recess until seven o'clock and forty-five minutes p.m.

## RECONVENED.

At seven o'clock and forty-five minutes p.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 289—An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor—the following Assemblymen: Byrne, McDonough and Eddy, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 22, 1929, passed Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 215 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office;

Also: Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with the approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligations have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 278 and 565 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section number 549a providing for the release from attachment of real property owned by any person not a party to the action—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 146 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach—and respectfully requests your honorable body to concur in such amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly Amendment to Senate Bill No. 664—An act making an appropriation for the purpose of purchasing a building site, construction and equipment of a State Armory at the city of Long Beach.



ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED SIXTY-FOUR.  
AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, as amended, insert a comma after the word "dollars", and add the following: "or so much thereof as may be necessary."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 664?

The roll was called, and Assembly amendment to Senate Bill No. 664 concurred in by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Swing, Tubbs, Wag, Weller, West, and Young—25.  
NOES—None.

Senate Bill No. 664 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 9 ordered to unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 24, 1929, passed Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns and to repeal an act entitled "An act to provide for the recall of elective officers of incorporated cities and towns," approved January 2, 1912.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 965 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 11—Relating to the working conditions of unclassified civil service employees in veterans' hospitals.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Joint Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 606—An act to amend section 3700 of the Political Code, relating to the State Board of Equalization:

Also: Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class:

Also: Assembly Bill No. 1136—An act appropriating money to pay the claim of H. W. Levers against the State of California:

Also: Assembly Bill No. 1137—An act to provide for the investigation and study of the control of hypericum perforatum by the University of California and making an appropriation therefor:

Also: Assembly Bill No. 1139—An act to add a new section to the Code of Civil Procedure, to be numbered 1454a, relating to the administration of estates:

Also: Assembly Bill No. 1158—An act to amend section 585 of the Code of Civil Procedure, relating to judgments;

Also: Assembly Bill No. 726—An act to amend section 107 of the Penal Code, relating to escapes and attempts to escape from county jails and county hospitals and from the custody of the sheriff, approved May 5, 1923.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 606, 1136 and 1137 read first time, and referred to Committee on Finance.

Assembly Bill No. 956 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1139 and 1158 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 726 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; noes—2; absent—3.

INMAN, Vice Chairman.

Assembly Bill No. 183 ordered on file for second reading.

##### ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Manufactures, to which was referred Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

ROCHESTER, Chairman.  
MALONEY.  
PEDROTTI.

Senate Bill No. 251 ordered on file for second reading.

##### ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 880—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections 12 and 17 thereof, relating to directors, and by adding a new section thereto to be numbered 19a, relating to nomination of candidates for office, and by amending section 20 thereof relating to elections, section 41 thereof, relating to assessments, and section 58 thereof, relating to actions to determine the validity of bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MCCORMACK, Chairman.  
JONES.  
BOGGS.  
INMAN.  
MERRIAM.

Assembly Bill No. 880 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to which was referred Senate Bill No. 547—An act to add section 3457a to the Political Code, providing for the cancellation of warrants of reclamation districts and for the

issuance of warrants of lesser denominations in lieu thereof, and to amend section 3480a of the Political Code, relating to providing for a method of refunding any or all of the installments of the principal of any reclamation district bonds now or hereafter issued—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

McCORMACK, Chairman.  
JONES.  
BOGGS.  
INMAN.  
MERRIAM.

Senate Bill No. 547 ordered on file for second reading.

ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 733—An act to amend section 633c of the Political Code, relating to insurance adjusters;

Also: Assembly Bill No. 881—An act to amend sections 1 and 5 of an act entitled "An act to provide for the formation, management, and dissolution, of county fire protection districts, and annexation thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add a new section thereto to be numbered section 5a;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

MALONEY, Acting Chairman.

Assembly Bills Nos. 733 and 881 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 571—An act to amend sections 591 and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

MALONEY, Acting Chairman.

Assembly Bill No. 571 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 469—An act to amend section 3 of an act entitled "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, as amended—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

YOUNG, Chairman.  
HANDY.  
CASSIDY.  
LYON.  
ALLEN.  
SHARKEY.  
SWING.  
WAGY.  
CARTER.

Senate Bill No. 469 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of



Monterey contiguous thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

FELLOM, Chairman.

Senate Bill No. 859 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 67—An act to repeal section 2572 of the Political Code, relating to the Board of Harbor Commissioners of the port of Eureka on Humboldt Bay and to the officers and employees thereof:

Also: Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923:

Also: Senate Bill No. 281—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego:

Also: Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego county and for the administration thereof;

Also: Senate Bill No. 571—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified:

Also: Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

FELLOM, Chairman.

Assembly Bill No. 67 ordered on file for second reading.

Senate Bills Nos. 160, 281, 318, 571 and 574 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 322—An act to add a new section to the Code of Civil Procedure to be numbered section 1778a, relating to the sale of personal property by guardians:

Also: Assembly Bill No. 323—An act to amend section 1766 of the Code of Civil Procedure, relating to guardians;

Also: Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals;

Also: Assembly Bill No. 1116—An act to add a new section, to be numbered section 14, to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, as amended, and to amend section 2 thereof, relating to the protection of cash bonds put up by employees or applicants for employment and providing penalties for violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 322, 323, 1098 and 1116 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 460—An act to amend section 251 of the Penal Code, and to add a new chapter to be numbered chapter 11, comprising sections 258, 259 and 260, to title

VIII of part I of said code, relating to libel and slander—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—7; noes—3; absent—5.

INMAN, Vice Chairman.

Senate Bill No. 460 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—7; noes—4; absent—4.

INMAN, Vice Chairman.

Senate Bill No. 459 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 526—An act to amend section 1444 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—7; noes—3; absent—5.

INMAN, Vice Chairman.

Assembly Bill No. 526 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 739—An act to amend section 4463 of the Political Code, relating to newspapers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and be re-referred to the Committee on Municipal Corporations.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 739 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Also: Assembly Bill No. 942—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge;

Also: Assembly Bill No. 1106—An act to increase the number of judges of the superior court of the county of Santa Barbara, and for the appointment of such additional judge;

Also: Assembly Bill No. 713—An act authorizing the Director of Finance and the Director of Public Works to investigate available sites in the city of Sacramento for the erection of a new residence for the Governor of the State, and providing for the acquisition of such site or making a report with reference to same to the forty-ninth session of the Legislature;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bills Nos. 888, 942, 1106 and 713 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department

and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bill No. 940 ordered on file for second reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 911—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 911 to Senator Maloney, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, lines 2 and 3, of the printed bill, strike out the following words and figures "two thousand four hundred three dollars and eighty-six cents (\$2,403.86)", and insert in lieu thereof the following: "two thousand seven hundred twenty-three dollars and forty-six cents (\$2,723.46)".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 911, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 105—An act to amend section 384 of the Penal Code, relating to fires.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Duval moved to refer Assembly Bill No. 105 to Senator Merriam, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "unless he possesses a written camp fire permit duly issued by or under the authority of the United States forestry service for use in a territory under the jurisdiction of said United States forest service adjacent to said property of another and is fully complying with all the rules and regulations of the United States forestry service."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 105, with instructions to amend, respectfully reports the same back, amended as per instructions.

MERRIAM, Special Committee.

Report read, and on motion of Senator Duval adopted.

Bill ordered to print.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Cobb to introduce a bill entitled—An act to amend section 42367 of the Political Code, relating to the compensation of county and township officers in counties of the seventh class—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Luman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Cobb: Senate Bill No. 866—An act to amend section 42367 of the Political Code, relating to the compensation of county and township officers in counties of the seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator McCormack: Senate Concurrent Resolution No. 26—Relative to roads and highways.

Resolution read, and referred to Committee on Roads and Highways.

## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator McCormack:

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the experimental and research work as to the efficacy of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France.

Request referred to Committee on Rules.

By Senator Cobb:

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request that the permission of the Senate be granted for the introduction of the accompanying bill, the title of which is as follows, to wit:

An act to add a new section to be numbered 104 to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts.

Request referred to Committee on Rules.

By Senator Breed:

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof.

Request referred to Committee on Rules.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—(RESUMED).

Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add twenty-five new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator McKinley moved to refer Assembly Bill No. 773 to Senator Carter, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 3, line 30, of the printed bill, strike out the word "five", and insert in lieu thereof the word "ten".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 773, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report read, and on motion of Senator McKinley adopted.

Bill ordered to print.

ADJOURNMENT.

At eight o'clock and forty-five minutes p.m., the President pro tempore declared the Senate adjourned until nine o'clock and thirty minutes a.m., Friday, April 26, 1929.

IN HIGH COURT OF IMPEACHMENT.

At eight o'clock and forty-five minutes p.m., the court reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melynn I. Cronin and William B. Hornblower, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## ARGUMENT BY DEFENSE.

Carlos S. Hardy appeared in propria persona and addressed the court in his behalf.

Carlos S. Hardy concluded his argument at eight o'clock and forty-five minutes p.m.

## ARGUMENT BY MANAGER OF THE ASSEMBLY.

William B. Hornblower, a Manager of the Assembly, addressed the court in behalf of the Managers of the Assembly.

William B. Hornblower concluded his argument at nine o'clock and forty-eight minutes p.m.

## RECESS.

At nine o'clock and forty-eight minutes p.m., the President declared the court at recess for five minutes.

## RECONVENED.

At nine o'clock and fifty-three minutes p.m., the court reconvened.

## MOTION BY SENATOR BREED.

At nine o'clock and fifty-three minutes p.m., Senator Breed moved that the court recess for the purpose of going into private conference.

Motion carried.

## RECONVENED.

At ten o'clock and fifteen minutes p.m., the court reconvened.

## ADJOURNMENT.

At ten o'clock and sixteen minutes p.m., the President declared the court adjourned until ten o'clock a.m., Friday, April 26, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER,

SACRAMENTO, Friday, April 26, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair. Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

Quorum present.



**PRAYER.**

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

**READING OF THE JOURNAL.**

During the reading of the Journal of Thursday, April 25, 1929, the further reading was dispensed with, on motion of Senator Crowley.

**RESOLUTION.**

The following resolution was offered:

By Committee on Contingent Expenses:

**WHEREAS**, The Senate of the State of California in sitting as a Court of Impeachment is necessarily expending certain moneys in addition to its ordinary expenses; and

**WHEREAS**, It is estimated by this committee that the sum of three thousand five hundred dollars (\$3,500) should be made immediately available for payment of the cost of service of process, witness fees, stenographic report of proceedings and for any and all incidental expenses in connection with the completion of the work of this Senate, sitting as a Court of Impeachment; and

**WHEREAS**, Said sum is properly payable from the contingent fund of the Senate, which contains ample moneys therefor: now therefore, be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate, in the sum of three thousand five hundred dollars (\$3,500) in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same for the purposes set forth above; and be it further

*Resolved*, That the Secretary of the Senate furnish to the Controller vouchers for all expenditures made by him in connection with such proceedings.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Young—29.

**NOES**—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.**

The following resolutions were offered:

By Senator Inman: Senate Joint Resolution No. 12—Relative to requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications.

Resolution referred to Committee on Federal Relations.

By Senators Hurley, West and Cleveland:

**SENATE CONCURRENT RESOLUTION No. 27.**

**WHEREAS**, There are at the present time more Spanish War veterans living in California than in any other state of the Union; and

**WHEREAS**, Such number of veterans is made up of former citizens of other states, comprising nearly every state in the Union; and

**WHEREAS**, The 1929 national convention of the United Spanish War Veterans is to meet in the city of Denver, Colorado, in the month of September of this year, and

**WHEREAS**, It is the desire of the members of this organization that the 1931 convention be held in California; therefore, be it

*Resolved*, That the Legislature of the State of California hereby directs the Secretary of State to extend to the United Spanish War Veterans, through their commander-in-chief, William L. Grayson, an invitation to hold the 1931 convention of their organization within the State of California.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER  
TWENTY-SEVEN.

Senator Hurley asked for and was granted unanimous consent to consider Senate Concurrent Resolution No. 27 at this time, without reference to committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 27 ordered transmitted to the Assembly.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred message from the Governor as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 24, 1929.

*To the Senate of the State of California.*

I have the honor to inform your honorable body that I have this day appointed E. Forrest Mitchell Insurance Commissioner, vice Charles R. Detrick, term expired, and request your concurrence therein and consent thereto.

Respectfully submitted.

C. C. YOUNG, Governor.

Has had the same under consideration, and respectfully reports the same back, and recommends that said appointment be confirmed.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

## MOTION CONFIRMING APPOINTMENT OF GOVERNOR.

Senator Sharkey moved, duly seconded by Senators Handy, Maloney and Slater, that the Senate advise and consent to the appointment of the Governor.

The President put the question: Will the Senate advise and consent to the appointment of E. Forrest Mitchell as Insurance Commissioner vice Charles R. Detrick, term expired?

The roll was called, with the following result:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Whereupon, the President announced that the Senate had advised and consented to the appointment of E. Forrest Mitchell as Insurance Commissioner vice Charles R. Detrick, term expired.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Cobb to introduce a bill entitled—An act to add a new section to be numbered 10½ to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts

at the option of the petitioners for the formation of such districts—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator McCormack to introduce a bill entitled: An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Breed to introduce a bill entitled—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Cobb: Senate Bill No. 867—An act to add a new section to be numbered 10½ to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only



in county water works districts at the option of the petitioners for the formation of such districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator McCormack: Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the experimental and research work as to the efficacy of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France.

Bill read first time, and referred to Committee on Finance.

By Senator Breed: Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof.

Bill read first time, and referred to Committee on Motor Vehicles.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Concurrent Resolution No. 29 Approving certain amendments to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the eighth day of April, 1929, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

LYON, Chairman.

BAKER

CHRISTIAN.

CROWLEY.

YOUNG.

ROCHESTER.

Assembly Concurrent Resolution No. 29 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by repealing section 104, relating to alternative specifications for sewer construction—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

LYON, Chairman.

FELLOM.

CHRISTIAN.

CROWLEY.

BAKER.

McKINLEY.

YOUNG.

ROCHESTER.

Senate Bill No. 752 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 534—An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property;

Also: Assembly Bill No. 1087—An act to amend the title and sections 2, 4, 5, 6, 7, 8, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws

of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section to be numbered section 6½, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 2½;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

NELSON, Chairman.

Assembly Bills Nos. 534 and 1087 ordered on file for second reading.  
Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new article thereto to be known as article XIII½, relating to revenue and taxation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the constitutional amendment go out without recommendation.

Committee membership—13; committee vote: Ayes—12; absent—1.

NELSON, Chairman.

Senate Constitutional Amendment No. 32 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1126. An act to amend section 3650 of the Political Code, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

NELSON, Chairman.

Assembly Bill No. 1126 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 34. An act to add a new section to the Political Code to be numbered 363½, relating to the Department of Public Works:

Also: Senate Bill No. 36—An act to amend and renumber section 4225a of the Political Code, added to said code by chapter 136, Statutes of 1919, and approved April 30, 1919, relating to county health officials and employees;

Also: Senate Bill No. 37—An act to amend section 3062 of the Political Code, relating to city health officials and employees;

Also: Senate Bill No. 101—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured;

Also: Senate Bill No. 102—An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended;

Also: Senate Bill No. 188—An act to add a new section to the Political Code to be numbered 3236, relating to preference on public contracts and furnishing supplies;

Also: Senate Bill No. 229—An act adding a new section to the Political Code to be numbered 694, relating to the Department of Finance;

Also: Senate Bill No. 230—An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the State Librarian;

Also: Senate Bill No. 266—An act to amend the "California Water Storage District Act," approved June 3, 1921, as amended, by amending sections 4, 17, 18, 19, 21, 32, 35, 40, 51, 64*b*, 64*c*, 64*d*, 64*e*, 64*f*, 64*g*, 64*h* and 68 of said act:

Also: Senate Bill No. 267—An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended:

Also: Senate Bill No. 287—An act to add a new section to the Penal Code to be numbered 637*a*, relating to trapping of game:

Also: Senate Bill No. 449—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class:

Also: Senate Bill No. 452—An act to add a new section to the Political Code to be numbered 4952*e*, relating to the appropriation by boards of supervisors of moneys from the general fund for National Guard purposes:

Also: Senate Bill No. 540—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," approved May 26, 1927:

Also: Senate Bill No. 608—An act to amend section 1442 of the Political Code, relating to boards of election, appointment and duties of election officers:

Also: Senate Bill No. 627—An act to amend section 5394 of the Political Code, providing that no company shall transact any insurance business in this State without complying with the law and being authorized so to do, that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this State:

Also: Senate Bill No. 709—An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of various signs, edifices, structures and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of 15 or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith:

Also: Senate Bill No. 751—An act to amend section 1228 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain:

Also: Senate Bill No. 773—An act to amend sections 1 and 15*e* of the Building and Loan Commission Act, relating to supervision and regulation of building and loan associations and other corporations, associations and societies which are based or are operating on plans or methods similar to building and loan associations, and defining the powers and duties of the Bureau of Building and Loan Supervision in respect thereto:

Also: Senate Bill No. 810—An act providing for the establishment of courses of instruction for inmates of State Institutions;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of April, 1929, at ten o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, April 23, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Concurrent Resolution No. 25—Relating to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted as amended.

Committee membership—7.

(Signed out)

EVANS, Chairman.  
ALLEN.  
WAGY.  
GARRISON.  
McCORMACK.  
COBB.  
MERRIAM.

Assembly Concurrent Resolution No. 25 ordered on file.



## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Tubbs:

SENATE CHAMBER, SACRAMENTO, April 25, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students non-resident of the State of California.

Request referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 693—An act to regulate the possession of machine guns and providing a penalty for violation thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 and 2 of the title, and insert in lieu thereof the following: "An act to amend sections 1 and 2 of an act entitled "An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device and providing a penalty for violation thereof," approved May 16, 1927, and to add a new section thereto to be numbered 3, said new section relating to the repeal of acts and parts of acts in conflict therewith."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, preceding the word and figure "Section 1.", insert the following paragraph:

"SECTION 1. Section 1 of an act entitled "An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device and providing a penalty for violation thereof," approved May 16, 1927, is hereby amended to read as follows:"

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed bill, strike out the word "prohibit", and insert in lieu thereof the word "prohibit".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, between lines 22 and 23, insert the following: "SEC. 2. Section 2 of said act is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 11, of the printed bill, after said line add the following:

"Sec. 3. A new section is hereby added to said act to be numbered 3 and to read as follows:

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 547—An act to amend section 3480a of the Political Code, relating to and providing for a method of refunding the installments of the principal of any reclamation district bonds now or hereafter issued as and when the said installments, or any thereof, or any part thereof, shall mature.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended in the Senate on April 5, 1929, strike out title, and insert in lieu thereof:

"An act to amend section 3480a of the Political Code providing a method of refunding reclamation district bonds now or hereafter issued or outstanding and to add a new section to the Political Code to be designated section 3457a thereof providing for the cancellation of warrants of reclamation districts and for the issuance of warrants in lesser denominations in lieu thereof."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 11, line 22, of the printed bill, as amended in the Senate on April 5, 1929, strike out the words "of the seal".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 13, line 16, of the printed bill, as amended in the Senate on April 5, 1929, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 13, line 44, of the printed bill, as amended in the Senate on April 5, 1929, insert the word "of", before the words "the principal".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 13, line 47, of the printed bill, as amended in the Senate on April 5, 1929, strike out the word "assessments", and insert in lieu thereof the words "an assessment".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 13, lines 49 and 50, of the printed bill, as amended in the Senate on April 5, 1929, strike out the words "dates as follows:", and insert in lieu thereof the words "The ----- day of".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 15, line 10, of the printed bill, as amended in the Senate on April 5, 1929, commence a new paragraph with the words "The board of trustees".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 15, lines 37 to 41, inclusive, of the printed bill, as amended in the Senate on April 5, 1929, strike out the sentence commencing in line 37 with the words "The board

of trustees may" and ending with the word "bonds" in line 41 of said page, and insert in lieu thereof the following:

"The board of trustees shall sell or exchange said refunding bonds only of such maturities as shall have been declared available for the refunding of particular maturities of the outstanding bonds of the district as set forth in the notice of the election for the issuance of said refunding bonds; *provided*, that if any district has heretofore authorized the issuance of refunding bonds and the same or any part thereof are in the hands of the county treasurer unsold the board of trustees of the district may call an election in the manner and upon the notice prescribed in this section for the issuance of refunding bonds, at which election there shall be submitted the question of whether or not such refunding bonds of any maturity shall be sold or exchanged to refund any maturity of said outstanding bonds of the district as the board of trustees in their discretion shall determine or as may otherwise be specified in the notice of such election."

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 16, of the printed bill, as amended in the Senate on April 5, 1929, lines 12, 13, 15, 18, 27, 31, 35, 36, 42 and 48 thereof, insert the word "supplemental" before the word "assessment" in each of said lines.

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 17, lines 4, 9, 13, 17, 18, 20, 35, 37, 42 and 45 of the printed bill, as amended in the Senate on April 5, 1929, insert the word "supplemental" before the word "assessment" in each of said lines.

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 18, line 23, of the printed bill, as amended in the Senate on April 5, 1929, add the following new sentence. "All refunding bonds, which remain in the hands of the county treasurer after the outstanding bonds to be refunded thereby have been paid in full and discharged, shall be forthwith canceled by said county treasurer and shall never be an obligation of the district."

Amendment adopted.

AMENDMENT NUMBER TWELVE.

On page 18, line 24, of the printed bill, as amended in the Senate on April 5, 1929, strike out all of the paragraph beginning with the words "The principal and", and ending with the words "of this code" in line 27.

Amendment adopted.

AMENDMENT NUMBER THIRTEEN.

On page 18, lines 31, 35 and 36, of the printed bill, as amended in the Senate on April 5, 1929, insert the word "supplemental" before the word "assessment" in each of said lines.

Amendment adopted.

AMENDMENT NUMBER FOURTEEN.

On page 18, after line 37, of the printed bill, as amended in the Senate on April 5, 1929, insert a new paragraph reading:

"The principal and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section 3480 of this code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 469—An act to amend section 3 of an act entitled "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, as amended.



## AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator Inman:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, strike out "section 3", and insert in lieu thereof "sections 1, 2, and 3".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "1".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In the printed bill, strike out everything from line 6, on page 1, to line 7, on page 2, inclusive, and insert in lieu thereof the following:

"SECTION 1. Every person, firm, or corporation, owning any boat, net, seine, trap, line or other appliance, or of any interest therein, used or operated, or caused to be used or operated, by the owner thereof, or of any interest therein, in any river or other waters of the state or over which the state has any jurisdiction or control, for the purpose of catching or taking fish, mollusks or crustaceans for profit, or for the purpose of bringing fish, mollusks or crustaceans ashore at any point in the state, or for the purpose of bringing fish, mollusks or crustaceans upon any waters of the state to any point therein from any boat or appliance on the high seas used or operated in catching or taking the same, without first procuring a license therefor, shall be deemed guilty of a misdemeanor.

SEC. 2. Section 2 of said act, as amended, is hereby amended to read as follows:

Sec. 2. The controller of the state shall prepare suitable licenses, of the classes designated by the fish and game commissioners, which shall license the holder of such license, to use such boat, net, seine, line or other appliance for the purposes enumerated in section 1 of this act, or such of them as may be designated in such license, for the term of one year from the first day of April of one year to the first day of April of the year following. The licenses shall be numbered consecutively, beginning with number one, and contain blanks for the insertion of the name of the holder, his resident address, and his description by age, height, nationality, color of eyes and hair, which description shall be furnished by the applicant to the board of fish and game commissioners. The controller shall sign all licenses and deliver the same to the fish and game commissioners, on demand, who shall be charged for the same by the controller. Each license, before delivery to the applicant therefor, must be countersigned by the president of the board of fish and game commissioners, and the president of the board of fish and game commissioners shall execute a bond to the people of the State of California, in the sum of two thousand dollars, for the faithful performance of the duties imposed upon him by this act.

SEC. 3. Section 3 of said act, as amended, is hereby amended to read as follows:

Sec. 3. No license for any of the purposes enumerated in section 1 of this act shall be issued to any person, unless he be then and for not less than one year prior thereto, an actual bona fide resident of the state; nor to any firm, unless all the members thereof be then and for not less than one year prior thereto, actual bona fide residents thereof; nor to any corporation, unless it be then authorized to do business in the state; nor in any case, unless such person, firm or corporation, on making application for such license shall file with such application an affidavit, showing that the applicant or applicants possess said qualifications as to residence, or in the case of a corporation, that the same is authorized to do business in the state, and showing the interest which the applicant has in such boat, net, seine, line, trap or other appliance and in the business for which it is, or is to be used or operated and the interest, if any, of all other persons or parties therein; and said affidavit shall be signed by all the persons having any interest therein, and in the case of a corporation, by the president and secretary thereof; and in any case, said affidavit shall state that the same is not made for any purpose of evasion of the provisions of this act. If during the life of such license, any other person or party, firm or corporation shall become the owner of such boat, net, trap, seine, line or other appliance or of any interest therein or in the business for which it is used or operated, said license shall immediately become subject to revocation, unless such person or party, firm or corporation, shall possess the qualifications for being licensed as in this section provided and file the application and affidavit for license as in this act required; *provided*,



of said water front last above described may be leased to any one lessee; and *provided, further*, that any and all vessels shall have the right to dock, land and discharge passengers or merchandise in, at and upon any wharf or pier erected or built upon property so leased as last above described upon the payment to any such lessee or lessees of reasonable dockage and wharfage fees and charges. Such fees and charges shall be regulated and prescribed in each such lease as from time to time may be determined by ordinance of said city of Pacific Grove or by statute of the State of California.

SEC. 3. Except as in this act otherwise prescribed, all valid rights of any and all persons, if such exist, in or to any part of said real property hereby ceded and granted to said city of Pacific Grove shall be and the same are hereby excepted and omitted from the provisions hereof.

SEC. 4. All acts and portions of acts in conflict herewith are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof," approved April 27, 1923.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 281—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego County and for the administration thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 571—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 460—An act to amend section 251 of the Penal Code, relating to libel.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 739—An act to amend section 4463 of the Political Code, relating to newspapers.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, after the words "An act", strike out all of the title and insert in lieu thereof the following: "to amend section 51 of the state housing act approved June 15, 1923, as amended, relating to fire and smoke towers and stairways combined; and enclosed stairways terminating in fire-proof passageway."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 22, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 51 of the state housing act approved June 15, 1923, as amended, is hereby amended to read as follows:

Sec. 51. In any apartment house or hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and constructed as a stairway and fire escape combined and computed as one of the fire escapes and one of the stairways required by this act in such building; *provided*, that there is at least one other stairway in such building constructed in accordance with the provisions of this act and the stairway extends to the first or ground floor of such building; and *provided, further*, that in a building with stairways continuous from the topmost story to the second story level, and such stairways in a nonfireproof apartment house or hotel are completely enclosed with walls as provided in section 59 of this act for automobile storage spaces having floor area of less than four thousand (4,000) square feet, and in the case of a fireproof apartment house or hotel with enclosing walls of masonry and with all door openings in such walls equipped with self closing doors lined with metal on both sides and all edges, and any glass in such doors is wired-glass not less than one fourth inch thick, then such stairways may be computed as combined stairways and fire escapes required in such building and such enclosed stairways may terminate at the second floor; *provided*, such stairways terminate in a fire-proof passageway not less than four feet wide and with ceiling height of not less than eight feet and such fireproof passageway is constructed with walls, ceiling and floors of masonry and the doors therein are constructed as hereinbefore in this section prescribed for doors to the stairway enclosure, and such passageway extends directly to the exterior walls of the building abutting a street and at the end of such passageway there is provided a fire escape balcony constructed in the manner hereinbefore in this act prescribed for balconies of fire escapes and such fire escape balcony is equipped with an approved stairway device fixed in a permanent position or in such a manner that it can be readily lowered to reach the ground or sidewalk level; and *provided, further*, that there shall always be readily accessible one stairway extending to the first or ground floor level."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 26, of the printed bill, as amended March 7, 1929, strike out the word "finished".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 26, of the printed bill, as amended March 7, 1929, after the word "manufactured", add the following: "as a finished product".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## RECESS.

At ten o'clock a.m., on motion of Senator Tubbs, the President pro tempore declared the Senate at recess, to reconvene as High Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA }  
vs. }  
CARLOS S. HARDY }

SENATE CHAMBER, April 26, 1929.

Ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators: Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mosher, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

## PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

## MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little and Melvyn I. Cronin, and counsel Pembroke Gochnauer.

## DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Nimmo, Frank M. Carr and Rex Hardy.

## PRIVATE CONFERENCE.

At ten o'clock and twenty-two minutes a.m., the President declared the court at private conference.

Motion carried.

## RECESS.

At four o'clock and two minutes p.m., the President declared the court at recess.

## RECONVENED.

At four o'clock and fifteen minutes p.m., the court reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, presiding.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Follom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Madoney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

#### PROCLAMATION CONVENING SENATE.

The Sergeant-at-Arms delivered the following proclamation convening the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye, all persons having business before the Senate of the State of California sitting as a Court of Impeachment in the proceeding now pending before it draw near, give attention and ye will be heard.

#### MANAGERS OF ASSEMBLY PRESENT.

The Managers of the Assembly and counsel were present as follows: Managers Walter J. Little, Melvyn I. Cronin and Clare Woolwine, and counsel Pembroke Gochnauer.

#### DEFENDANT AND COUNSEL PRESENT.

The defendant and counsel were present as follows: Carlos S. Hardy, and counsel Ray E. Niemi, Frank M. Carr and Rex Hardy.

#### ARTICLES OF IMPEACHMENT.

In the Matter of the Impeachment of

CARLOS S. HARDY,  
a Judge of the Superior Court of the State  
of California, in and for the County of Los  
Angeles.

Articles of Impeachment.

#### ARTICLE I.

That at all times mentioned in this Article of Impeachment the Echo Park Evangelistic Association, Incorporated, was a corporation organized and existing under and by virtue of the laws of the State of California, and that at all times mentioned in this Article of Impeachment, Aimee Semple McPherson and one Minnie Kennedy were engaged in conducting a religious organization known as Angelus Temple, Church of the Four Square Gospel, and divers and other sundry names, and other divers and sundry names and organizations not known to the members of this Assembly.

That between the first day of February, 1923, and the first day of April, 1927, the said Carlos S. Hardy, while then and there acting as a judge of the superior court of the State of California, in and for the county of Los Angeles, was guilty of misdemeanors and misconduct in office in this, to wit:

That the said Carlos S. Hardy, while he was a judge of said superior court and between the dates in this Article of Impeachment above mentioned, did furnish legal counsel and advice and legal services, as an attorney and counselor at law, to one Minnie Kennedy and one Aimee Semple McPherson, and to an organization known as the Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, which said legal services, counsel and advice, so furnished by said Carlos S. Hardy, consisted among other things as follows:

(a) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the relation of church members to the church corporation, based upon an examination made by the said Carlos S. Hardy of the charter, by-laws, plan of organization, trust agreement and membership application and certificates and other documents.

(b) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, with respect to the membership certificates in use by them, and in assisting said persons and said corporation in revising the same.

(c) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon the plans for the establishment and operation of branch churches and the relation of members of the main church, and upon questions concerning property of branch churches.

(d) In advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, upon questions and disputes between the branch churches and the Angelus Temple management, and in advising said persons concerning litigation between the branch church of Santa Ana and the temple management.



(e) In advising said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, concerning the disciplining of members, and advising them with respect to the disciplinary power of their said organization.

(f) In examining a list of real estate belonging to said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, and examining into the uses thereof, and advising the said Minnie Kennedy, Aimee Semple McPherson and said Echo Park Evangelistic Association, Incorporated, regarding certain transfers of said real estate, and the general plan of holding title to said real estate.

(g) In counseling and advising with said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, concerning disputes with, and claims of, former employees, contractors and others asserting claims against the church, and in settling, or attempting to settle, unadjusted claims and disputes amounting to many thousands of dollars arising out of the construction of the Angelus Temple building and the school building, and concerning both offices of the Angelus Temple, including the said Minnie Kennedy and Aimee Semple McPherson, and with architects and others claiming unadjusted accounts and claims against said temple, and performing such offices and duties in relation thereto, as an attorney at law would, or could perform.

(h) In giving advice to the said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, in regard to income tax returns, and in regard to claims and exemptions from taxation of certain pieces of real estate belonging to the said Minnie Kennedy, Aimee Semple McPherson and the said Echo Park Evangelistic Association, Incorporated, and in advising said Minnie Kennedy, Aimee Semple McPherson and the Echo Park Evangelistic Association, Incorporated, and other persons connected therewith, with regard to the taxation of the Angelus Temple radio.

(i) In dictating to temple stenographers many letters and documents for use of and by the officers of the Angelus Temple.

(j) That between the month of May, 1926, and the first day of January, 1927, during which said time the said Aimee Semple McPherson had disappeared and again reappeared, claiming that she had been kidnaped and held for ransom, and during which time the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles were investigating the circumstances surrounding the alleged kidnaping and the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not said Aimee Semple McPherson and Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and the said Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California, the said Carlos S. Hardy counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy, in connection with said investigation, and in the furtherance of his said services as an attorney at law to said Aimee Semple McPherson and Minnie Kennedy, said Carlos S. Hardy advised, counseled and instructed and directed other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with jurors, members of the said panel above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create public opinion through the press favorable to said Aimee Semple McPherson; and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion.

All of which services above specified, were performed by the said Carlos S. Hardy for a remuneration received by him, and in all of such acts, and during the time that each and all of them were performed, the said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, and during the year 1926, was actually presiding in one of the four departments of said superior court devoted to the trial of felony criminal cases; and by reason of which said facts, such acts so performed by him brought disrepute, obloquy and dishonor to the superior court of the State of California; and by reason of said acts the said Carlos S. Hardy has been guilty of misconduct and misdemeanors committed in office.

The President put the question: Is the defendant guilty of a misdemeanor in office as charged in article I of the Articles of Impeachment?

### The roll was called, with the following result:

**AYES**—Senators Christian, and Cleveland—2.

**NOES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

#### ARTICLE II.

That during the month of May, 1926, the said Aimee Semple McPherson mysteriously disappeared from the city of Los Angeles, State of California, and thereafter, on or about the twenty-second day of June, 1926, the said Aimee Semple McPherson reappeared in the city of Los Angeles and publicly announced that she had been kidnaped, and during the time of her absence had been held for ransom; that thereupon the grand jury of the county of Los Angeles, the district attorney of the county of Los Angeles and the said Carlos S. Hardy instituted several investigations into the facts and circumstances surrounding the alleged kidnaping and the absence from the said city of the said Aimee Semple McPherson, and the said grand jury of the county of Los Angeles and the district attorney of Los Angeles County further instituted investigations to determine the truth or falsity of the statement of the said Aimee Semple McPherson that she had been kidnaped, and the question of whether or not the said Aimee Semple McPherson and the said Minnie Kennedy had committed a felony under the laws of the State of California, which investigation later culminated in the filing of a complaint against the said Aimee Semple McPherson and Minnie Kennedy and others, charging them with the commission of a felony against the peace and dignity of the people of the State of California; that within a few days subsequent to the reappearance of the said Aimee Semple McPherson, the said Carlos S. Hardy received reliable information that the said Aimee Semple McPherson had not been kidnaped or held for ransom, and that notwithstanding his knowledge of the facts, disclosed by such information and the said investigations of the grand jury of Los Angeles County and the district attorney of Los Angeles County above mentioned, and during said investigations, the said Carlos S. Hardy committed and performed the following described acts:

He counseled, instructed and directed attorneys employed in behalf of the said Aimee Semple McPherson and Minnie Kennedy, and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge of the facts pertinent to said investigations, or material to the question of whether or not the said Aimee Semple McPherson had been kidnaped and held for ransom.

Said Carlos S. Hardy further counseled, instructed and attempted to direct the action of grand jurors, members of the said panel above mentioned, and counseled, instructed and directed journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy, to create public opinion through the press, favorable to the said Aimee Semple McPherson, and substantiating in the public mind and in the minds of the said jurors her claim that she had been kidnaped and held for ransom; and that the said Carlos S. Hardy, with knowledge of the facts, as aforesaid, and using his position as a judge of the said superior court, and relying thereon, delivered public addresses over the radio and on the public platform, in character directly designed to create such favorable public opinion and to create sentiment favorable to the said Aimee Semple McPherson in the minds of the said jurors aforesaid, and in the minds of citizens of the said Los Angeles County who might be called as trial jurors in event the said Aimee Semple McPherson was made defendant in a criminal action prosecuted by the people of the State of California.

That each and all of the above acts and declarations of the said Carlos S. Hardy, done and made between the first day of May, 1926, and the first day of April, 1927, were committed with the intention of preventing and obstructing a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney, and with the intention of preventing and obstructing a proper, vigorous and diligent prosecution of the said Aimee Semple McPherson, in the event it was determined by the said grand jury or the said district attorney that the said Aimee Semple McPherson had committed a felony under the laws of the State of California.

That each and all of the acts above mentioned, had the effect of and did prevent and obstruct a proper and unbiased investigation of the statement of the said Aimee Semple McPherson, that she had been kidnaped and held for ransom, by the said grand jury and the said district attorney; and each and all of said acts did obstruct the prosecution of the said Aimee Semple McPherson when she was later charged with a felony, and the said complaint charging the said Aimee Semple McPherson with the commission of a felony was dismissed upon motion of the district attorney of Los Angeles County, after preliminary examination and a holding by the committing magistrate that said Aimee Semple McPherson and others be held to answer in the superior court of the State of California, in and for the county of Los Angeles for a felony committed by said Aimee Semple McPherson and the other defendants in said action.

That during all of the times mentioned in this Article of Impeachment, the said Carlos S. Hardy was a judge of the superior court of the State of California, in and for the county of Los Angeles, and that each and all of the acts hereinabove mentioned and set forth, so done and performed by him, were and are misconduct and misdemeanors committed in office by the said Carlos S. Hardy and brought disrepute, obloquy and dishonor to the superior court of the State of California.

The President put the question: Is the defendant guilty of a misdemeanor in office as charged in article II of the Articles of Impeachment?

The roll was called with the following result:

**AYES**—Senators Allen, Baker, Christian, Cleveland, Duval, Edwards, Evans, Handy, McCormack, McKinley, Mueller, Nelson, Pedretti, Rochester, Slater, Tubbs, Weller, and Young 18.

**NOES**—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Sharkey, Swing, Wagy, and West 21.

#### ARTICLE III

That on or about the twelfth day of August, 1926, while said Carlos S. Hardy was acting as a judge of the superior court of the State of California in and for the county of Los Angeles, he received from one Minnie Kennedy and one Aimee Semple McPherson, the sum of twenty-five hundred dollars (\$2,500.00), by a check bearing date said twelfth day of August, 1926, in the sum of twenty-five hundred dollars (\$2,500.00) signed by the Echo Park Evangelistic Association, Incorporated, by Minnie Kennedy, which said check, the said Carlos S. Hardy did cash and receive therefor the sum of twenty-five hundred dollars (\$2,500.00), for his own use and benefit; and that prior to the time the said Carlos S. Hardy received said sum of twenty-five hundred dollars, and during the time while he was a judge of the superior court of the State of California in and for the county of Los Angeles, said Aimee Semple McPherson had, during the month of May, 1926, disappeared at a place known as Ocean Park, California, and that subsequently on or about the twenty-second day of June, 1926, reappeared and returned to the city of Los Angeles, claiming that she had been kidnapped and had been rescued, and that subsequent to the time of the reappearance of the said Aimee Semple McPherson, the district attorney of the county of Los Angeles, State of California, claimed to have discovered evidence that said Aimee Semple McPherson had not in truth or in fact been kidnapped, and that, subsequent to the return of the said Aimee Semple McPherson and prior to the time of the receipt of the said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, said Aimee Semple McPherson and said Minnie Kennedy were under investigation by the grand jury of the county of Los Angeles and the district attorney of the county of Los Angeles, to ascertain whether or not a felony had been committed by said Aimee Semple McPherson, or said Minnie Kennedy, or either or both of them, and that from the time of the disappearance of the said Aimee Semple McPherson, up to and including the date of the receipt of said sum of twenty-five hundred dollars (\$2,500.00) by said Carlos S. Hardy, the said Carlos S. Hardy had counseled and acted as the attorney for said Aimee Semple McPherson and said Minnie Kennedy in connection with said investigation, and in furtherance of his said services to said Aimee Semple McPherson and Minnie Kennedy, said Carlos S. Hardy advised, counseled, instructed and directed with other attorneys employed in behalf of said Aimee Semple McPherson and Minnie Kennedy and with detectives employed in their behalf by the said Carlos S. Hardy, and with witnesses having knowledge, or alleging that they had knowledge, of the facts material to such disappearance and reappearance of said Aimee Semple McPherson, and with grand jurors, members of the grand jury of Los Angeles County, above mentioned, and with reporters, journalists and publicity men employed on behalf of the said Aimee Semple McPherson and Minnie Kennedy to create favorable public opinion through the press favorable to said Aimee Semple McPherson; and that said Carlos S. Hardy, using his position as judge of the said superior court, also directly for the purpose of creating favorable opinion for the said Aimee Semple McPherson and Minnie Kennedy, delivered public addresses over the radio and on the public platform, which were in character directly designed to create such favorable public opinion; and that the receipt and acceptance by said Carlos S. Hardy of the sum of twenty-five hundred dollars (\$2,500.00) from said Minnie Kennedy and Aimee Semple McPherson, while he was a judge of the superior court of the State of California, in and for the county of Los Angeles, was a wrongful act and brought disrepute, obloquy and dishonor to the superior court of the State of California, and that the receipt of said sum of money by the said Carlos S. Hardy, under the circumstances hereinabove set forth, was misconduct and a misdemeanor in office by said Carlos S. Hardy.

The President put the question: Is the defendant guilty of a misdemeanor in office as charged in article III of the Articles of Impeachment?



The roll was called with the following result:

**AYES**—Senators Allen, Baker, Christian, Cleveland, Duval, Edwards, Evans, Handy, McCormack, McKinley, Mueller, Nelson, Rochester, Slater, Tubbs, and Young—16.

**NOES**—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Swing, Wagy, Weller and West—23.

#### ARTICLE IV.

That on or about the fifteenth day of August, 1926, while said Carlos S. Hardy was a judge of the superior court of the State of California in and for the county of Los Angeles, said Carlos S. Hardy interviewed one Wallace Moore, who was subsequently called as a witness in the case of People of the State of California vs. Aimee Semple McPherson et al., and which said Wallace Moore had partially identified a woman in an automobile with one Kenneth G. Ormiston at or near the city of Santa Barbara during the time of the alleged disappearance of said Aimee Semple McPherson, as Aimee Semple McPherson, and that in said interview the said Carlos S. Hardy informed the said Wallace Moore concerning the crime of perjury and the danger of attempting to identify the woman he had seen as Aimee Semple McPherson and the difficulty of being certain of absolute identification, and citing a case that had been tried before him, the said Carlos S. Hardy, wherein the defendant, charged with burglary, had been convicted upon a mistaken identification, and further informed the said Wallace Moore that a person making a mistake in identification would be liable for damages to the person injured thereby, and that ten years thereafter, when he might have accumulated a fair fortune, if he had been instrumental in convicting the wrong party he might be sued by such party at any time during his lifetime; all of which conversations on the part of the said Carlos S. Hardy was intended by him, the said Carlos S. Hardy, to intimidate the said Wallace Moore as a witness who might be called in the case of People of the State of California vs. Aimee Semple McPherson et al.; and that said conversation on the part of the said Carlos S. Hardy, was intended by him, the said Carlos S. Hardy, to suppress, modify, or render useless, the testimony of the said Wallace Moore as a witness in said case of People of the State of California vs. Aimee Semple McPherson et al., all of which was misconduct and misdemeanor committed in office by the said Carlos S. Hardy, a judge of the superior court of the State of California in and for the county of Los Angeles.

The President put the question: Is the defendant guilty of a misdemeanor in office as charged in article IV of the Articles of Impeachment?

The roll was called, with the following result:

**AYES**—Senators Allen, Baker, Christian, Cleveland, Duval, Edwards, Evans, Handy, McCormack, Nelson, Slater, Tubbs, and Young—13.

**NOES**—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, Wagy, Weller, and West—26.

#### PROCLAMATION ADJOURNING SENATE AS A COURT.

The Sergeant-at-Arms delivered the following proclamation adjourning the Senate as a Court of Impeachment:

Hear ye, hear ye, hear ye: This court held for the trial of the impeachment of Carlos S. Hardy, a judge of the superior court, now stands adjourned without day.

#### ADJOURNMENT.

Thereupon at four o'clock and sixteen minutes p.m., the President declared the court adjourned without day.

#### IN SENATE.

At four o'clock and twenty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 36—Relative to adjournment—has had the same under consideration, and respectfully reports the same back with amendment, and recommends that said resolution be adopted as amended.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

Assembly Concurrent Resolution No. 36—Relative to adjournment.

## COMMITTEE AMENDMENT.

During the reading of the resolution, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, in lines 3 and 4, of the printed resolution, strike out the following: "Friday, May 10, 1929", and in lieu thereof insert "Wednesday, May 15, 1929."

Amendment adopted.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER

## THIRTY-SIX.

## ASSEMBLY CONCURRENT RESOLUTION No. 36.

## Relative to Adjournment.

*Resolved by the Assembly, the Senate concurring.* That the forty-eighth session of the Legislature of the State of California shall adjourn sine die at three o'clock p.m., Wednesday, May 15, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 36 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—30.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 36 ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in con-

nection with the use of this act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass as amended.

(Signed out)

CHRISTIAN, Chairman.  
FELLOM.  
YOUNG.  
CLEVELAND.  
EDWARDS.  
GRAY.  
WAGY.

Senate Bill No. 748 ordered on file for second reading.

ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, April 24, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 712—An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—4; absent—1.

MUELLER, Chairman.

Senate Bill No. 712 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MUELLER, Chairman.  
BAKER.  
NELSON.  
GARRISON.  
COBB.  
BREED.  
TUBBS.  
MALONEY.  
MURPHY.

Senate Bill No. 842 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 456—An act to amend section 412 of the Political Code relating to the appointees of the Secretary of State—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

(Signed out)

MUELLER, Chairman.  
BAKER.  
NELSON.  
GARRISON.  
COBB.  
BREED.  
TUBBS.  
MALONEY.  
MURPHY.

Assembly Bill No. 456 ordered re-referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code and to add a new section to said code to be numbered 2176a, all relating to the Department of Institutions;

Also: Senate Bill No. 854—An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bill No. 983 ordered on file for second reading.

Senate Bill No. 854 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 948—An act creating the California Crime Commission, defining its duties and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

MUELLER, Chairman.

Assembly Bill No. 948 ordered re-referred to Committee on Finance.

# ADJOURNMENT.

At four o'clock and forty minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Monday, April 29, 1929.

## IN SENATE

### SENATE CHAMBER.

SACRAMENTO, Monday, April 29, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hursey, Immen, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Quorum present.

### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

### READING OF THE JOURNAL.

During the reading of the Journal of Friday, April 26, 1929, the further reading was dispensed with, on motion of Senator Slater.

### LEAVES OF ABSENCE.

Senator Cleveland was, on motion of Senator Garrison, granted leave of absence for this day.

Senator Edwards was, on motion of Senator Weller, granted leave of absence for this day.

Senator Duval was, on motion of Senator Baker, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. Muentert, chief Santa Rosa Fire Department of Santa Rosa, California.

## PRESENTATION OF PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Rochester:

WHEREAS, The best interests of the school child demand that teachers whose efficiency is impaired due to old age or disability retire from the school system; and WHEREAS, The present retirement pension is so inadequate that this class of teacher is continuing in the system to the detriment of the school child; and

WHEREAS, Teachers render to the economic world, as well as to the home and State an invaluable service, and therefore should be adequately cared for in their old age and infirmity; now, therefore, be it

Resolved, That this council does hereby endorse Senate Bill No. 673, as approved by the Senate Finance Committee, and do hereby petition the Senate and Assembly to pass Senate Bill No. 673, and respectfully urge Governor Young to sign it to the end that the teachers and children of the schools may benefit thereby, and that a copy of these resolutions be sent to each member of the Legislature, the Clerk of the Senate and of the Assembly, and to Governor Young.

By Senator West:

April 24, 1929.

*To the Honorable Legislature of the State of California.*

The South Basin Property Owners Association, comprised of owners of over 16,000,000 square feet, or 60 per cent, in the South Basin area, most earnestly and most respectfully petition the Legislature of the State of California to not pass Senate Bill No. 524 now pending in the Senate of the State of California.

The reasons which actuate your petitioners may be summarized as follows:

1. The right of the property owners to petition secured to all other property owners in the State in reclamation matters should be observed.

2. Over 60 per cent of the property owners are opposed to this legislation at this time.

3. There is no public demand for this legislation.

4. No survey is needed because the property owners, the Coast and Geodetic Survey, the Harbor Board and the United States Navy have all made surveys and borings, and these are available without cost.

5. This bill tentatively commits the State of California to an approval of this project, whereas the executive officers of the State have not been consulted, nor has any information been received from them in connection with it.

6. No reclamation of that area can be accomplished until a seawall shall have been constructed on the property of the State of California at an estimated cost of \$6,000,000.

7. The plans of the Board of Harbor Commissioners do not contemplate any seawall or development work in that location for a long time in the future. Their plans just made public show that every bit of development and industrial reclamation planned for several years is all north of Hunters Point.

8. Several prominent authorities on real estate titles have informally expressed an opinion that this bill would set up a lien which may run for a long time against all of the property, thus preventing sales or financial negotiations upon its value.

Wherefore, Your petitioners respectfully submit that this legislation is ill-advised at this time, premature and without proper foundation and exercise their constitutional rights of petition in placing the matter before your honorable body.

SOUTH BASIN PROPERTY OWNERS ASSOCIATION.

By AUG. TAYLOR, President.

F. H. AINSWORTH, Secretary.

Having authority from over 60 per cent of the property owners.

## MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 27, 1929.

*To the Senate of the State of California.*

I am herewith returning Senate Bill No. 201 without my approval.

This bill, together with its companion bill, Senate Bill No. 202, was designed to make the custody of the criminal insane a charge against the State, instead of

against the county, as seems to be the case at present. In such cases, at least where the crime in question amounts to a felony, this would seem a perfectly reasonable change. The State bears this expense when the person concerned is merely a criminal, and it seems proper that the same should be true in the case of the "criminal insane."

However, Bill 201 goes farther, and transfers the charge from the county to the State in the case of inebriates—a procedure which the author assures me was not intended, but which crept in owing to the wording of the Penal Code section which it was proposed to amend. This might easily result in a very grave financial burden to the State.

Accordingly I am signing Bill 202, which seems to accomplish the purpose intended; and after consultation with the author, am withholding my approval from Bill 201, which went further than was evidently contemplated.

Respectfully submitted,

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 201 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, April 27, 1929.

*To the Senate of the State of California.*

Senate Bill No. 801 is herewith returned without my approval.

This bill was proposed, or at least endorsed, by the Northern California Chapter of the American Institute of Architects, and was intended for the very laudable purpose of making a fuller and better use of the rear of inside lots, when the front is used for some such purpose as an apartment or lodging house.

However, as frequently happens in the case of technical legislation of this kind, the wording of the bill fails to safeguard the evident intent. I have had it analyzed with extreme care, both by the Attorney General's office and by the Legislative Counsel, and both unite in pointing out places where the bill would permit structures clearly not contemplated by its author or sponsors.

For instance, while it appears probable that those who prepared the bill intended the structures in rear yards to be only one story in height, and of fireproof material, neither of these limitations is assured by the wording of the measure. As a matter of fact, such structures might be permitted by the bill to be two, three, or more stories in height, and might be built of such materials as to create a dangerous fire hazard—none of which contingencies was evidently intended.

Objections to these debatable provisions of the bill have come from the National Lumber Manufacturers' Association, the League of California Municipalities, the Los Angeles Department of Health, the Los Angeles Department of Building and Safety, as well as by the building department and building inspectors of other California cities. Finally, our own State Division of Sanitation and Housing strongly opposes the bill as drawn, and urges that my approval be withheld.

I have today been in communication with an official of the Northern California Chapter of the American Institute of Architects, which I have mentioned above as originally sponsoring this measure. I was advised that the bill be not signed, undoubtedly with the thought that all parties in interest might subsequently get together and prepare a measure which will be so clear in its construction that it will avoid the conflicts and disputes which this bill would be practically certain to bring about.

For these reasons, I have felt compelled to withhold my approval of the bill in its present form.

Respectfully submitted,

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 801 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:



AYES—None.

NOES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property;

Also: Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors;

Also: Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 14 of article XIII of the constitution;

Also: Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 327, 703, 562 and 746 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 660 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 350—An act making an appropriation to pay the claim of Lew A. Norton against the State of California;

Also: Assembly Bill No. 957—An act to add a new section to the Political Code, to be numbered 594b, relating to burial contracts and certificates;

Also: Assembly Bill No. 1097—An act making an appropriation to be used by the Department of Agriculture to carry out the provisions of an act entitled "An act to create a Cattle Protection Board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle, and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917;

Also: Assembly Bill No. 1144—An act to amend section 30 and section 31 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, relating to insurance policies of workmen's compensation insurance.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 350 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 957 and 1144 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1097 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 34—Relative to the Joint Legislative Committee appointed to study and investigate the regulation and control of the sale of corporate securities within this State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Concurrent Resolution No. 34 referred to Committee on Corporations.

# REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 7—An act to amend section 628f of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 12—An act regulating the sale of agricultural seed and providing for a State Seed Arbitration Committee to investigate and make recommendations relative to disputes arising from violations of the provisions thereof;

Also: Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in sheds or buildings in lime, cement and other reduction plants where dust is created;

Also: Senate Bill No. 301—An act to prohibit any board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728, thereof to relate to the Judicial Council assigning justice of the peace;

Also: Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925;

Also: Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure, relating to judges in counties of the first class;

Also: Senate Bill No. 221—An act to amend sections 2 and 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees;

Also: Senate Bill No. 754—An act adding a new section to be numbered 2a to an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bidders on public works under the jurisdiction and control of the Department of Public Works;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 4—An act to amend section 1557 of the Penal Code, relating to the return of fugitives;

Also: Senate Bill No. 182—An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof;

Also: Senate Bill No. 358—An act to amend sections 2, 3 and 4 and to add a new section to be numbered 4a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds;

Also: Senate Bill No. 521—An act to amend sections 2319a, 2319b, and 2319c of the Political Code, relating to the duties of the State Commissioner of Horticulture, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 784—An act relating to the finances of the State Board of Education;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1929, at four o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 18—An act to enable counties to obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards;

Also: Assembly Bill No. 150—An act to amend section 4250 of the Political Code, relating to compensation of officers and jurors in counties of the twenty first class;

Also: Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership: 9; committee vote: Ayes: 5; absent—4.

CHRISTIAN, Chairman.

Assembly Bills Nos. 18, 150 and 1092 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 249—An act to amend sections 2979b and 2979c of the Political Code, relating to the character, treatment, transportation and physical rehabilitation of physically defective and handicapped persons, under the age of 18 years, by and under the direction of the State Board of Health and by and under the direction of the county board of supervisors, procedure thereof, waiving of fees, providing for collection and disposition of moneys collected, and continuing of revolving fund;

Also: Assembly Bill No. 397—An act to amend section 2322x8 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class;

Also: Assembly Bill No. 406—An act to amend section 4237 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class;

Also: Assembly Bill No. 541—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class;

Also: Assembly Bill No. 1021—An act to amend section 2322x14 of the Political Code, relating to the salaries of the county horticultural commissioner and inspectors in counties of the fourteenth class;

Also: Assembly Bill No. 1022—An act to amend section 2322x26 of the Political Code, relating to the salaries of the county horticultural commissioner, deputies and inspectors in counties of the twenty-sixth class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 5; absent—4.

CHRISTIAN, Chairman.

Assembly Bills Nos. 249, 397, 406, 541, 1021 and 1022 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 127—An act to add a new section to the Political Code to be numbered 4041c, relating to county jails:

Also: Assembly Bill No. 159—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class:

Also: Assembly Bill No. 330—An act to amend section 19017 of the Juvenile Court Law, approved June 5, 1915, relating to counties of the seventeenth class:

Also: Assembly Bill No. 1122—An act to amend section 19011 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of probation officer of counties of the eleventh class:

Also: Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers:

Also: Senate Bill No. 729—An act to declare certain ditches and waterways, public highways and conferring certain powers and duties upon boards of supervisors; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—5; absent—4.

CHRISTIAN, Chairman.

Assembly Bills Nos. 127, 159, 330, 1122 and 345 ordered on file for second reading.

Senate Bill No. 729 ordered on file for second reading.

CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by repealing section 101, relating to alternative specifications for sewer construction.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Constitutional Amendment No. 32—A resolution to amend the constitution of the State of California by adding a new article thereto, to be known as article XIII, relating to revenue and taxation.

COMMITTEE AMENDMENT.

During the reading of the constitutional amendment, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 16, of the printed measure, strike out all following the period after the word "constitution", and all of lines 17 to 24, inclusive, and substitute in lieu thereof the following: "Acts adopted pursuant to this article shall require a two-thirds vote of all of the members of the Legislature elected to each of the two houses voting in favor thereof."

Amendment adopted.

Senate Constitutional Amendment No. 32 read, ordered to print, engrossment, and on file.

Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the comma following the words "hammock pad", insert the following: "box spring,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the words "hair, cotton", and insert in lieu thereof the following: "hair, staple cotton".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 7, of the printed bill, strike out lines 7 and 8, and insert in lieu thereof the following: "or other material used in filling mattresses."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 9, of the printed bill, after the semicolon, insert the following: "or spinning surplus, or sweepings, or material made from clippings or mill ends; or".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 14, of the printed bill, strike out the following: "and the division of weights and measures".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 16, of the printed bill, strike out lines 16 to 19, inclusive, and insert in lieu thereof the following: "servants, or employees, shall sell, offer or expose for sale, deliver, rent or consign, or have in his possession with intent to sell, expose for sale, deliver, rent or consign, any mattress made, remade, sterilized or renovated in violation of this act."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 22, of the printed bill, strike out lines 22 to 52, inclusive; also strike out lines 1 to 3, inclusive, on page 3, and insert in lieu thereof the following: "at wholesale or retail, or otherwise, sell, offer or expose for sale, repair or renovate, deliver, rent or consign, or have in his possession with intent to sell, offer or expose, repair, renovate, deliver, rent or consign, any mattress that shall not be plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the materials are in whole or in part, new or old, or second-hand or shoddy, and the name of the vender, which name may be stamped or written on the tag by either the factory or the vender, together with the serial number of the manufacturer, which serial number shall be assigned by the division of weights and measures; also the quantity of such materials used, expressed in terms of avoirdupois weight; also size of same, expressed in linear measure, clearly indicating the length and breadth thereof, also grade and percentage of each material used. Sizes of comforters may be stated in terms of cut size measurements.

SEC. 3a. Every person, firm or corporation manufacturing or selling at wholesale any of the above articles shall obtain annually from the division of weights and measures, a license for which the annual fee shall be thirty dollars. Each and every branch house shall likewise be amenable to this license provision.

Every person, firm or corporation renovating, making over, or sterilizing any of the above articles, unless licensed under the preceding paragraph of this section, shall obtain annually from the division of weights and measures, a license for which the annual fee shall be twenty dollars. Each and every branch house shall likewise be amenable to this license provision. Every person, firm or corporation selling or offering for sale at retail any of the above articles, unless licensed under one of the preceding paragraphs of this section, shall obtain annually from the division of weights and measures, a license for which the annual fee shall be five dollars. Each and every branch house shall likewise be amenable to this license provision."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 8, of the printed bill, strike out the comma at the end of said line, and also strike out all of lines 9 to 14, inclusive, on said page.

## Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 3, line 15, of the printed bill, strike out lines 15 to 51, inclusive, and all of page 4, and insert in lieu thereof the following:

SEC. 4. Whenever the word "felt" is used in any statement said materials in mattress shall be in layers as processed by felting machines, and it shall be indicated whether said felt is "felted staple cotton" or "felted cotton liners," or, if any other material is felted, the name of said material shall be indicated.

SEC. 5. It shall be unlawful to use in the said statement concerning any mattress the word "floss" or words of like import, if there has been used in filling said mattress any materials which are not termed as "kapok."

SEC. 6. It shall be unlawful to use in said statement concerning any mattress the word "hair" unless the material so named is entirely manufactured of animals' hair.

SEC. 7. It shall be unlawful to use in the description in the said statement any misleading term or designation, or term or designation likely to mislead.

SEC. 8. Any mattress made from new material shall have stamped or printed upon a white linen tag attached thereto as a heading in type not less than twenty-four point condensed gothic type the words, "all new material."

SEC. 9. Any mattress made from any material known as "second hand material," and/or "shoddy material," and or spinning surplus, and or sweepings, and or materials made from clippings or mill ends, shall have stamped or printed upon a red linen tag attached thereto as a heading, in type not smaller than twenty four point condensed gothic type the words "second hand material." Wastes which are by-products of machines at textile mills using new raw materials only are excepted when free from contamination.

SEC. 10. The wording of labels necessary to carry out the provisions of this act shall be prescribed and approved by the state superintendent of weights and measures.

SEC. 12. Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any mark or statement placed upon any mattress under the provisions of this act shall be guilty of a violation of this act.

SEC. 13. Any mattress, of which prior use has been made, before it shall be offered for sale, shall be sterilized by a process approved by the state board of public health which board is invested with the power to make regulations covering the processes or methods used in sterilization.

Filthy or soiled mattresses shall not be considered sterilized unless the fabric covering such mattresses be replaced by clean and new covering and then subjected to sterilization.

SEC. 14. The right to condemn and or seize any mattress which is found in violation of this act shall be vested in the division of weights and measures. The right to destroy any mattress found in violation of any of the sanitary provisions of this act shall be vested in the state department of public health.

SEC. 15. Any person who removes any tag or device placed upon any mattress by an inspector shall be guilty of a misdemeanor.

SEC. 16. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, exposed or offered for sale, delivered, consigned, rented, or possessed with intent to sell, offer or expose for sale, deliver, consign or rent, contrary to the provisions hereof. No provisions of this act shall apply to merchandise manufactured for use and sale outside of the State of California, excepting section two, relating to the sterilization of second-hand or shoddy materials.

SEC. 17. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not to exceed five hundred dollars for each offense, or by imprisonment for not less than three months and not exceeding six months or by both such fine and imprisonment.

SEC. 18. The enforcement of the provisions of this act shall be under the supervision of the state superintendent of weights and measures.

SEC. 19. The state superintendent of weights and measures, or any deputy or inspector authorized by him, shall have access to any premises or records where mattresses are made, remade, sterilized or renovated, sold or exposed for sale or handled commercially in any way and shall have access to any premises or records of parties selling or offering for sale any second-hand or used mattresses or materials which may be used in filling mattresses.

SEC. 20. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would



have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 21. All acts or parts of acts inconsistent herewith are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 23, line 5, of the printed bill, following the words "director of", insert the word "the".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 23, line 25, of the printed bill, following the word "thirtieth", insert the words "of each year".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 23, line 29, of the printed bill, following the word "engage", insert the following words "in business".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 23, line 35, of the printed bill, strike out the word "July", and insert in lieu thereof the word "June", and in line 37 of this same section strike out the word "fiscal".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 23 of the printed bill, strike out all of section 8, being lines 43, 44, 45, 46 and 47.

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 23, line 48, of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "8".

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 23, line 49, of the printed bill, strike out the first two words in this line, being the words "director of".

Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 24 of the printed bill, strike out all of sections 10, 11 and 12, being lines 7 to 52, inclusive, and on page 25 of the printed bill all of lines 1 to 17, inclusive, and insert in lieu thereof the following:

"SEC. 9. Any person, firm, corporation, association or other organization may file a duly verified complaint with the registrar charging that the licensee is guilty of one or more of the following acts or omissions:

- (1) Abandonment of any contract without legal excuse;

(2) Diversion of funds or property received under express agreement, for prosecution or completion of a specific contract under this act, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner.

(3) Fraudulent departure from, or disregard of, plans or specifications in any material respect, without consent of the owner or his duly authorized representative, or the doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.

(4) Wilful and deliberate disregard and violation of the building code of the State, or of any political subdivision thereof, or of the Safety Laws or Labor Laws of the State.

On the filing of such complaint the registrar shall investigate the charge and within sixty days after the filing of such complaint shall render and file his decision with his reasons therefor. If the registrar's decision be that the licensee has been guilty of any of such acts or omissions, he shall suspend or cancel the contractor's license. At any time within twenty days after the service by mail of the registrar's action, the complainant or the contractor may petition the registrar for a rehearing. In his order granting or denying such rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on such petition and shall forthwith mail a copy of such order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing be granted the registrar shall set the matter for further hearing on due notice to the parties and within thirty days after submission of the matter serve his decision after rehearing in like manner as on original decision.

The filing of such petition for rehearing as to the registrar's action in suspending or canceling such license shall suspend the operation of such action and permit the licensee to continue to do business as contractor pending final determination of the controversy.

Within thirty days after denial of rehearing or after decision on rehearing any party aggrieved by such decision of the registrar may appeal therefrom to the superior court of the State of California in and for the county or city and county in which the licensee under this act resides or does business as a contractor by serving upon the registrar a notice of such appeal. Such appeal to the superior court shall be governed by the provisions of law applicable to appeals from inferior courts. Upon the hearing of such appeal the burden of proof shall be upon the appellant, and the superior court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the matter in controversy.

If the superior court shall determine that the contractor's license should be suspended or canceled, it shall by its judgment suspend or cancel such license. The suspension or cancellation of license as aforesaid may also be embraced in any action otherwise proper involving the licensee's performance of his legal obligation as contractor.

SEC. 10. A judgment of suspension or cancellation of license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts but there shall be no stay of execution or enforcement of such judgment pending such proceedings on appeal or review unless the contractor appealing or petitioning for review shall file a bond or undertaking in such amount as the court shall fix to the effect that he will observe the provisions of this act pending final determination of the matter. Such undertaking shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a contractor. Such undertaking shall be for the benefit of any person having dealings with such appellant or aggrieved person as a contractor, and any such person so dealing with the same shall have the right to commence suit thereon in his own name against said contractor and his sureties. The clerk of the court wherein said judgment has become final shall transmit to the registrar within ten days thereafter, an abstract of said judgment of suspension or cancellation, as the case may be, upon such form as the registrar shall prescribe.

SEC. 11. After suspension of the license, the registrar shall renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license or, in the absence of such judgment or any provisions therein as to renewal, in the sound discretion of the registrar. After cancellation of a license such license shall not be renewed or reissued within a period of one year after final determination of cancellation and then only on proper showing that all loss caused by the act or omission for which the license was canceled has been fully satisfied."

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 25, line 18, of the printed bill, strike out the figures "13", and insert in lieu thereof the figures "12".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 25, line 30, of the printed bill, strike out the figures "14", and insert in lieu thereof the figures "13".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 25, line 38, of the printed bill, strike out the figures "15", and insert in lieu thereof the figures "14".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 25, line 40, of the printed bill, strike out all of section 16, which includes lines 40, 41, 42 and 43.

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 22, line 22, of the printed bill, following the word "district", insert the words "reclamation district," and on line 26 of this same page following the words "irrigation districts", insert the words "reclamation districts,".

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 22, line 35, of the printed bill, following the designation of the section (e), strike out the balance of line 35, all of lines 36 and 37, and insert in lieu thereof the following: "Sole owners of property, building structures thereon for their own use;".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 854—An act to amend section 737*aa* of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following: "in and for the county of Monterey is six thousand five hundred dollars."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 75—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 2, 30*a*, 39 and 47 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by



the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power." approved June 13, 1913, as amended, by amending section 7 thereof and adding new sections thereto to be numbered 37 to 59, inclusive, relating to the powers and duties of water districts and the boards of directors thereof, and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 264—An act to amend section 1 of an act entitled "An act to take title to and thereafter maintain as a State highway, the toll road in Tuolumne and Mariposa counties, known as Big Oak Flat and Yosemite road, also, a section of the Tuolumne County road to connect said toll road with the Sonora lateral of the State highway," approved May 19, 1915, providing for the rerouting of said highway and the improvement and maintenance thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 299—An act to amend section 4300*f* of the Political Code, relating to fees of jurors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 402—An act to amend section 1033 of the Code of Civil Procedure, relating to costs in civil cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 407—An act to amend section 1280 of the Code of Civil Procedure, relating to validity of arbitration agreements.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 497—An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 527—An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 734—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of monies due from a judgment debtor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, after the figures "710", insert the word and figures: "and 710a".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 8, of the printed bill, following the period in said line 8, insert the following:

"Sec. 2. Section 710a of said code is hereby amended to read as follows:

710a. In the event the judgment debtor named in any transcript of judgment filed under the provisions of section 710 of this code, approved March 21, 1903, be a contractor upon any public work, the cost of which is to be paid out of any public moneys voted, appropriated or otherwise set apart for the purpose of paying therefor, only so much of the contract price shall be deemed owing to the contractor, within the meaning of said section, as may remain payable to him under the terms of his contract, upon the completion thereof, after the sums severally due and to become due to all persons who perform labor upon such work or who bestow skill or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, have been ascertained and paid. In ascertaining the sums severally due or to become due the persons who perform labor upon public works or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, only such claims shall be considered as are filed against the moneys due or to become due the judgment debtor in accordance with sections 1184 and 1184a of the Code of Civil Procedure. The controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract shall not draw his warrant in favor of the court from the docket of which the transcript was taken until said contract is completed and the payments above specified are made, and then only for the excess, if any, of the contract price over the aggregate of the sums so paid."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 790—An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out all of the printed matter down to and including the semicolon in line 12, and insert in lieu thereof the following:

"1. In an action by a vendor to set aside a fraudulent purchase of real or personal property, or by a creditor holding a lien to subject any property or fund to his lien,

or between partners or any other joint or common owners of a business, property, or funds, or the proceeds thereof, where the interest of the applicant for such appointment is apparent and the probability of loss, damage, waste or deterioration of the business, property, or fund, or the misappropriation or loss of such fund, is shown.

2. In an action for foreclosure of a mortgage or for the foreclosure of a deed of trust, and sale of the property mortgaged or held in trust where it appears that the debt thereby secured is due and unpaid or that any condition thereof has been broken and the property upon which it is a lien is insufficient in value to insure the payment of the debt; and in an action to set aside or avoid a mortgage or trust deed or to restrain a foreclosure of a mortgage or the exercise of the power of sale in a trust deed where it appears that the property upon which such mortgage is a lien or which is held in trust is likely to be insufficient in value to satisfy the debt thereby secured, or is in danger of waste, destruction or depreciation, or that the rents and issues thereof are being misappropriated or diverted to purposes other than the discharge of such debt."

Amendment adopted.

#### AMENDMENT NUMBER TWO

On page 1, line 25, of the printed bill, strike out all of the printed matter down to and including the period on page 2, line 11, and insert in lieu thereof the following:

"3. After judgment, to carry the judgment into effect, or to dispose of property according to the judgment, or to preserve or protect it pending appeal, or in proceedings in aid of judgment after the return of execution unsatisfied, or where the judgment debtor refuses to apply his property to the satisfaction of the judgment.

4. In cases where a corporation has been dissolved, or has become insolvent or is in imminent danger of insolvency, or when a majority of the board of directors of a corporation or the owners of more than one-half of its voting capital stock shall have been indicted on charges of fraud or other criminal conduct arising out of the management of the corporation's affairs, or where a corporation has incurred liability to forfeiture of its charter or has forfeited its charter.

5. In an action of unlawful detainer in those cases in which the superior court has original jurisdiction.

6. In actions for divorce, annulment of marriage, separate maintenance or support of minor children, where it appears necessary for the enforcement of an order or a judgment, or for the protection of the rights of any party or of the rights of minor children of any party.

7. At the instance of an attaching creditor or creditors when the property attached is of a perishable nature or is otherwise in danger of waste, impairment or destruction or where the debtor has absconded or abandoned the property and it is necessary to conserve or protect it, or to dispose of it immediately.

8. In all other cases where it shall appear to the satisfaction of the court or judge that irreparable injury or damage is likely to result unless a receiver be appointed and for which no other adequate remedy exists."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Judiciary.

Assembly Bill No. 949—An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 5, line 16, of the printed bill, as amended, strike out the words "district attorney of each county", and insert the following: "prosecuting officer of any city, city or county, or county".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 966—An act to add a new section to the Penal Code, to be numbered 603, providing a penalty for trespass on the premises of another with intent to commit theft.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners, and to repeal sections 18, 18a and 1588 of the Penal Code, relating to terms of imprisonment.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, lines 1 and 2, of the printed bill, strike out the words "relating to terms of imprisonment".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4, line 26, of the printed bill, strike out the word "his", and insert in lieu thereof the word "him".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 24, of the printed bill, strike out the word "witness", and insert in lieu thereof the word "witnesses".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 4, line 45, after the word "imposed", insert the words "by the court".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1000—An act to amend section 68 of the Penal Code, relating to bribes.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of lines 1 to 2, inclusive, and insert in lieu thereof the following:

"An act to amend section 70 of the Penal Code and to add a new section thereto to be numbered section 67½, relating to bribery."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 2, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Penal Code to be numbered 67½ and to read as follows:

67½. Every person who gives or offers any bribe to any ministerial officer, employee, or appointee of the State of California, county or city therein or political subdivision thereof, shall be guilty of a misdemeanor.

SEC. 2. Section 70 of the Penal Code is hereby amended to read as follows:"

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 67—An act to repeal section 2572 of the Political Code, relating to the Board of Harbor Commissioners of the port of Eureka on Humboldt Bay and to the officers and employees thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 322—An act to add a new section to the Code of Civil Procedure, to be numbered section 177<sup>8a</sup>, relating to the sale of personal property by guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 323—An act to amend section 1766 of the Code of Civil Procedure, relating to guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1116—An act to add a new section, to be numbered section 1 $\frac{1}{2}$ , to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants, for employment," approved April 20, 1917, as amended, and to amend section 2 thereof, relating to the protection of cash bonds put up by employees or applicants for employment and providing penalties for violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 526—An act to amend section 1444 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 942—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1106—An act to increase the number of judges of the superior court of the county of Santa Barbara, and for the appointment of such additional judge.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 713—An act authorizing the Director of Finance and the Director of Public Works to investigate available sites in the city of Sacramento for the erection of a new residence for the Governor of the State, and providing for the acquisition of such site or making a report with reference to same to the forty-ninth session of the Legislature.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to act under the provisions of section 3897<sup>a</sup> of the Political Code.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, as amended in Assembly March 29, 1929, strike out the numerals "3771a", and insert in lieu thereof the numerals "3785".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 880—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections 12 and 17 thereof, relating to directors, and by adding a new section thereto to be numbered 19a, relating to nomination of candidates for office, and by amending section 20 thereof, relating to elections, section 41 thereof, relating to assessments, and section 58 thereof, relating to actions to determine the validity of bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 733—An act to amend section 633c of the Penal Code, relating to insurance adjusters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 571—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly April 18, 1929, strike out lines 1 to 9, inclusive, of the title, and insert in lieu thereof the following :

"An act to amend section 596a of the Political Code, relating to the insurance commissioner and the rendering of opinions and the performance of other legal services by the attorney for the insurance commissioner and the attorney general."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Assembly April 18, 1929, strike out lines 1 to 20, inclusive, on said page, and lines 1 to 2, inclusive, on page 2.

Amendment adopted.



## AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed bill, as amended in Assembly April 18, 1929, strike out the designation "Sec. 2.", and insert in lieu thereof:  
"SECTION 1."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 30, of the printed bill, as amended in Assembly April 18, 1929, strike out lines 30 to 52, inclusive, and also strike out all of page 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 881—An act to amend sections 1 and 5 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add a new section thereto to be numbered section 5a.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 534—An act to amend the title and sections 2, 4, 5, 6, 7, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section, to be numbered section 6½, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 2½.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Assembly March 26, 1929, after the comma following the figure "6", insert "6½".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 11, of the printed bill, as amended in Assembly March 26, 1929, strike out the period at the end of the line, and insert in lieu thereof the following: "; provided, however, that all transfers made more than four years prior to the date of death of the grantor, vendor, assignor or donor shall be presumed not to have been made in contemplation of death; provided, further, that when the transfer is of real property or of the capital stock of a corporation said four-year period shall begin with the date of recordation in the county recorder's office of the instrument conveying said real property or the date of transfer on the books of the corporation of said stock to the transferee."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 8, line 39, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "seven", and insert in lieu thereof the word "six".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 8, line 42, of the printed bill, as amended in Assembly March 26, 1929, strike out said line 42, and insert in lieu thereof the following: "and up to three hundred thousand dollars, seven per centum of".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 8, line 44, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 8, line 45, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "ten", and insert in lieu thereof the word "eight".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 9, line 39, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "of", and insert in lieu thereof the word "on".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 9, line 51, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "state", and insert in lieu thereof the word "estate".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 14, line 5, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "theretofore", and insert in lieu thereof the word "heretofore".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 14, line 29, of the printed bill, as amended in Assembly March 26, 1929, strike out the word "treasurer", and insert in lieu thereof the word "hereunder".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 13, of the printed bill, as amended in Assembly March 26, 1929, after said line 13, insert a new paragraph as follows:

"(9) Proceeds of life or accident insurance policies payable to the insured, or to the estate, executor or administrator, or personal representative of the insured, shall be subject to the tax herein imposed. The proceeds of all other life or accident insurance policies payable on account of the death of the insured shall not be subject to the tax herein imposed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1087—An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the words "three years", and insert in lieu thereof the words "one year".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1126—An act to amend section 3650 of the Political Code, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 13 to 25, inclusive, and insert in lieu thereof the following:

"5. The cash value of real estate and improvements as follows: (a) The cash value of real estate; (b) the cash value of improvements on such real estate, (c) the cash value of improvements on real estate assessed to persons other than the owners of the real estate; *provided, however,* that upon the written and verified application of any owner of an estate for years in land, the assessor shall assess and list separately in said assessment book the cash value of such estate for years, but in no event shall the total of the assessments of the cash value of all of the interests in any parcel of real estate so separately assessed exceed the amount that the assessment of the cash value of any such parcel of real estate would have been if the interests therein were not so separately assessed; *provided, further, however,* that such estate for years shall in no event be considered as having a cash value in excess of the cash value of the improvements placed or caused to be placed upon the leased property by the owner of such estate for years, except that such estate for years shall be assessed for its cash value if the owner of the real estate agrees with the owner of such estate for years in such written and verified application requesting that such estate for years be separately assessed."

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 2, line 26, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "6".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 31, of the printed bill, strike out the numeral "9", and insert in lieu thereof the numeral "7".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 35, of the printed bill, strike out the numeral "10", and insert in lieu thereof the numeral "8".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 39, of the printed bill, strike out the numeral "11", and insert in lieu thereof the numeral "9".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 47, of the printed bill, strike out the numeral "12", and insert in lieu thereof the numeral "10".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 49, of the printed bill, strike out the numeral "13", and insert in lieu thereof the numeral "11".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revenue and Taxation.

Assembly Concurrent Resolution No. 25—Relative to the preservation of the coast line of the State of California and the land and water



areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation.

COMMITTEE AMENDMENTS.

During the reading of the resolution, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 4, of the printed resolution, as amended, strike out all of lines 4 to 5, inclusive, and insert in lieu thereof the following: "this resolution under the direction of the committee hereinafter designated and to make available to the committee from time to time as may be convenient to".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 16, of the printed resolution, as amended, strike out the word "three", and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 19, of the printed resolution, as amended, immediately following the semicolon after the word "departments", insert the following: "to effect a thorough investigation and study of the subject matter of this resolution;".

Amendment adopted.

Resolution read, ordered to print, and on file.

Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code and to add a new section to said code, to be numbered 2176a, all relating to the Department of Institutions.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 3, line 25, of the printed bill, strike out the word "hospital", and insert in lieu thereof the word "county".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3 of the printed bill, strike out all of line 30, and insert in lieu thereof the following: "his discretion."

The judge shall designate some county officer, whose business it shall be to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the person or persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such person or persons to make such payments.

The superintendent may, with the approval".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 3, line 38, of the printed bill, strike out the comma following the word "hospital", and insert a period, and strike out the remainder of said line 38 and all of lines 39 and 40.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RECESS.

At ten o'clock and forty-three minutes a.m., on motion of Senator Slater, the President declared the Senate at recess until the hour of eleven o'clock and fifteen minutes a.m.

RECONVENED.

At eleven o'clock and fifteen minutes a.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

CONSIDERATION OF DAILY FILE.

UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of verbal threats.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED FIVE.

AMENDMENT NUMBER ONE.

In line 6 of the printed bill, as amended in Senate March 15, 1929, after the word "imprisonment", insert the following: "in the county and not longer than one year or".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 205?

The roll was called, and Assembly amendment to Senate Bill No. 205 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Handy, Hurley, Johnson, Jones, R. J. Linn, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Seving, Weller, West, and Young—27.

NOES—None.

Senate Bill No. 205 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED EIGHTEEN.

AMENDMENT NUMBER ONE.

On page 4, line 27, of the printed bill, in section 1, subdivision 4, after the word "Auditor", strike out the words "one deputy auditor", and insert in lieu thereof the words "two clerks".

AMENDMENT NUMBER TWO.

On page 4, line 28, of the printed bill, in section 1, subdivision 4, after the words "by the auditor", insert the word "one".

AMENDMENT NUMBER THREE.

On page 4, line 29, of the printed bill, in section 1, subdivision 4, after the word "annum", insert the words "the other at a salary of one thousand two hundred dollars per annum".

AMENDMENT NUMBER FOUR.

On page 4, line 29, of the printed bill, in section 1, subdivision 4, after the word "which", strike out the words "office is", and insert in lieu thereof the words "office are".

AMENDMENT NUMBER FIVE.

On page 4, line 30, of the printed bill, in section 1, subdivision 4, strike out all of lines 30, 31, 32, 33, 34, 35, 36, 37 and all of line 38, preceding the words "The salary".

AMENDMENT NUMBER SIX.

On page 4, line 39, of the printed bill, in section 1, subdivision 4, before the word "herein", strike out the words "said clerks", and insert in lieu thereof the words "each of said clerks".

## AMENDMENT NUMBER SEVEN.

On page 7, line 3, of the printed bill, in section 1, subdivision 17, after the word "service", insert the words "and return".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 218?

The roll was called, and Assembly amendments to Senate Bill No. 218 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Swing, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 218 ordered to print, and enrollment.

Assembly Bill No. 155—An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California.

The question being: Shall the Senate recede from the Senate amendments to Assembly Bill No. 155?

The roll was called, and the Senate receded from the Senate amendments to Assembly Bill No. 155 by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Weller, West, and Young—31.

NOES—None.

Assembly Bill No. 155 ordered transmitted to the Assembly.

Assembly Bill No. 289—An act to amend section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges thereof.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 289?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 289 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Weller, West, and Young—31.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Weller, McKinley and Carter as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Assembly Bill No. 289.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.



## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 763—An act to amend sections 14 and 19 of the Reclamation Board Act, approved December 24, 1911, as amended, and adding a new section thereto, to be numbered 37, and relating to the application of moneys to be released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925, and chapter --, California Statutes of 1929.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED SIXTY-THREE.

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended in Senate April 11, 1929, before and after the words "reclamation board act", insert quotation marks.

## AMENDMENT NUMBER TWO.

In line 10 of the title of the printed bill, as amended in Senate April 11, 1929, after the word "year", insert the following: "ending June 30."

## AMENDMENT NUMBER THREE.

On page 6, line 13, of the printed bill as amended in Senate April 11, 1929, strike out the word "thereof", and insert in lieu thereof the word "thereon".

## AMENDMENT NUMBER FOUR.

On page 6, line 14, of the printed bill, as amended in Senate April 11, 1929, strike out the word "thereof" in the first place where said word occurs in said line, and insert in lieu thereof the word "thereon".

## AMENDMENT NUMBER FIVE.

On page 6, line 42, of the printed bill, as amended in Senate April 11, 1929, after the word "act", insert the following: "; and provided, further, that no assessment upon any tract shall be so released or abandoned until any and all delinquent installments which may have accrued thereon together with interest and penalties shall have been paid in full".

## AMENDMENT NUMBER SIX.

On page 8, line 12, of the printed bill, as amended in Senate April 11, 1929, after the word "year", insert the following: "ending June 30."

## AMENDMENT NUMBER SEVEN.

On page 8, line 23, of the printed bill, as amended in Senate April 11, 1929, after the word "maintenance", strike out the parenthesis.

## AMENDMENT NUMBER EIGHT.

On page 8, line 23, of the printed bill, as amended in Senate April 11, 1929, after the figures "1919", insert a closing parenthesis.

## AMENDMENT NUMBER NINE.

On page 9, line 20, of the printed bill, as amended in Senate April 11, 1929, after the comma following the word "canceled", insert the word "at".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 763?

The roll was called, and Assembly amendments to Senate Bill No. 763 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 763 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District and Refunding Act," approved May 26, 1927, by repealing

sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED SIXTY-TWO.

AMENDMENT NUMBER ONE.

On page 3, line 19, of the printed bill, as amended in Senate March 26, 1929, strike out the word "assessments", and insert in lieu thereof the word "assessment".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 762?

The roll was called, and Assembly amendment to Senate Bill No. 762 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Waggy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 762 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by repealing section 36 and by amending section 42 thereof.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED SIXTY-ONE.

AMENDMENT NUMBER ONE.

In line 8 of the title of the printed bill, as amended in Senate March 26, 1929, beginning in said line 8, strike out the following: "section 36, abolishing the bond interest fund".

AMENDMENT NUMBER TWO.

In line 11 of the title of the printed bill, as amended in Senate March 26, 1929, after the word "bonds", insert the following: "and by repealing section 36".

AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, as amended in Senate March 26, 1929, beginning in said line 9, strike out all of lines 9 to 26, inclusive, and insert in lieu thereof the following:

"SEC. 2. Section 36 of said act is hereby repealed."

AMENDMENT NUMBER FOUR.

On page 2, line 37, of the printed bill, as amended in Senate March 26, 1929, strike out the words "the sale of said bonds", and insert in lieu thereof the following: "said order".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 761?

The roll was called, and Assembly amendments to Senate Bill No. 761 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Fellom, Garrison, Gray, Handy, Hurley, Imman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Padriotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 761 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENT

The Senate took up for consideration Assembly amendment to Senate Bill No. 146. An act to amend the Code of Civil Procedure by adding a new section numbered 549a, providing for the release from attachment of real property owned by any person not a party to the action.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER ONE HUNDRED FORTY SIX.

##### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out the words "assessed value of the property attached", and insert in lieu thereof the words "amount of the claim sued upon".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 146?

The roll was called, and the Senate refused to concur in the Assembly amendment to Senate Bill No. 146 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Padriotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—31.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Swing, Allen and Baker as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 146.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 35. An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000; as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restrictions on expenditures, prescribing how said balance shall be expended, declaring the urgency thereof and providing when this act shall take effect.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THIRTY-FIVE.

##### AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, as amended in Senate March 27, 1929, after the word "of", insert the following: "chapter three hundred three, page four hundred ninety-eight, statutes of 1925, four hundred thousand dollars and".



## AMENDMENT NUMBER TWO.

In line 10 of the title of the printed bill, as amended in Senate March 27, 1929, beginning on said line 10, strike out the following: "declaring the urgency thereof and providing when this act shall take effect", and insert in lieu thereof the following: "and reappropriating said balance".

## AMENDMENT NUMBER THREE.

On page 2, line 17, of the printed bill, as amended in Senate March 27, 1929, strike out the following: "37 of the reclamation board act", and insert in lieu thereof the following: "37a of 'the reclamation board act,' approved December 24 1911, as amended".

## AMENDMENT NUMBER FOUR.

On page 2, line 18, of the printed bill, as amended in Senate March 27, 1929, beginning on said line 18, strike out all of lines 18 to 22, inclusive.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 35?

The roll was called, and Assembly amendments to Senate Bill No. 35 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, and West—31.

NOES—None.

Senate Bill No. 35 ordered to print, and enrollment.

## SPECIAL ORDER.

Senator West moved that Senate Constitutional Amendment No. 5 be made a special order for Wednesday, May 1, 1929, at eleven o'clock a.m.

Motion carried.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 816—An act to add a new section to the Political Code, to be numbered 2333a, relating to powers of the State Department of Social Welfare with respect to jails and detention homes.

## RE-REFERENCE OF SENATE BILL.

Senator Young asked for and was granted unanimous consent to have Senate Bill No. 816 re-referred to Committee on Public Charities and Corrections.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California to enact a new section of the constitution to be known as article II, section 2½a, relating to voting.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 4 refused adoption by the following vote:

AYES—Senators Handy, Inman, McKinley, Merriam, Mueller, Pedrotti, Rochester, Tubbs, Weller, and Young—10.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Hurley, Jones, Ray; Maloney, McCormack, Murphy, Nelson, Sharkey, Slater, Swing, and West—23.

## RECESS.

At twelve o'clock and forty-five minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and forty-five minutes p.m.

## RECONVENED.

At one o'clock and forty-five minutes p.m. the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 27—Relative to convention of Spanish War Veterans for 1931:

Also: Senate Bill No. 466—An act to amend the "American River Flood Control District Act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, by repealing section 26 and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees, a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions, a new section to be numbered section 11a, providing for a bond validation proceeding, a new section to be numbered section 18a, making an appropriation in the sum of \$25,000 to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment, a new section to be numbered section 26 defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage:

Also: Senate Bill No. 373—An act to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money; And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 39—An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables;

Also: Senate Bill No. 40—An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property.

Also: Senate Bill No. 41—An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone or electric power corporation;

Also: Senate Bill No. 213—An act to amend section 12 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to commissioned officers in the Medical Corps of the Army, Navy and Public Health Service of the United States;

Also: Senate Bill No. 220—An act to amend section 33 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by including in the definition of the word "employer" the State, counties, municipalities, school districts, irrigation districts, all other districts established by law, public corporations, quasi-public corporations and public agencies;

Also: Senate Bill No. 569—An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended;

Also: Senate Bill No. 619—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, and by adding a new section to be known as section 148, all relating to the definition and regulation of the business of banking;

Also: Senate Bill No. 740—An act to amend the title and section 1 of an act entitled "An act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial

expenses," approved March 15, 1889, as amended, and providing for the burial of soldiers, sailors, marines and nurses who shall have served in or with the Army or Navy of the United States and the burial of widows of such soldiers, sailors or nurses:

Also: Senate Bill No. 741—An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended;

Also: Senate Bill No. 747—An act amending section 9 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's Compensation, Insurance and Safety Act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the Industrial Accident Commission; for the determination of controversies arising out of this act by said Industrial Accident Commission and by the superior and municipal courts of the State of California;

Also: Senate Bill No. 783—An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of April, 1929, at nine o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named persons be, and they are hereby appointed to the positions hereinafter set forth, as provided by law, with the compensations set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same, effective as of April 28, 1929:

John Crotty, Assistant Sergeant-at-Arms	\$5 00 per day
Harry L. Jordan, Assistant Sergeant-at-Arms	5 00 per day
Theodore Lafayette, Assistant Sergeant-at-Arms	5 00 per day
A. J. Marshall, Assistant Sergeant-at-Arms	5 00 per day
Clarence J. Prentice, Assistant Sergeant-at-Arms	5 00 per day
Margaret Bridges, Stenographer	5 00 per day
George Cartwright, Stenographer	5 00 per day
Helen G. Church, Stenographer	5 00 per day
Julia Hayes, Stenographer	5 00 per day
Dorothy Frame, Stenographer	5 00 per day
Olga S. Jarman, Stenographer	5 00 per day
Gladys McLeod, Stenographer	5 00 per day
Ethel Mitchell, Stenographer	5 00 per day
Josephine Waite, Stenographer	5 00 per day
Ruth Crowley, Stenographer	5 00 per day
Elizabeth Pedrotti, Stenographer	5 00 per day
Florence Iverson, Stenographer	5 00 per day
Pearl R. Power, Stenographer	5 00 per day
J. F. Lott, Assistant at Desk	5 00 per day
Lewis Neal, Assistant at Desk	5 00 per day
Harriet Richards, Mailing Clerk	4 00 per day
Carrie Shearer, Stenographer	5 00 per day
Josephine Pewterbaugh, Stenographer	5 00 per day

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—24.

NOES—None.

#### REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Evans:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith.

Request referred to Committee on Rules.

By Senator Crowley:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to regulate the handling and sale of eggs and the manufacture of egg products; to promote the development of the California egg industry; to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs; to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale, providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Public Health of the State of California; defining its powers and duties thereunder; providing penalties for the violation of the provisions of this act, and repealing chapter 425, Statutes of 1925.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Evans to introduce a bill entitled: An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Crowley moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—26.

The Secretary announced the absentees.

Time, two o'clock and twenty-five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crowley.

The Secretary was directed to call the roll on the adoption of the report of the Committee on Rules of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West and Young—32.

NOES—None.

#### REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Tubbs to introduce a bill entitled—An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students nonresident of the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Crowley to introduce a bill entitled—An act to regulate the handling and sale of eggs and the manufacture of egg products; to promote the development of the California egg industry; to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Public Health of the State of California, defining its powers and duties thereunder; providing penalties for the violation of the provisions of this act; and repealing chapter 425, Statutes of 1925—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—32.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Evans: Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Tubbs: Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students nonresident of the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Crowley: Senate Bill No. 872—An act to regulate the handling and sale of eggs and the manufacture of egg products; to promote the development of the California egg industry; to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Public Health of the State of California, defining its powers and duties thereunder; providing penalties for the violation of the provisions of this act; and repealing chapter 425, Statutes of 1925.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Lyon: Senate Constitutional Amendment No. 40—Proposed amendment to article VI of the constitution, relative to the filling of vacancies in the superior court.

Amendment read, and referred to Committee on Constitutional Amendments.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on indirect evidence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 139 passed by the following vote:

AYES—Senators Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 141—An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both, or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation, and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer, and fixing their compensation and duties, and providing for adult probation boards in said counties, and cities and counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Crowley, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley,

Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator West moved to refer Senate Bill No. 322 to Senator McCormack, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE

On page 1 of the printed bill, strike out all of lines 15 to 26, inclusive.

AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out all of lines 1 to 16, inclusive.

AMENDMENT NUMBER THREE.

On page 2, line 17, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "3".

The question being on Senator West's motion to refer Senate Bill No. 322 to Senator McCormack, as a Special Committee of One, for amendment.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators West, Inman and Boggs.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Christian, Crowley, Fellom, Gray, Inman, Lyon, Maloney, Murphy, Pedrotti, Rochester, Sharkey, Tubbs, and West—14.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cobb, Evans, Garrison, Hurley, Jones, Ray, McCormack, McKinley, Merriam, Nelson, Slater, Wagy, Weller, and Young—19.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and West—28.

NOES—Senators Canepa, Crowley, Gray, Murphy, and Tubbs—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Committee on Rules:

WHEREAS, The approach of adjournment of the Legislature sine die requires the time of the Legislature be conserved to the utmost; therefore, be it

Resolved, That from and after this date, speeches on the floor of the Senate be limited to ten minutes in length for opening speeches and five minutes for all other speeches. Extensions of time beyond said periods may be granted only by unanimous consent.

Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Young moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

The Secretary announced the absentees.

Time, four o'clock and fifty-two minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Young.

The Secretary was directed to call the roll on the final passage of Senate Bill No. 12.

The roll was called, and Senate Bill No. 12 refused passage by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Cobb, Garrison, Handy, Inman, McCormack, McKinley, Merriam, Nelson, Slater, Swing, Tubbs, and Wag—16.

NOES—Senators Baker, Canepa, Carter, Christian, Crowley, Evans, Fellom, Gray, Hurley, Lyon, Maloney, Murphy, Pedrotti, Rochester, Sharkey, Weller, West, and Young—18.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Young gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 12 was refused passage.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 222—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OMNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY BILL NUMBER TWO HUNDRED TWENTY-TWO.

Senator Breed moved, duly seconded by Senator Inman, that Assembly Bill No. 222 be considered at this time, without reference to committee.

Motion carried.



## RESOLUTION.

The following resolution was offered:

By Senator Inman:

*Resolved*, That Assembly Bill No. 222 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Whereupon the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Assembly Bill No. 222.

SECOND READING OF ASSEMBLY BILL NUMBER TWO HUNDRED  
TWENTY-TWO.

Assembly Bill No. 222—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, considered engrossed, and ordered on file for third reading.

## URGENCY CLAUSE.

Sec. *a*. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of section 1, article IV of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 128 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Gray, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagz, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator McKinley:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act making an appropriation to pay the claim of Buron Fitts against the State of California.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator McKinley to introduce a bill entitled—An act making an appropriation to pay the claim of Buron Fitts against the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCor-

mack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator McKinley: Senate Bill No. 873—An act making an appropriation to pay the claim of Buron Fitts against the State of California.

Bill read first time, and referred to Committee on Finance.

#### RE-REFERENCE OF ASSEMBLY BILL.

Senator Slater asked for and was granted unanimous consent to have Assembly Bill No. 686 withdrawn from Committee on Education, and re-referred to Committee on County Government.

#### RE-REFERENCE OF SENATE BILL.

Senator West asked for and was granted unanimous consent to have Senate Bill No. 848 re-referred to Committee on Public Morals.

#### RE-REFERENCE OF SENATE BILL.

Senator Christian asked for and was granted unanimous consent to have Senate Bill No. 607 re-referred to Committee on Governmental Efficiency.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 378—An act to amend section 3700a of the Political Code, relating to the salary of the Secretary of the State Board of Equalization—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass. Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill No. 378 ordered on file for second reading.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, April 26, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 457—An act providing for the organization of certain elementary or union elementary school districts into union or joint union high school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; noes—1; absent—4.

SLATER, Chairman.

Assembly Bill No. 457 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district:

Also: Assembly Bill No. 760—An act relating to the employment of librarians in the elementary or secondary schools of this State:

Also: Assembly Bill No. 761—An act relating to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State:

Has had the same under consideration, and respectfully reports the same back with



amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 655 ordered on file for second reading.

Assembly Bills Nos. 760 and 761 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 739—An act to amend section 51 of the State Housing Act approved June 15, 1923, as amended, relating to fire and smoke towers and stairways combined; and enclosed stairways terminating in fireproof passageway—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

LYON, Chairman.

BAKER.

MCKINLEY.

CROWLEY.

YOUNG.

GRAY.

ROCHESTER.

FELLOM.

CHRISTIAN.

Senate Bill No. 739 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other State, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute

money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Board of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### ADJOURNMENT.

At five o'clock and ten minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Tuesday, April 30, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE

SENATE CHAMBER,  
SACRAMENTO, Tuesday, April 30, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Monday, April 29, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator Ray Jones was, on motion of Senator Garrison, granted leave of absence for this day.

Senator Duval was, on motion of Senator Baker, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jasper Finney, principal of the Crystal School, and eighth year pupils as follows: Willie Walton, Sam Scarlett, Minnie Leonardy, Edward Hopkins, Antony Tamba, Dorothy Meinart, Antony Valine, Verna Hampson, George Eihler, Leland Bessette, Morris Buck, Henry Dreith, Burt Goodman, Marie Buzzini, Dickson Hale, Arthur Wong, James Messenger, John Pollard, John Melgar, Dorothy Clayton and George Simonian, and Parent-Teacher Association as follows: Mrs. N. U. Goodman, Mr. and Mrs. N. C. Hale, Asa Scarlett, Mr. P. O'Neil, Mrs. Jennie Clayton, Mrs. D. E. Clayton, and Mr. and Mrs. J. J. Finney.

## COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

By Senator Inman:

SACRAMENTO, CALIFORNIA, April 29, 1929.

*Mr. Joseph A. Beck, Chairman.*

*The California Legislative Ball,*

*State Capitol, Sacramento, California.*

DEAR MR. BECK: I am in receipt today of a check for \$483.59 handed by Hon. J. M. Inman to us, and in his letter he asks that we forward this to the Shriners Hospital for Crippled Children at San Francisco, which we will do at once.

It was a wonderful and a thoughtful act by the legislative committee who had charge of the dance in sending the proceeds of that dance, which was held in the Memorial Auditorium recently, for the laudable purpose of helping the crippled child.

We desire to express to you our appreciation and thank you for this very fine donation.

Very sincerely yours,

ARTHUR W. GLUCKMAN, Potentate.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 72—An act to amend section 626 of the Penal Code, relating to the protection of game;

Also: Assembly Bill No. 1119—An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, by adding thereto a new section, to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon;

Also: Assembly Bill No. 480—An act to add a new section to the Penal Code, to be numbered 628f, relating to the protection of fresh water crayfish;

Also: Assembly Bill No. 1164—An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts;

Also: Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship, and declaring the urgency thereof;

Also: Assembly Bill No. 1156—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 41, 43, 44, 45 and 46 thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.



Assembly Bills Nos. 72, 1119 and 480 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1164 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1007 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1156 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XIII thereof a new section, to be numbered 14, relating to the taxation of hospitals and sanatoriums conducted not for private profit.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 6 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 42—Relative to study on prison labor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 42 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 395—An act to add a new article to chapter 3 of title 1 of part III of the Political Code to be numbered article XI<sup>6</sup>, embracing sections 378 to 378f, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor:

Also: Assembly Bill No. 279—An act to amend section 2322<sup>2</sup>28 of the Political Code, relating to horticultural commissioners in counties of the twenty eighth class:

Also: Assembly Bill No. 120—An act to amend section 9<sup>2</sup>4 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary and expenses of the county librarian in counties of the fourth class.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 395 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 279 and 120 read first time, and referred to Committee on County Government.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 714—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 73, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 155 and 159, and by adding thereto new sections to be numbered 84, 224, 234, 284, 304, 314, 454, 524, 724, 764, 834, 984, 1004, 1114, 1144,

1343, 1412, 1502, 1522, 1532, and 1544, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the Division of Motor Vehicles and creating a California Highway Patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-ninth day of April, 1929, at nine o'clock and thirty minutes a.m.

WEST, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923;

Also: Senate Bill No. 281—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego;

Also: Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego County and for the administration thereof;

Also: Senate Bill No. 418—An act to amend section 2 of the "County Improvement Act of 1921," approved June 3, 1921, as amended;

Also: Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office;

Also: Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911;

Also: Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7;

Also: Senate Bill No. 460—An act to amend section 251 of the Penal Code, and to add a new chapter to be numbered chapter XI, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to libel and slander;

Also: Senate Bill No. 394—An act to amend section 626j of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 579—An act amending section 1 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended;

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 6, relative to the issuance of bonds to the amount of \$7,500,000 to be used to aid counties in defraying the counties' share of costs in the acquisition of rights of way for, and construction of railroad crossing eliminations on the county roads within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission, and providing that the cost of crossing elimination on county roads be divided between the county, the railroad involved, any other party to costs, in such proportions as may be determined by the State Railroad Commission;

And reports that the same have been correctly engrossed.

WEST, Vice Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 889—An act to regulate the construction and maintenance of auto camps in unincorporated areas, to provide for the inspection and supervision of same and to provide penalties for the violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2

CROWLEY, Chairman.

Assembly Bill No. 889 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to salaries of justices of the peace in townships in cities, counties, and cities and counties, providing for offices and necessary equipment by the supervisors of each county, the payment of clerks and other clerical help, and providing a salary therefor and the manner of payment thereof, the issuance, filing and entry of papers, documents and processes in such justices' courts, the disposition of moneys collected by such justices' courts, and prescribing the oath of office and bonds for officers of said courts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—12; absent—3

INMAN, Vice Chairman.

Senate Bill No. 54 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens:

Also: Assembly Bill No. 801—An act to amend section 139 of the Code of Civil Procedure, relating to proceedings in case of absence of judge:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12, absent—3

INMAN, Vice Chairman.

Assembly Bills Nos. 786 and 801 ordered on file for second reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

Senate Bill No. 700—An act authorizing the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire, for and in the name of the State of California, and to operate and maintain bridges and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, or across any stream that is a boundary line between California and any other state; also to charge tolls for passage over said bridges; also to fix the rate of said tolls; also to issue and sell nontaxable interest bearing revenue bonds, and to fix the rate of interest thereon, with which to build, purchase, condemn or otherwise acquire bridges and approaches thereto; also to fix the time of maturity; also to provide by the collection of tolls for the money with which to retire said bonds and to pay the interest thereon; also to pay into the State treasury all moneys collected hereby, and to create a special fund to be styled "the highway bridge fund"; also to create a first lien on such tolls that may be collected for the use of any such bridge or approaches thereto; also to provide that certain property already appropriated to another public use



may be condemned and taken for the bridge purposes herein set out; and also declaring that the building or ownership of bridges and approaches contemplated by this act shall be a superior or paramount right or necessity; also that when two or more bridges are coupled or consolidated under one bond issue or under one contract that when such bridges have been paid for that thereafter no tolls shall be charged or collected on either or any such bridge or bridges.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Fellom moved to refer Senate Bill No. 700 to Senator Garrison, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, line 47, of the title of the printed bill, as amended April 11, 1929, strike out the words "also providing that revenue bonds issued under" in said line 47, and lines 48 and 49, and the word "moneys" in line 50.

##### AMENDMENT NUMBER TWO.

On page 3, line 10, of the title of the printed bill, as amended April 11, 1929, strike out the word "board", and insert in lieu thereof the word "department".

##### AMENDMENT NUMBER THREE.

On page 3, line 14, of the printed bill, as amended April 11, 1929, after the comma following the word "governor" in line 14, insert the words "lieutenant governor,".

##### AMENDMENT NUMBER FOUR.

On page 3, line 16, of the printed bill, as amended April 11, 1929, after the first "California", insert the following: ", director of the department of finance of the State of California," and in said line 16, strike out the word "and".

##### AMENDMENT NUMBER FIVE.

On page 3, line 18, of the printed bill, as amended April 11, 1929, after the word "California", insert the following: ", director of the department of finance of the State of California," and strike out the word "and".

##### AMENDMENT NUMBER SIX.

On page 3, line 19, of the printed bill, as amended April 11, 1929, strike out the word "either", and insert in lieu thereof the word "any".

##### AMENDMENT NUMBER SEVEN.

On page 3, line 25, of the printed bill, as amended April 11, 1929, after the period following the word "authority", insert the following: "The members shall receive their necessary actual traveling expenses incurred in the discharge of their duties. The authority shall maintain an office in the city of Sacramento."

##### AMENDMENT NUMBER EIGHT.

On page 5, line 42, of the printed bill, as amended April 11, 1929, after the word "governor", insert a period and strike out the words "and the chairman of the California highway" in said line 42, and the word "commission" in line 43, and the words "and the chairman" in said line 43 and the words "of the California highway commission" in line 44.

##### AMENDMENT NUMBER NINE.

On page 6, line 29, of the printed bill, as amended April 11, 1929, after the word "due", strike out the period, and insert the following: "and the bond redemption and interest payments shall constitute a first lien on all such toll revenues."

##### AMENDMENT NUMBER TEN.

On page 8, line 40, of the printed bill, as amended April 11, 1929, after the period following the word "crossing" in said line 40, insert the following: "The collection of tolls shall be continued on any such bridge or other highway crossing until all bonds issued hereunder for the acquisition or construction or such particular bridge or highway crossing are fully redeemed and paid."

##### AMENDMENT NUMBER ELEVEN.

On page 11, line 50, of the printed bill, as amended April 11, 1929, strike out the words "Bonds issued under the provisions of this act shall", and lines 51 and 52 and on page 12, beginning in line 1 of the printed bill, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following: "Bonds issued under the provisions of this act shall be eligible for the certification by the state superintendent

of banks as legal investments for trust funds and the funds for insurance companies, banks, both commercial and savings, and trust companies."

## AMENDMENT NUMBER TWELVE.

On page 13, line 10, of the printed bill, as amended April 11, 1929, after the period following the word "paid", insert the following: "All money collected on any indemnity bond or insurance policy as the result of any damage or injury to any such bridge or highway crossing shall be used for the purpose of repairing or rebuilding of any such bridge or crossing as long as there are revenue bonds against any such structure outstanding and unredeemed."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 700, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Fellom adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 581—An act to amend section 363*b* of the Political Code, and to add thereto a new section to be numbered 363*b*, relating to the Department of Public Works.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Handy moved to refer Senate Bill No. 581 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, as amended April 19, 1929, strike out "3630", and insert in lieu thereof "363*b*".

## AMENDMENT NUMBER TWO.

On page 2, line 7, of the printed bill, as amended April 19, 1929, strike out the period at the end of line 7, insert a comma in lieu thereof, and add the following: "as a county road or city street as the case may be."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 581, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Maloney moved to refer Assembly Bill No. 1049 to Senator Crowley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 3, line 12, of the printed bill, strike out the word "companies" at the beginning of line 12 thereof, and insert in lieu thereof the word "insurers".

## AMENDMENT NUMBER TWO.

On page 3, line 12, of the printed bill, after the words "and of", strike out the word "companies", and insert in lieu thereof the word "insurers".

## AMENDMENT NUMBER THREE.

On page 3, line 17, of the printed bill, following the words "schedules of", strike out the word "companies", and insert in lieu thereof the word "insurers".

## AMENDMENT NUMBER FOUR.

On page 3, line 18, of the printed bill, after the words "and of", strike out the word "companies", and insert in lieu thereof the word "insurers".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1049, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Maloney adopted.

Bill ordered to print.

Assembly Bill No. 85—An act to amend section 2640 of the Political Code, relating to the acquisition of new roads and the grading, regrading, paving, macadamizing, surfacing, repairing and maintaining of existing roads.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Handy moved to refer Assembly Bill No. 85 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 19, of the printed bill, strike out the word "two", and insert in lieu thereof the word "ten".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 85, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print.

Assembly Bill No. 633—An act to amend section 925 of the Penal Code, relative to the grand jury.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 633 to Senator Wagy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, as amended, strike out the word "must", and insert in lieu thereof the words "is empowered".

## AMENDMENT NUMBER TWO.

On page 1, line 23, of the printed bill, as amended, following the comma, insert the word "to".

## AMENDMENT NUMBER THREE.

On page 2, line 27, of the printed bill, as amended, strike out the words "in an amount not to exceed ten dollars a day".



## AMENDMENT NUMBER FOUR.

On page 2, line 37, of the printed bill, as amended, following the word "jury", insert the words "in an amount not to exceed ten dollars a day".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 633, with instructions to amend, respectfully reports the same back, amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator West moved to refer Assembly Bill No. 816 to Senator Lyon, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the word "places", and insert in lieu thereof the word "placed".

## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, after the word "highway", insert the following "or dropping, depositing or placing, in any manner, any refuse or matter or things commonly known and referred to as stink bombs in any theatre or place of public assemblage."

## AMENDMENT NUMBER THREE.

On page 1, line 11, of the printed bill, strike out the words "six months", and insert in lieu thereof the words "one year".

## AMENDMENT NUMBER FOUR.

In line 3 of the title of the printed bill, after the word "highways", strike out the period and insert in lieu thereof a comma and the following "and any offensive matter or thing in theatres or places of public assemblages".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 816, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator West adopted.

Bill ordered to print.

## RE-REFERENCE OF ASSEMBLY BILL.

Senator Boggs asked for and was granted unanimous consent to have Assembly Bill No. 407 re-referred to Committee on Judiciary.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 657—An act to amend the Penal Code of California by adding thereto two new sections, to be numbered 597*h* and 597*i*, relating to cropping of the ears of dogs.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

Strike out all of line 3 of the title of the printed bill, and insert in lieu thereof the following : "relating to the cropping or cutting of the ears and tails of dogs, providing for the registration of such dogs and fixing penalties."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, after the word "ear" in said line, insert the words "or tail".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 6, of the printed bill, after the word "ear" in said line, insert the words "or tail".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 9, of the printed bill, after the word "ears" in said line, insert the words "or tail, or any portion thereof."

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 12, of the printed bill, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 1, line 14, of the printed bill, after the word "ear" in said line, insert the words "or tail, or any portion thereof."

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 1, line 15, of the printed bill, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 1, line 21, of the printed bill, strike out the word "act", and insert in lieu thereof the word "code".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 1, line 24, of the printed bill, after the word "ears" in said line, insert the words "or tail, or any portion thereof."

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 2, line 7, of the printed bill, strike out the word "act", and insert in lieu thereof the word "section".

Amendment adopted.

AMENDMENT NUMBER ELEVEN.

On page 2, line 23, of the printed bill, after the word "section" in said line, insert a comma and the following : "and any person who violates any of the provisions of this section or of section 597*h* of this code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 378—An act to amend section 3700a of the Political Code, relating to the salary of the Secretary of the State Board of Equalization.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 7, of the printed bill, as amended in the Senate April 15th, after the word "include", strike out the balance of the line and all of lines 8 and 9, and insert in lieu thereof "sixty-five dollars per unit of average daily attendance for the use of buildings and equipment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 739—An act to amend section 51 of the State Housing Act, approved June 15, 1923, as amended, relating to fire and smoke towers and stairways combined; and enclosed stairways terminating in fireproof passageway.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 18—An act to enable counties to obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, after the word "to" and preceding the word "obtain", insert the words "purchase, lease,".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, as amended, after the word "so", insert the following: "purchased or leased with the consent of the owner".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 16, of the printed bill, as amended, after the word "be", insert the following: "purchased or leased with the consent of the owner".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 18, of the printed bill, as amended, strike out the period and insert in lieu thereof the following: "provided, that when lands to be so purchased or leased with the consent of the owner, obtained, held, improved and maintained for the uses and purposes as in section 1 herein provided, are situate within the boundaries of an adjoining county, before said lands can be so purchased or leased with the consent of the owner, obtained, held, improved and maintained, it shall first be necessary for the county so desiring to purchase or lease with the consent of the owner, obtain, hold, improve and maintain said lands for the uses and purposes aforesaid, to obtain the consent by resolution of the board of supervisors of said adjoining



county to so purchase or lease with the consent of the owner, obtain, hold, improve and maintain said lands for the uses and purposes herein set forth."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 150—An act to amend sections 4250 and 4249a of the Political Code, relating to compensation of officers and jurors in counties of the twenty-first class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 26, of the printed bill, as amended in Assembly April 10, 1929, strike out the word "twenty-five", and insert in lieu thereof the word "thirty-five".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4, line 30, of the printed bill, as amended in Assembly April 10, 1929, strike out the word "fifty", and insert in lieu thereof the word "sixty".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 4, of the printed bill, as amended in Assembly April 10, 1929, strike out lines 4 to 17, inclusive, and insert in lieu thereof the following:

"13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them and of all fees. In townships having a population of three thousand five hundred or more, two hundred dollars per month. In townships having a population of one thousand five hundred and not more than three thousand five hundred, one hundred and twenty-five dollars per month. In all townships having a population less than one thousand five hundred, one hundred dollars per month. All fees collected by justices of the peace shall be paid into the county treasury and shall belong to the county.

The board of supervisors shall furnish suitable quarters for the justices of the peace. In townships having a population of three thousand five hundred or more, the total expense of the office rent and office expenses of the justice of the peace chargeable against the county shall not exceed fifty dollars each month. In townships having a population of less than three thousand five hundred the office rent and office expenses chargeable against the county shall not exceed the sum of thirty-five dollars per month.

Each justice of the peace must pay in to the county treasurer monthly all fees and fines collected by him and he must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fees and fines collected by him."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 47, of the printed bill, as amended in Assembly April 10, 1929, strike out lines 47 to 52, inclusive; also strike out lines 1 to 16 on page 6.

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 6, line 17, strike out the numerals "17", and insert in lieu thereof the numerals "16".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 3, line 48, of the printed bill, as amended, strike out the semicolon after the word "officers", and insert in lieu thereof the following: "are paid."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 49, of the printed bill, as amended, strike out all of lines 49 and 50, inclusive.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 5, line 26, of the printed bill, as amended, strike out all of lines 26 to 29, inclusive, and insert in lieu thereof the following paragraph:

"15. Each supervisor, eighteen hundred dollars per annum; which shall be in full for all services and expenses both as supervisor and road commissioner. Said supervisors shall not use county owned automobiles for the performance of any of their duties as such supervisor or road commissioner nor while traveling to and from the county seat, nor in the performance of any of their official duties."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 249—An act to amend sections 2979*b* and 2979*c* of the Political Code, relating to physically defective and handicapped persons under the age of 18 years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 397—An act to amend section 2322*rs* of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 406—An act to amend section 4237 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 541—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1021—An act to amend section 2322*r14* of the Political Code, relating to the salaries of the county horticultural commissioner and inspectors in counties of the fourteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1022—An act to amend section 2322*r26* of chapter 4*b* of part III, title V of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 127—An act to add a new section to the Political Code, to be numbered 4041*c*, relating to county jails.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 159—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 330—An act to amend section 19x17 of the Juvenile Court Law, approved June 5, 1915, relating to counties of the seven-teenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1122—An act to amend section 19x11 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of probation officer of counties of the eleventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 760—An act relating to the employment of librarians in the elementary or secondary schools of this State.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 1, line 14, of the printed bill, strike out the following: "library craft of secondary grade", and insert in lieu thereof the following: "librarianship of proper grade".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 17, of the printed bill, after the word "time", insert a comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 761—An act relating to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 1, of the printed bill, as amended, beginning in said line 1, strike out all of lines 1 to 46, inclusive, and insert in lieu thereof the following:

"SEC. 2. The provisions of section 5.804 of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter three of part four of division five of the School Code as adopted at the forty-eighth session of the Legislature.

As used in this act, the term "this part" means part four of division five of said School Code.

Sec. 5.804. The service of all employees employed in the public schools of this state who hold valid and unrevoked credentials issued by the state board of education and who are employed for the major part of each school month in work authorized by their credentials shall be equivalent to service as a teacher under a legal certificate in a day or evening school. The time of such service shall be reckoned in determining the right of such employees to retirement salaries under the provisions of this part."

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 2, line 47, of the printed bill, as amended, strike out "Sec. 4.", and insert in lieu thereof "Sec. 3."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 6, of the printed bill, as amended, strike out "Sec. 5.", and insert in lieu thereof "Sec. 4."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 642—An act to add three new sections to article 116 of title I of part III of the Political Code, to be numbered 372*h*, 372*i* and 372*j*, creating a Division of Weights and Measures in the Department of Public Health and providing for the administration thereof, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; absent—5.

BOGGS, Chairman.

Senate Bill No. 642 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1062—An act to add a new section to chapter 44 of part III, title V of the Political Code to be numbered section 23422*h*, relating to the distribution of certain pests, and to repeal an act entitled "An act to prevent the spread of certain species of plant pests by means of containers, appliances or articles used in connection with various agricultural commodities, to confer upon the director of the Department of Agriculture the power to designate such species and such treatment therefor as he shall deem adequate to prevent such spread, to confer upon the county horticultural commissioners the power to prescribe such treatment, to prohibit the transporting from or into any county or locality of the State of any such containers, appliances or articles unless proof shall have been furnished that the same have not been exposed to infection or infestation by such plant pests, to make a violation of the provisions hereof a misdemeanor, and to repeal an act entitled "An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the Director of Agriculture in relation thereto," approved June 3, 1921," approved April 3, 1925, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—7; absent—6.

BOGGS, Chairman.

Assembly Bill No. 1062 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15, 16 and 18 of the General Dairy Law of California, approved June 15, 1923, as amended, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; noes—2; absent—3.

BOGGS, Chairman.

Assembly Bill No. 304 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728 thereof to relate to the Judicial Council assigning justice of the peace.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator Rochester moved to refer Senate Bill No. 520 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, after the words "An act to", strike out the balance of the title, and insert in lieu thereof the following: "add a new section to the Code of Civil Procedure, to be known as section 170b, relating to justices of the peace."

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of the bill from line 1 to line 11, inclusive, and insert in lieu thereof the following:

"170b. No justice of the peace shall sit or act as a judge in any court of higher jurisdiction on the trial or hearing of any cause or question."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 520, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," as approved June 1, 1917 (Stats. 1917, p. 1623), as amended.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 692 to Senator Wagy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 25, of the printed bill, as amended, beginning with the word "Execution", strike out all the printed matter down to and including the period on page 2, line 28.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 692, with instructions to amend, respectfully reports the same back, amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Weller adopted.  
Bill ordered to print.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON CIVIL SERVICE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State Civil Service employees, and in furtherance thereof providing a fund for pension and death benefits for such employees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

MALONEY, Chairman.

Senate Bill No. 178 ordered on file for second reading.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon, to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith:

Also: Senate Bill No. 538—An act authorizing the Department of Public Works of the State of California to lay out, acquire and construct a highway from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

HANDY, Chairman.

Senate Bills Nos. 701 and 538 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915 amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said



districts embraced in territory in more than one county, and adding territory to districts already formed.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Crowley moved to refer Assembly Bill No. 568 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly March 20, 1929, strike out lines 7 to 11, inclusive, of the title and insert in lieu thereof the following: "as amended, by amending sections 2, 3, 4, 7, 8 and 9 thereof, and adding new sections thereto to be numbered 3a, 3b, 3c, 7a, 7b, 7c, 7d, 7e, 12, 13 and 14, relating to the formation, government, operation, consolidation and dissolution of such districts, whether situate in one or in more than one county, and providing for the annexation of territory thereto."

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Assembly March 20, 1929, strike out lines 1 to 15, inclusive, also strike out all of pages 2 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 2 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, is hereby amended to read as follows:

Sec. 2. Any county or counties, or portion thereof, in this state, whether including incorporated territory or not, having a population of not less than one hundred inhabitants, may be created a mosquito abatement district under the provisions of this act by proceeding as herein provided.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed mosquito abatement district, or the greater portion thereof, is located, signed by the registered voters within the boundaries of the proposed district, equal in number to at least ten per cent of the number of votes cast in said proposed district for the office of governor of the state at the last general election prior to the presenting of the petition; *provided*, that if one or more municipal corporations, or part thereof, be included in such proposed mosquito abatement district, such petition must be signed by registered voters of each municipality, or part thereof, and of the unincorporated territory, if any, equal in number in each, respectively, to ten per cent of the votes cast therein for governor at said last general election, and in addition thereto the common council, board of trustees or other governing body of each such municipality, shall by resolution duly authenticated, request the inclusion of such incorporated territory in such district; *provided, further*, that if said proposed district includes two or more counties, or portions thereof, the petition must be signed by registered voters of each such county, or portion thereof, equal in number in each county, or portion thereof, respectively, to ten per cent of the votes cast therein for governor at said last general election.

SEC. 3. A new section is hereby added to said act to be numbered 3a and to read as follows:

Sec. 3a. Such petition shall set forth and describe the proposed boundary of such district, and shall pray that the same be created under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in a newspaper printed and published in the county where the petition is presented, and also a newspaper printed and published in each municipality or part thereof included in such proposed district, and if there be no newspaper published in any such municipality the text of such petition shall be posted for the same length of time as required to be published, in three public places within such municipality or part thereof included in such proposed district, and the text of such petition so published or posted shall have annexed thereto a notice stating the time of the meeting of the board of supervisors at which the same will be presented. If any portion of the proposed district lies within another county or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of such other counties. When contained upon more than one instrument, one copy only of such petition need be published and posted. No more than five of the names attached to said petition need appear in such publication or posting of said petition and notice, but the number of signers shall be stated.

With such publication there shall also be published, and if posted, there shall also be posted, a notice of the time of the meeting of the board when such petition

will be considered, and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon, and also all protests and objections to the same, and may adjourn such hearing from time to time, not exceeding two months in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto.

SEC. 4. A new section is hereby added to said act to be numbered 3b and to read as follows:

Sec. 3b. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries; *provided*, that if said board deems it proper to include therein any territory not included within the said proposed boundaries, they shall first cause notice of their intention so to do, to be mailed to each owner of land within said territory proposed to be included whose name appears as such on the last completed assessment roll of the county wherein said territory lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address; or if it be not known, then at the county seat of the county in which his land lies, which said notice shall describe the territory so proposed to be included, and shall fix a time, not less than two weeks from the date of mailing thereof, when all persons interested may appear before said board and be heard, and *further provided*, that the boundaries lying within a municipality shall not be altered unless the municipal board of such municipality shall, by resolution, assent to the alteration of such boundaries therein.

SEC. 5. A new section is hereby added to said act to be numbered 3c and to read as follows:

Sec. 3c. Upon such hearing of such petition the board shall determine whether or not the public necessity or welfare of the proposed territory and of the inhabitants thereof requires the formation of such district, and shall also determine whether or not said petition complies with the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California, upon suit commenced by the attorney general. If, from the testimony adduced before said board it appears to said board that the public necessity or welfare requires the formation of such district, the said board shall, by an order entered on its minutes, declare such to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined, be created a mosquito abatement district, under an appropriate name to be selected by said board, which name shall contain the words "mosquito abatement district." The county clerk shall immediately cause to be filed for record in the office of the county recorder of each county in which any portion of the lands embraced in such district is situated, and must also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also must cause to be filed with the secretary of state a certified copy of such order of the board of supervisors, and from and after the date of the filing of such certified copy with the secretary of state, the district named therein shall be deemed incorporated as a mosquito abatement district, with all the rights, privileges and powers set forth in this act, or necessarily incident thereto.

SEC. 6. Section 4 of said act is hereby amended to read as follows:

Sec. 4. Within thirty days after the said filing with the secretary of state of the certificate of incorporation of said district, a governing board of trustees for said district shall be appointed. Said board shall be appointed as follows:

(a) If the district is situate within one county only and consists wholly of unincorporated territory, five trustees therefor shall be appointed by the board of supervisors of the county:

(b) If the district is situate entirely within one county and includes incorporated and unincorporated territory one trustee shall be appointed from the district at large by the board of supervisors of the county and one trustee from each municipality, the whole or part of which is situate in the district, by the governing body of such municipality; *provided*, that if the board of trustees thereby created consists of less than five members then the board of supervisors shall appoint from the district at large enough additional members to make a board of five trustees;

(c) If the district is situate in two or more counties and is comprised wholly of unincorporated territory, one trustee shall be appointed from each county or portion of a county situate in the district, by the board of supervisors; *provided*, that if the board of trustees thereby created consists of less than five members then the board of supervisors of the county in which the greater portion of the district is situate shall appoint from such district at large enough additional members to make a board of five trustees;

(d) If the district is situate in two or more counties and consists both of incorporated and unincorporated territory one trustee shall be appointed by the board of supervisors of each of said counties from that portion of the district lying in each

of such counties respectively, and one trustee from each municipality or portion thereof situate within the district, by the governing body of such municipalities respectively: *provided*, that if the board of trustees thereby created shall consist of less than five members, then the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five trustees. The governing board of such district shall be called "The board of trustees of \_\_\_\_\_ mosquito abatement district." Each trustee appointed by a municipal board shall be an elector of the municipality from which he is appointed, and a resident of that portion of the municipality which is situate within the district. Each trustee appointed from a county or portion of a county shall be an elector thereof and a resident of that portion of the county which is situate within the district. Each trustee appointed at large shall be an elector of the district.

All such trustees shall hold office for the term of two years from and after the second day of the calendar year succeeding their appointment: *provided, however*, that the first board of trustees appointed in any district under the provisions of this act shall at their first meeting so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven then that a bare majority of their number shall go out of office at the expiration of one year and the remainder at the expiration of two years from the second day of the calendar year next succeeding their appointment.

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Sec. 7. The board of trustees of each mosquito abatement district shall at least fifteen days before the first day of the month in which the board of supervisors of the county in which such district is situate, is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the county auditor, respectively, or if the district is not entirely within one county then as hereinafter provided to the board of supervisors and auditor of each county in which any portion of the district is situated, an estimate in writing of the amount of money necessary for all purposes required under the provisions of this act during the next ensuing fiscal year.

SEC. 8. A new section is hereby added to said act to be numbered 7a, and to read as follows:

Sec. 7a. If the district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of trustees in proportion to the value of the taxable property of the district in each county. This value must be determined from the values of the last equalized assessment rolls of such counties. When such division of the estimate has been made the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of the estimate apportioned to that county.

SEC. 9. A new section is hereby added to said act to be numbered 7b and to read as follows:

Sec. 7b. The board of supervisors of each county wherein is situated a mosquito abatement district or any part thereof must annually, at the time of levying county taxes, levy a tax to be known as the "\_\_\_\_\_ mosquito abatement district tax," sufficient to raise the amount reported to them by the district board of trustees as herein provided. The board of supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to said board of supervisors by the board of trustees as required in that county to be raised, by the remainder of such total assessed value, provided that the maximum rate of the tax must not be greater than ten cents on each one hundred dollars of taxable property of the district in that county.

SEC. 10. A new section is hereby added to said act to be numbered 7c and to read as follows:

Sec. 7c. Whenever it appears to the board of trustees of such district that the amount of funds required during the next ensuing fiscal year shall exceed the maximum amount which the supervisors are authorized to levy for the annual district tax, as hereinabove in this act provided, then said board of trustees may in their judgment call an election and submit to the electors of the district the question whether a tax shall be voted for raising the necessary additional funds, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district: *provided*, that no particular form of ballot shall be required nor shall any informalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. At such election the ballots must contain the words "Shall the district vote a tax to raise the additional sum of \$\_\_\_\_\_?" The board of trustees shall canvass said votes cast at such election and if a majority of the votes cast are in favor of the imposition of said tax the board of trustees must report the same to the board of supervisors of the county wherein the district is situated, stating the additional amount of money required to be raised: *provided*, that if the district is situated in more than one county said additional amount shall be divided by the board of trustees



in proportion to the value of the taxable property of the district in each county, determined from the last equalized assessment rolls of such counties, whereupon the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of said additional amount apportioned to that county. The board of supervisors of each county shall at the time of levying county taxes, levy an additional tax upon all of the taxable property in the county and in the district voting such additional tax sufficient to raise the amount voted, or if the district is situated in more than one county, that portion of the additional amount apportioned to that county.

SEC. 11. A new section is hereby added to said act to be numbered 7d and to read as follows:

Sec. 7d. All taxes levied under the provisions of this act shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the district.

If the district is in more than one county the treasury of the county wherein the district was organized shall be the depository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of the district must, at any time, not oftener than twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession, belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same and to place the same to the credit of the district.

SEC. 12. A new section is hereby added to said act to be numbered 7e and to read as follows:

Sec. 7e. The funds shall be withdrawn from the county treasury upon the warrant of the board of trustees of such district signed by the president or acting president of the board, and countersigned by its secretary.

SEC. 13. Section 8 of said act is hereby amended to read as follows:

Sec. 8. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a mosquito abatement district, whether in the same county or in different counties, may be added and annexed to such district, at any time, upon proceedings being had and taken as in this act provided. The board of trustees of such district, upon receiving a written petition therefor containing a description of the new territory sought to be annexed to such district, signed by registered voters within the boundaries of the territory proposed to be annexed equal in number to at least ten per cent of the number of votes cast in said territory for the office of governor of the state at the last general election prior to the presentation of the petition, must set the petition for hearing and give notice thereof by publishing a copy of the petition together with notice of the time and place set for the hearing, in one newspaper published in each county in which any part of the district or of the territory proposed to be added to the district is situated, and in one newspaper published in each municipality situate wholly or in part within the territory proposed to be added to the district: *provided*, that if there be no newspaper published in any such municipality then a copy of the petition and of said notice shall be posted for the same length of time in three public places within such municipality or part thereof included in said territory proposed to be annexed. Not more than five of the names attached to said petition need appear in such publication or posting, but the number of signers shall be stated. At the time set for the hearing, or at such time or times to which it may be adjourned by the board of trustees, the board of trustees of the district shall hear the petition and those appearing thereon and also all protests and objections to the same and may adjourn such hearing from time to time not exceeding two months in all. On the final hearing said board shall make such changes as by the board may be deemed advisable in the boundaries of the territory proposed to be annexed, and shall define and establish such boundaries, and shall determine whether or not said petition complies with the provisions of this act and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. The failure of any person interested in said district, or in the matter of the proposed annexation of territory to said district, to protest or object to the said proposed annexation shall be deemed and taken as an assent on his part to the change in the boundaries in the district as prayed for in the petition or to such a change thereof as will include a part of said lands. The filing of such petition with said board as aforesaid shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change in the boundaries in the district as may include the whole or any portion of the lands described in the petition. If upon the hearing before said board it appears that the petition and the proceedings thereon comply with the provisions of this act and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory proposed to be annexed with the boundaries as fixed and determined by the board should be annexed to and become a part of the district and the board so finds, the board shall order the boundaries of the district to be changed so that

said territory, or such portion or portions thereof as the board shall deem it desirable and for the best interests of the district and of said territory to include, shall be included within the district. The order shall describe the boundaries of the land so included within the district and also that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey of such portion of said boundaries as may be deemed necessary. If more than one petition for the annexation of territory has been presented the board may in one order include within the district any number of separate tracts of land. Said order shall be entered in the minutes of the board and a certified copy thereof shall be filed with the secretary of state and with the county clerk and with the county recorder of each county in which such mosquito abatement district or any part thereof is situated. From and after the date of the filing and recording of the certified copies of such order the territory named therein shall be deemed added and annexed to and form a part of said mosquito abatement district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. If the property so proposed to be annexed is included within a municipality, consent to such annexation shall first be obtained from the governing body of such municipality, and an authenticated copy of the resolution or order of such board so consenting to such annexation, shall be attached to the petition, and be made a part thereof.

From and after the annexation of territory to a mosquito abatement district the board of trustees shall consist of the number and shall be appointed in the same manner as prescribed by the provisions of section 4 of this act, for a district originally formed with boundaries the same as the boundaries of the district after such annexation; *provided*, that members of the board of trustees in office at the time of such annexation shall continue to serve as trustees during the remainder of the terms for which they have been respectively appointed.

SEC. 14. Section 9 of said act is hereby amended to read as follows:

Sec. 9. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by its board of trustees upon the question of dissolution, and the proposition which shall be submitted to the electors at such election shall be as follows: "Shall the district be dissolved?" Such election must be called and held; and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district. If two-thirds of the votes at such election shall be in favor of the dissolution of the district, the board of trustees shall certify such fact to the secretary of state, and upon receipt of such last mentioned certificate, the secretary of state shall thereupon issue his certificate reciting that the mosquito abatement district (naming it) has been dissolved, and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of each county in which such mosquito abatement district, or any part thereof, is situated. From and after the date of such certificate the district named therein shall be deemed disincorporated, and the property of the district shall thereupon vest in the county, wherein said district is situate; *provided*, that if the district at the time of its dissolution is situate wholly within the boundaries of a single municipality its property shall thereupon vest in such municipality; *provided, further*, that if the district comprises unincorporated territory alone and is situate within two or more counties, then its property shall be ratable apportioned amongst the several counties in proportion to the assessed value of the property included within the district in each county as shown upon the last equalized county assessment rolls; *provided, further*, that if the district comprises incorporated and unincorporated territory whether situate in one or more counties, then, in such event, its property shall be ratable apportioned amongst the municipality or municipalities and the county or counties in proportion to the property in the district within each municipality or county respectively as shown upon the last equalized county assessment rolls; *provided, however*, that any real property, easements or rights of way, belonging to said district shall, in such event, remain the property of the municipality wherein the same is situate, if situated within incorporated territory, otherwise the same shall vest in and remain the property of the county in which situate.

*It is provided, however*, that if at the time of the election to dissolve a mosquito abatement district there be outstanding any indebtedness of the district then in such event the vote to dissolve the district shall dissolve the same for all purposes except only the levy and collection of taxes for the payment of such indebtedness and for the payment of expenses of assessing, levying and collecting the same and from the time such district is thus dissolved and until such indebtedness with the interest thereon, if any, is fully paid, satisfied and discharged the board of supervisors of the county in which the district or the greater part thereof is situate is constituted, *ex officio*, the board of trustees of the district, and it is hereby made the duty of such board to levy or cause to be levied such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and such interest.

SEC. 15. A new section is hereby added to said act to be numbered 12, and to read as follows:

Sec. 12. Any two or more mosquito abatement districts having territory lying contiguous may be consolidated as in this act provided. Whenever in the judgment of the board of trustees of a mosquito abatement district it is for the best interest of such district that it be consolidated with one or more other districts organized under the provisions of this act it may by a two-thirds vote of the trustees adopt a resolution reciting such facts, declaring the advisability of such consolidation and the willingness of the board to consolidate, and forward a copy thereof to the board of trustees of each of the other districts with which consolidation is proposed. It shall thereupon be the duty of the board of trustees of each of such other districts to consider said proposal and give notice of its decision thereon to the board making the proposal. If each of such other boards, by two-thirds vote of its membership, adopts a resolution in favor of consolidation and declaring its willingness to consolidate, it shall be the duty of the board of trustees of each district proposed to be consolidated forthwith to call a special election in its district at which shall be submitted to the electors of such district the question whether or not said consolidation shall be effected. The said election shall be called and conducted, and the returns thereof canvassed and declared so far as practicable in accordance with the requirements of this act for submission to the voters of a district of the question whether or not the district shall vote a tax to raise an additional sum of money in any year. The ballot shall contain the words "Consolidated—yes" and "Consolidated—no," or words equivalent thereto, and if a majority of the votes cast in each district are in favor of consolidation then such districts shall be consolidated.

The returns of the election in each district shall be declared by the board of trustees thereof, whereupon each such board of trustees shall cause the results thereof to be certified to the board of supervisors of the county in which the districts or the greater portion of the land therein, as consolidated, are situated. If upon such returns it appears that a majority of the votes cast in each district are in favor of consolidation, then said board of supervisors shall so find and declare by order entered in its minutes, and cause a certified copy of said order to be transmitted to the board of supervisors of each of the other counties, if any, in which any portion of the district, as consolidated, is situate, and cause a like copy to be recorded in the office of the county recorder of each of the counties in which any portion of the district is situate, and also cause to be filed a like copy in the office of the secretary of state. From and after the date of such transmission, recording and filing, the territory within such districts shall be deemed merged and consolidated into and form a single consolidated mosquito abatement district with all the rights, privileges and powers set forth in this act and necessarily incident thereto.

From and after such consolidation the board of trustees of the consolidated district shall consist of the same number and shall be appointed in the same manner as prescribed by the provisions of section 4 of this act for a district originally formed hereunder, and having boundaries the same as the boundaries of said district as consolidated; *provided*, that the members of the boards of trustees of the several districts thus consolidated who are in office at the time of consolidation shall continue to serve as members of the board of trustees of the consolidated district during the remainder of the terms for which they have been respectively appointed.

SEC. 16. A new section is hereby added to said act, to be numbered 13, and to read as follows:

Sec. 13. In the original resolution proposing consolidation the board of trustees shall specify the name proposed for the consolidated district, and if such consolidation is effected the consolidated district under said name shall succeed to all of the rights, privileges and properties of all of the districts participating in such consolidation, and shall be subject to all of the indebtedness thereof.

SEC. 17. A new section is hereby added to said act, to be numbered 14, and to read as follows:

Sec. 14. Whenever used in this act the term "county" means and includes any county or city and county, and the term "counties" means and includes any and all "counties" or "cities and counties" in this state."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 568, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Crowley adopted.

Bill ordered to print.



## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 27, embracing sections 375 and 375*d*, inclusive, relating to a Department of Investment.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED FORTY-ONE.

## AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, as amended, after the word "article", insert the words "may, and for purposes of this act,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 841?

The roll was called, and Assembly amendment to Senate Bill No. 841 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Hurley, Maloney, McCormack, McKinley, Merriam, Mueller, Rochester, Slater, Swing, Waggy, Weller, West, and Young—24.

NOES—None.

Senate Bill No. 841 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER NINE.

## AMENDMENT NUMBER ONE.

On page 1, line 17, of the amended printed bill, strike out the figures "1207", and insert in lieu thereof the words "twelve hundred and seven".

## AMENDMENT NUMBER TWO.

On page 1, line 21, of the amended printed bill, strike out the figures "1207", and insert in lieu thereof the words "twelve hundred and seven".

## AMENDMENT NUMBER THREE.

On page 1, line 25, of the amended printed bill, insert after the word "attorney" a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 9?

The roll was called, and Assembly amendments to Senate Bill No. 9 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—27.

NOES—None.

Senate Bill No. 9 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED SIXTY.

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, after the word "finance", insert the following: "by and with the consent of the director of the department of institutions".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 660?

The roll was called, and Assembly amendment to Senate Bill No. 660 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Waggy, and West—25.

NOES—None.

Senate Bill No. 660 ordered to print, and enrollment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 73. An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a, 953b and 956 thereof and to add certain new sections thereto, to be numbered sections 659a, 661 and 662 respectively, relating to findings, judgments, new trials and appeals, and reports that the same has been correctly engrossed.

EDWARDS, Acting Chairman.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bills Nos. 53, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 71, 72, 73, 74, 78, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 96, 97, 98, 99, 733 and 734, heretofore set as a special order for Tuesday, April 30, at eleven o'clock a.m., the same were taken up for consideration.

Senate Bill No. 64—An act to amend the Code of Civil Procedure, by amending section 112 thereof, and to repeal sections 113 and 114 of the same code, relating to jurisdiction of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Edwards, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, and Waggy—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack,

McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Wagye, and Weller—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806, 882 and 883 thereof, relating to the jurisdiction of courts, in municipal corporations of fourth, fifth and sixth classes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wagye, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wagye, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagye, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and



compensation and for the election of jurors therein." approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 71—An act to add a new section to be numbered 4185a, to the Political Code, relating to qualifications and eligibility for the office of justice of the peace.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Swing moved to refer Senate Bill No. 71 to Senator Wagy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE

On page 1, line 5, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "fifty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30 1929

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 71, with instructions to amend, respectfully reports the same back, amended as per instructions.

WAGY, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure, to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and

counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An act to add a new section, to be numbered 927*q*, to chapter 12 of title XI of part II of the Code of Civil Procedure, relating to costs in small claims courts and executions upon judgments thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 63 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 56—An act to add a new section to be numbered 933½ to title XII of part II of the Code of Civil Procedure, relating to police courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 56 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An act to amend section 274*c* of the Code of Civil Procedure, relating to phonographic reporters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney,

McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure, to be numbered 900*b*, relating to new trials in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 60 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61—An act to add new sections to be numbered 831*b* and 835*a*, to chapter 1 of title XI of part II of the Code of Civil Procedure, relating to practice and procedure in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 61 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 62—An act to add a new section to be numbered 982*a*, to chapter 3 of title XIII of part II of the Code of Civil Procedure, relating to appeals to superior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 62 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 733 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 72 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, and Weller—27.

NOES—Senators Carter and Merriam—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An act to amend section 831b of Code of Civil Procedure, relating to changing place of trial in municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, and Weller—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 99 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Inman, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, and Waggy—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service of notices and other papers by mail, and effect thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 80—An act to add a new section to be numbered 722 to chapter 2 of title IX of part II of the Code of Civil Procedure, relating to proceedings supplemental to execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Weller—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81—An act to amend section 591 of the Code of Civil Procedure, relating to trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An act to amend section 681a of the Code of Civil Procedure, relating to stay of executions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 82 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Edwards, Evans, Fellom, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending section 204c thereof, relating to jury commissioners in counties, or cities and counties, where there is a secretary of the judges of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90—An act to amend section 396 of the Code of Civil Procedure, relating to changing place of trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of their assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664, of the Code of Civil Procedure, relating to the administration of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 96 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 313—An act to amend section 4077 of the Political Code, relating to claims against counties—has had the same under consideration, and respectfully

reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended, and be re-referred to this committee.

Committee membership: 9.

(Signed out)

CHRISTIAN, Chairman.  
EDWARDS.  
SWING.  
SLATER.  
WAGY.  
FELLOW.

Senate Bill No. 313 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927, and making an appropriation therefor;

Also: Assembly Bill No. 161—An act appropriating money to pay the claim of Annie Locatelli against the State of California;

Also: Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930;

Also: Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor;

Also: Assembly Bill No. 403—An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor;

Also: Assembly Bill No. 609—An act to establish sales rooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor;

Also: Assembly Bill No. 714—An act creating the Napa State Farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class;

Also: Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereof of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer

of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power, approved June 13, 1913, as amended, by amending the title thereof and sections 7 and 18 thereof and adding new sections therein to be numbered 37 to 59, inclusive, relating to the powers and duties of water districts and the boards of directors thereof and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such district.

Also: Assembly Bill No. 1122—An act to amend section 2 of an act entitled, "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto and to appropriate money for travelling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses;

Also: Assembly Bill No. 1136—An act appropriating money to pay the claim of H. W. Levers against the State of California;

Also: Assembly Bill No. 1137—An act to provide for the investigation and study of the control of hypericum perforatum by the University of California, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—13, absent—4.

INMAN, Chairman.

Assembly Bills Nos. 113, 161, 251, 255, 403, 609, 714, 956, 988, 1123, 1136 and 1137 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 262—An act to amend sections 4 and 5 of an act entitled, "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927;

Also: Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management thereof, and making an appropriation therefor.

Also: Assembly Bill No. 798—An act authorizing and providing for report upon the methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—13, absent—4.

INMAN, Chairman.

Assembly Bills Nos. 262, 523 and 798 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—13, absent—4.

INMAN, Chairman.

Senate Bill No. 868 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—15; committee vote: Ayes—8; absent—7.

SHARKEY, Chairman.

Senate Bill No. 870 ordered re-referred to Committee on Finance.



## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor;

Also: Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bills Nos. 415 and 870 ordered on file for second reading.

## ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 485—An act to define motor club service, and to define, license and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—15; committee vote: Ayes—8; absent—7.

SHARKEY, Chairman.

Assembly Bill No. 485 ordered on file for second reading.

## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to the Committee on Finance.

Committee membership—13; committee vote: Ayes—8; absent—5.

BOGGS, Chairman.

Senate Bill No. 658 ordered on file for second reading.

## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were presented:

By Senator Cassidy:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner.

Request referred to Committee on Rules.

By Senator Breed:

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to validate franchises to construct and operate toll roads.

Request referred to Committee on Rules.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 486—An act to amend section 16x1a of the Weights and Measures Act, approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Young moved to refer Assembly Bill No. 486 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following:

"An act to amend section 16x12 of the "Weights and measures act," approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class."

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, strike out all of lines 1 to 23, inclusive, and also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 16x12 of the "Weights and measures act," approved June 16, 1913, as amended, is hereby amended to read as follows:

16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of two hundred dollars per month, and deputies shall receive one hundred fifty dollars per month each. In counties of this class there shall also be allowed to the sealer of weights and measures, a deputy to be known as clerk, which position is hereby created, to be appointed by the sealer of weights and measures, at a salary of one hundred twenty-five dollars per month, payable at the same time and out of the same fund as other county officers are paid."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 486, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Inman moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Evans, Handy, Inman, Maloney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Waggy, West, and Young—21.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

##### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Allen.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction of such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

Request referred to Committee on Rules.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Inman.

The Secretary was directed to call the roll on the final passage of Senate Bill No. 97.

The roll was called, and Senate Bill No. 97 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Handy, Inman, Maloney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Waggy, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An act to add a new section to Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cobb, Crowley, Evans, Handy, Inman, Maloney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 87 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Handy, Inman, Maloney, McCormack, McKinley, Mueller, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An act to amend sections 631, 1312, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 98—An act to add a new section to be numbered 1179a to chapter 4 of title III of part III of the Code of Civil Procedure, relating to summary judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Maloney, McKinley, Merriam, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78—An act to add a new section to the Code of Civil Procedure, to be numbered 607a, relating to instructions in jury trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 65 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Garrison, Hardy, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 86 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Hardy, Inman, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 89 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Hardy, Inman, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—29.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 644, 650, 657, 659, 660, 664, 953*a*, 953*c*, 956, and 1717 thereof, and to add certain new sections thereto, to be numbered sections 659*a*, 661 and 662, respectively, relating to findings, judgments, new trials and appeals.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Murphy moved to refer Senate Bill No. 73 to Senator Crowley, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 6, line 45, of the printed bill, after the period in said line 45, insert the following: "In filing briefs in said appeal the parties must, however, print in their

briefs, or in a supplement appended thereto, such portions of the record as they desire to call to the attention of the court."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 73, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print, and re-engrossment.

POSTPONEMENT OF RECONSIDERATION.

Senator Young asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 12 was refused passage postponed until Wednesday, May 1.

RE-REFERENCE OF ASSEMBLY BILL.

Senator Sharkey asked for and was granted unanimous consent to have Assembly Bill No. 1107 withdrawn from Committee on Motor Vehicles, and re-referred to Committee on Public Health and Quarantine.

RE-REFERENCE OF ASSEMBLY BILL.

Senator Garrison asked for and was granted unanimous consent to have Assembly Bill No. 75 re-referred to Committee on Irrigation.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At two o'clock and fifty minutes p. m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting or reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in lime, cement and other reduction plants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Evans, Fellom, Garrison, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 666—An act to add a new section to the Penal Code, to be numbered 1104a, prescribing what evidence of confessions and admissions may be admitted upon the trial of criminal prosecutions for



felony or misdemeanors, and regulating the manner of obtaining such evidence and presenting the same to the trial court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 666 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Christian, Cleveland, Evans, Fellom, Handy, Hurley, Inman, Maloney, McKinley, Murphy, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, and West—21.

NOES—Senators Cobb, Crowley, Mueller, and Sharkey—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 435—An act to promote safety of employees and provide assistance in case of injury from electric current in the doing of repair work or construction on electric poles, wires, cables, machinery, appliances or equipment; providing for the employment of a crew of not less than two journeymen in the doing of such work or inspection; and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 435 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR MERRIAM IN THE CHAIR.

At three o'clock and five minutes p.m., Senator Merriam of the Thirty-third District was called to the chair.

Senate Bill No. 460—An act to amend section 251 of the Penal Code, relating to libel.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Rochester moved to refer Senate Bill No. 460 to Senator Mueller, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In the title, line 1, strike out the words: "amend section 251 of the Penal Code".

##### AMENDMENT NUMBER TWO.

In the title, line 2, strike out the word "and".

##### AMENDMENT NUMBER THREE.

In the title, line 5, strike out the words "Libel and".

##### AMENDMENT NUMBER FOUR.

On page 1, beginning with line 1, strike out all of lines 1 to 13, inclusive.

##### AMENDMENT NUMBER FIVE.

On page 1, line 14, strike out "Sec. 2.", and insert in lieu thereof "Section 1."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 460, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUELLER, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 459—An act to amend the Code of Civil Procedure, section 1962, subdivision 7.

## RE-REFERENCE OF SENATE BILL.

Senator Rochester asked for and was granted unanimous consent to have Senate Bill No. 459 re-referred to Committee on Judiciary.

Senate Bill No. 353—An act relating to the passage of ordinances by cities and authorizing cities to adopt ordinances relating to the regulation of traffic upon public highways by reference to printed codes or copies on such subjects; provided that not less than three printed copies of such code or codes, or any amendments thereto in book or pamphlet form, have been filed with the city clerk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Husley, Inman, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 942—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 942 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Husley, Inman, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge.

## RE-REFERENCE OF SENATE BILL.

Senator Slater asked for and was granted unanimous consent to have Senate Bill No. 688 re-referred to Committee on Governmental Efficiency.

Senate Bill No. 524—An act to aid commerce and navigation by authorizing certain improvements in and about South Basin and South Basin canal and as a means thereof creating a reclamation district to be called and known as the "South Basin-South Basin Canal Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation; granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said South Basin-South Basin Canal Reclamation District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, and Wagy—23.

NOES—Senators Baker, Carter, Cleveland, Evans, Hurley, McKinley, Merriam, Weller, West, and Young—10.

## NOTICE OF MOTION TO RECONSIDER.

Senator Christian gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 524 was passed.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Cassidy to introduce a bill entitled—"An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobbs, Crowley, Edwards, Evans, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Weller, West, and Young—30.

NOES—None.



Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Allen to introduce a bill entitled—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction of such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—31.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Breed to introduce a bill entitled—An act to validate franchises to construct and operate toll roads—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—30.

The Secretary announced the absentees.

Time, four o'clock and fifty-two minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Breed.

The Secretary was directed to call the roll on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon,

Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—30.

NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Handy:

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

Request referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Handy to introduce a bill entitled—An act to validate licenses and franchises for the construction, keeping and taking toll on roads—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—30.

NOES—None.

##### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered 24 thereto, relating to the construction, maintenance and operation of a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds—has had the same under consideration, and respectfully reports the same

back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9.

(Signed out)

SWING, Chairman.  
CHRISTIAN.  
WEST.  
FELLOM.  
CANEPA.  
MUELLER.  
MURPHY.  
YOUNG.  
WELLER.

#### CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NUMBER THIRTY-SIX.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXIV thereto, relating to the construction, maintenance and operation of a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds.

#### COMMITTEE AMENDMENTS.

During the reading of the constitutional amendment, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 12, of the title of the printed bill, after the semicolon add the following: "and for the construction of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses;"

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 24, of the printed bill, strike out the period, and insert in lieu thereof the following: "until such time as the salt water barrier hereinafter referred to shall have been constructed".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 3, line 46, of the printed bill, strike out the word "district", and insert in lieu thereof the word "districts".

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 10, line 9, of the printed bill, after the word "Bonds", insert the following: "in an amount not to exceed seventy million dollars".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 10, line 30, of the printed bill, after the word "Bonds", insert the following: "in an amount not to exceed twenty-four million dollars".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 10, line 42, of the printed bill, strike out the semicolon following the word "article", and insert a comma in lieu thereof and the figure "(2)".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 10, line 42, of the printed bill, strike out the word "that".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 10, line 47, of the printed bill, after the word "construction", strike out the period, and insert a comma and add the following: "and (3) contracts have been entered into by the department of public works providing for the payment to the state of such sum or sums for the use of the water made available as provided in section six hereof."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 5, line 34, of the printed bill, strike out the word "nine", and insert in lieu thereof the word "twenty-four".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 5, line 35, of the printed bill, strike out the figures "109,000,000", and insert in lieu thereof the figures "124,000,000".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 6, line 41, of the printed bill, strike out the word "nine", and insert in lieu thereof the word "twenty-four".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 6, line 44, of the printed bill, after the word "unit", add the following: "and salt water barrier".

Amendment adopted.

## AMENDMENT NUMBER THIRTEEN.

On page 6, line 45, of the printed bill, after the word "authorized", add the following: "for the units referred to in subdivisions one and two of section 2 hereof."

Amendment adopted.

## AMENDMENT NUMBER FOURTEEN.

On page 4 of the printed bill, between lines 15 and 16, add the following:

"4. The Carquinez barrier unit, consisting of a salt water barrier, or a combination of a salt water barrier and bridge or other works and structures as may be desirable or necessary thereto at a point in or near the Carquinez straits to be determined by the department of public works with the approval of the water finance committee as hereinafter provided for the primary purpose of controlling and regulating the salinity of water above such barrier, and for the secondary purpose of the distribution and use of water for flood control, navigation, domestic use and irrigation. One third of the entire cost of said project in this subsection referred to, not to exceed the sum of fifteen million dollars, shall be assumed by the state. Bonds not to exceed in amount the sum of fifteen million dollars for such salt water barrier shall be issued, sold and disposed of in such amounts and at such times as shall be necessary to carry out the development of such project as herein provided

and said salt water barrier shall be constructed, operated and maintained by the state when the provisions and conditions herein specified relating thereto have been complied with."

### Amendment adopted.

#### AMENDMENT NUMBER FIFTEEN.

On page 11 of the printed bill, between lines 2 and 3 add the following:

"(d) Bonds in an amount not to exceed fifteen million dollars for the development, construction and maintenance of the salt water barrier shall be offered for sale when and if (1) the state treasurer shall have sold bonds for the development, construction and maintenance of the San Joaquin valley units as in this article provided, and (2) the director of public works and the water finance committee shall have determined that the construction thereof is necessary to provide and maintain an adequate supply of water for the San Joaquin units as herein specified and to provide for the salinity control of the delta area of the Sacramento and San Joaquin river basins, and (3) district or districts, county or counties, municipality or municipalities, or political subdivision of the state, persons, firms or corporations, or federal aid shall have provided or made available at least two-thirds of the cost of construction of said unit, or such additional amount as may be necessary to defray the cost thereof in excess of forty-five million dollars, and (4) the department of public works shall have entered into contracts as herein authorized for the use or sale of water providing for the payment annually to the state of a sum not less than the cost of maintaining and operating said salt water barrier."

### Amendment adopted.

Senate Constitutional Amendment No. 36 read, and ordered on file.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Cassidy: Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Allen: Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Breed: Senate Bill No. 876—An act to validate franchises to construct and operate toll roads.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Handy: Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

Bill read first time, and referred to Committee on Roads and Highways.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Assembly Bill No. 143 to Senator Garrison, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, as amended, beginning in said line 15, strike out the words "the sum of one thousand five hundred dollars per annum," and insert in lieu thereof the words: "one deputy clerk, one thousand eight hundred dollars per annum; one deputy clerk, one thousand five hundred dollars per annum;"

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 143, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill No. 658 ordered on file for second reading.

#### RECESS.

At five o'clock p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of eight o'clock and thirty minutes p.m.



RECONVENED.

At eight o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendment to Assembly Concurrent Resolution No. 36—Relative to adjournment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 36 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 27—Relative to Spanish War Veterans' convention.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 27 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 850—An act to amend section 2622415 of the Political Code, relating to county horticultural commissioners.

Also: Assembly Bill No. 646—An act to create a fish and game refuge, relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

Also: Assembly Bill No. 40—An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twentieth class.

Also: Assembly Bill No. 121—An act to amend section 4232 of the Political Code, relating to the salaries and expenses of officers of counties of the fourth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 850, 40 and 121 read first time, and referred to Committee on County Government.

Assembly Bill No. 646 read first time, and referred to Committee on Fish and Game.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 30, 1929.

*To the Senate of the State of California*

I am herewith returning Senate Bill No. 604 without my approval.

The purpose of this bill was to facilitate the handling of the business of the State Compensation Insurance Fund by extending authority for the creation of a cash revolving fund for current disbursements.

I am advised by all persons interested that the bill probably fails to serve this purpose as definitely as desired. It is, therefore, concluded that the bill should be vetoed and a revised bill introduced which will more specifically meet the situation which Senate Bill No. 604 was designed to meet.

For this reason I am withholding my approval of this bill, in order that the desired purposes may be served in the one being prepared to take its place.

Respectfully submitted.

C. C. YOUNG, Governor.

Senate Bill No. 604 ordered to unfinished business.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, April 30, 1929.

*To the Senate of the State of California.*

Senate Bill No. 209 is herewith returned without my approval.

This is one of a number of bills providing for pensions or retirement salaries, which, if finally adopted, must inevitably entail very considerable appropriations of public funds. For this reason I believe that in advance of the enactment of such laws, an expression as to policy should be sought from the voters and taxpayers, which shall confer the necessary authority upon the Legislature and boards of supervisors.

The present bill does not do this, but gives the entire power to enact this pension legislation to a four-fifths vote of the supervisors, without allowing the people a chance to pass upon it. I believe that this is unwise, particularly in counties under a charter form of government. In fact, I am informed by the office of the Attorney General that a charter provision is the logical way to establish a pension system in such counties, just as is now done in the case of chartered cities.

There are other objections to the bill from an actuarial standpoint, which need not here be enlarged upon in view of my conviction that in any event a policy of this nature should be determined by the people. Accordingly upon consultation with the authors, and with their concurrence, I am withholding my approval.

Respectfully submitted.

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 209 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, West, and Young—31.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15.

(Signed out)

HANDY, Chairman.  
McCORMACK.  
WAGGY.  
TUBBS.  
BOGGS.  
EDWARDS.  
INMAN.  
SWING.  
BREED.  
CASSIDY.

Senate Bill No. 702 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 386—An act to add a new section, to be numbered 3, to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury

of all moneys, belonging to the State, received by the various State institutions, commissioners and officers and directing the disposition of the same,' approved March 17, 1899, as amended, relating to the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1905.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 386 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 16, and insert in lieu thereof the following: "into the state treasury to the credit of the general fund, or to the credit of special funds, according to the provisions of this act, or according to the provisions of other laws applicable to such moneys, as the case may be. In the case of any state".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 386, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 7—An act to amend section 6287 of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Canepa, Christian, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wag, and Weller—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 695 passed by the following vote:

AYES—Senators Baker, Canepa, Cassidy, Christian, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wag, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 788—An act to amend section 22 of an act entitled “An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work.” approved March 21, 1907, as amended, relating to form and manner of issuance of bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 735—An act to amend section 1 of an act of the Legislature of the State of California entitled “An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without a boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the

territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved as amended March 21, 1907, relating to types of improvement authorized.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR CROWLEY IN THE CHAIR.

At nine o'clock and twenty-five minutes p.m., Senator Crowley of the Twenty-second District was called to the chair.

Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 198 refused passage by the following vote:

AYES—Senators Canepa, Christian, Fellom, Gray, Lyon, Maloney, Murphy, Pedrotti, Sharkey, Swing, and West—11.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Crowley, Edwards, Garrison, Handy, Hurley, Inman, McCormack, McKinley, Merriam, Nelson, Rochester, Slater, Waggy, Weller, and Young—22.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Hurley gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 198 was refused passage.

#### SPECIAL ORDER.

Senator Carter moved that Senate Constitutional Amendment No. 34 be made a special order for Tuesday, May 7, 1929, at eleven o'clock a.m. Motion carried.

Senate Bill No. 466—An act to amend the "American River Flood Control District Act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees, a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions, a new section to be numbered section 11a, providing for a bond validation proceeding, a new section to be numbered section 18a, making an appropriation in the sum of \$25,000 to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment, a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such

emergency and providing that this act shall take effect immediately upon its passage.

Bill read third time.

URGENCY CLAUSE.

SEC. 25. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article IV, of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the lands within said district including the cities of Sacramento and North Sacramento and which should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

To secure these ends it is necessary that this act take effect immediately upon its passage.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 262—An act to repeal section 9 of an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, as amended and approved May 26, 1927, relating to license fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Christian, Crowley, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Swing, Wagy, Weller, and West—22.

NOES—Senators Boggs, Breed, Cassidy, Cobb, Garrison, Inman, Nelson, Sharkey, Slater, and Young—10.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 737—An act to add a new section to the Civil Code, to be numbered 48a, relative to libel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cassidy, Cobb, Edwards, Handy, Inman, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, and Young—22.

NOES—Senators Breed, Carter, Christian, Crowley, Fellom, Garrison, Maloney, Murphy, Rochester, Tubbs, and West—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Committee on Rules.

April 29, 1929.

WHEREAS, The approach of adjournment of the Legislature since requires the time of the Legislature be conserved to the utmost; therefore, be it

Resolved, That from and after this date, speeches on the floor of the Senate be limited to ten minutes in length for opening speeches and five minutes for all other speeches. Extensions of time beyond said periods may be granted only by unanimous consent.

Resolution read, previously.

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

#### ADJOURNMENT.

At eleven o'clock and thirty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until ten o'clock a.m., Wednesday, May 1, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

#### SENATE CHAMBER,

SACRAMENTO, Wednesday, May 1, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, April 30, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Hurley was, on motion of Senator Christian, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Whitmore, treasurer and tax collector, Modesto, Stanislaus County.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dan H. Reese, principal of the Elk Grove Union Grammar School, Miss Ione Boyd and Mr. Herbert Winterstein, teachers, and pupils as follows: Gotlieb Adam, Elizabeth Allen, Herbert Dewald, Lydia Feickert, Carmelo Macli, Daniel Warner, Alvin King, Asako Kiino, Kenneth Robbins, Toshio Tominago, Ukiko Tominago, Marie Botto, Bertha Helzer, Robert Krull, Gus Windmiller, Aloysius Cassidy, Alfred Dixon, Laverle Elam, Maryhelen Fountain, Vaughn Gage, Vincent Learned, James Lillico, Bertha Moritz, Fred Nuez, Laura Pia, Elbert Polhemus, Marjorie Jamison, Vernon Coons, Gladys Schirmer, Marie Steiner, Mabel Neher, Laverl Carlisle, Elmerine Latta, Gartha Kranzler, Fred Poston, Nels Evans, Clarence Anderson, Edna Neher, Agnes Rusby, Dorothy Dart, Dorothy Matheson, Wilma Stewart, Anna Spitzer, Robert Takemoto, Walter Collins, Beulah Carlisle, Minolu Kobayashi, Wilbur Jackson, Clara Grenz, Rowland Colton, Jack Van Sickle, Cashus Kingsley, Marion Brown, Virginia Grover, Dwight Waterman, Lula Mezza, George McGregor, Sherwood Allen, Edward Grenz, Lucy Grenz, Wilbur Doty and Martha Adam.

On request of Senator Murphy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. H. Mowbray.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lincoln Union High School, Lincoln, Richard A. Lee and Mrs. Alice Dyrsmid, teachers, and pupils as follows: Manilus Ahart, Angelina Andre, Joseph Andre, Christy Beckman, Isabel Beerman, Angelino Cavianna, Corinne Culbertson, Olive Daniels, Shirley Duncan, Josephine Grey, Margaret Hayt, Marybeth Heiderick, Max Huestis, Inez Ingersoll, Albert Jordan, Palmira Morelli, Almay Murdock, Emily Ponciano, Anna Preston, Lola Pritchard, Roy Rohrke, Marjorie Scott, Jean Tofft, John Weber, Thurza Allen, Edward Bedigan, Lola Berry, Frank Bauquier, Marion Boyden, Charles Brockman, Fred Clark, Lorin Dalton, Malcolm Fowler, Albert Gulliford, Curtis Johnson, Arlien Jorstad, Lauren Leavell, Charlotte McMains, Douglas Newcomb, Archie Rogers and Lloyd Constant.

On request of Senator Inman, the privilege of the floor of the Senate chamber for this day was unanimously extended to Mrs. Ellen E. Logan,

teacher of the McKinley School, and pupils as follows: Bernice Armstrong, Florence Bateman, Camilla Calagna, Rose Dong, Concetta Grico, Grace Grico, Minnie McWilliams, Waneta Muller, Ellen Pappas, Sentina Sulli, Raymond Banky, William Dong, Woodrow Gifford, Norman Gillette, Edgar Peek, Donald Yee, Bill Yamamoto, Rosalie Fitzer and Frank Natocano.

On request of Senator Merriam, the privilege of the floor of the Senate chamber for this day was unanimously extended to Supreme Court Justices J. W. Curtis and John L. Richards.

#### MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor, making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWENTY-FIVE.

##### AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, as amended in Senate March 27, 1929, strike out the comma, and insert in lieu thereof the following: "on land or premises not owned or possessed by the owner of such dog."

##### AMENDMENT NUMBER TWO.

On page 2, line 20, of the printed bill, as amended in Senate March 27, 1929, strike out the comma after the word "poultry", and insert in lieu thereof the following: "on land or premises not owned or possessed by the owner of such dog."

##### AMENDMENT NUMBER THREE.

On page 2, line 21, of the printed bill, as amended in Senate March 27, 1929, strike out the period, and insert in lieu thereof the following: "for killing such dog."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 25?



The roll was called, and Assembly amendments to Senate Bill No. 25 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Slater, Waggy, Weller, and Young—27.

NOES—None.

Senate Bill No. 25 ordered to print, and enrollment.

#### POSTPONEMENT OF RECONSIDERATION.

Senator Christian asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 198 was refused passage postponed until the next legislative day.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

##### SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund:

Also: Senate Bill No. 693—An act to amend sections 1 and 2 of an act entitled "An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device and providing a penalty for violation thereof," approved May 16, 1927, and to add a new section thereto to be numbered 3, said new section relating to the repeal of acts and parts of acts in conflict therewith;

Also: Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys;

Also: Senate Bill No. 854—An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey;

Also: Senate Bill No. 571—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified;

Also: Senate Bill No. 378—An act to amend section 3700a of the Political Code, relating to the salary of the Secretary of the State Board of Equalization;

Also: Senate Bill No. 739—An act to amend section 51 of the State Housing Act approved June 15, 1923, as amended, relating to fire and smoke towers and stairways combined; and enclosed stairways terminating in fireproof passageway;

Also: Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by repealing section 10½, relating to alternative specifications for sewer construction;

Also: Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors;

Also: Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers

or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes—and reports that the same has been correctly re-engrossed.

EDWARDS, Acting Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 831—An act to add a new section to the Penal Code, to be numbered 628m, relating to the protection of sardines—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to the Committee on Finance.

YOUNG, Chairman.

Senate Bill No. 831 ordered on file for second reading.

SECOND READING OF SENATE BILL NUMBER EIGHT HUNDRED THIRTY-ONE.

Senate Bill No. 831—An act to add a new section to the Penal Code, to be numbered 628m, relating to the protection of sardines.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

Amend the title of the printed bill by striking all of line one following the word "act", and all of line 2, and insert the following: "making an appropriation from the fish and game preservation fund for conservation work for the benefit of the commercial fishing industry of the State of California."

Amendment adopted.

AMENDMENT NUMBER TWO.

Strike out all of line 1 of the printed bill following the words "Section 1", and all of lines 2 to 18, inclusive, and insert the following: "The sum of thirty thousand dollars is hereby appropriated out of any money in the fish and game preservation fund in the state treasury not otherwise appropriated to be expended by the fish and game commission through the George Williams Hooper Foundation for Medical Research of the University of California for conservation work for the benefit of the commercial fishing industry of the State of California; *provided*, that not more than one-half of such appropriation shall be expended during the eighty-first fiscal year."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 867—An act to add a new section to be numbered 10½ to the County Waterworks District Act, approved June 13, 1913, as amended, relating to the levy of taxes on land only in county waterworks districts at the option of the petitioners for the formation of such districts;

Also: Assembly Bill No. 1156—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 41, 43, 44, 45 and 46 thereof; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

GARRISON, Chairman.

Senate Bill No. 867 ordered on file for second reading.

Assembly Bill No. 1156 ordered on file for second reading.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 13—Relative to the California State Fair and the Western States Exposition.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NUMBER THIRTEEN.

Senator Inman asked for and was granted unanimous consent to consider at this time Assembly Joint Resolution No. 13 without reference to committee, for purpose of adoption.

## ASSEMBLY JOINT RESOLUTION No. 13.

Relative to the California State Fair and the Western States Exposition.

WHEREAS, The seventy-fifth anniversary of the State Fair of California is to be celebrated at Sacramento between the dates of August 31 and September 9, 1929, both dates inclusive; and

WHEREAS, Said annual State Fair is to be held at Sacramento between said dates in conjunction with the Western States Exposition; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That President Herbert Hoover and Mrs. Hoover be, and they are, hereby invited and most respectfully urged to attend the California State Fair and Western States Exposition at Sacramento, upon some convenient date or dates during the continuance thereof; and, be it further

*Resolved.* That a suitably engrossed copy of this resolution be delivered to President and Mrs. Hoover and to each Senator and Representative in Congress from California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 13 ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Assembly Bill No. 345 to Senator Garrison, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out said line 4, also in line 5, strike out the words "may elect", and insert in lieu thereof the following: "peace, two constables".

## AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".



## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, after the word "recorders", insert the following: "or judges of municipal courts".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 345, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE

## UNFINISHED BUSINESS.

Senate Bill No. 604—An act to amend section 38, chapter 176, Laws of 1913, Workmen's Compensation, Insurance and Safety Act, relating to power and authority of the Industrial Accident Commission over the State compensation insurance fund.

## SUSTAINING GOVERNOR'S VETO

Message from the Governor announcing his objections to Senate Bill No. 604, read previously.

The question being: Shall Senate Bill No. 604 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Lavan, Maloney, McCormack, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, and Young.—26

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS.

Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300*m*, relating to fees and costs in justices' courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 581—An act to amend section 363*b* of the Political Code, and to add thereto a new section to be numbered 363*i*, relating to the Department of Public Works.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 642—An act to add three new sections to article II*j* of title I, of part III, of the Political Code to be numbered 372*h*, 372*i*, and 372*j*, creating a Division of Weights and Measures in the Department of Public Health and providing for the administration thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"An act to amend an act entitled, 'An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and

measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, by adding thereto a new section to be numbered 16a, relating to sealers of weights and measures."

### Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 24, inclusive; also strike out page 2, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, to be numbered 16a and to read as follows:

Sec. 16a. For the purpose of advising himself of the best and most efficacious methods of performing his duties and conducting his office every sealer of weights and measures in the State of California shall attend the annual meeting of the state association of sealers of weights and measures, and such other meetings as the state director of agriculture shall require, and he shall be paid his compensation and traveling expenses while so engaged, or while on any service that requires him to go outside the county when the performance of such service has been authorized by the board of supervisors, or the state director of agriculture. Said compensation and expenses shall be a county charge against the county wherein said sealer of weights and measures is employed and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid."

### Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State Civil Service employees, and in furtherance thereof providing a fund for pension and death benefits for such employees.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, following the period in said line, insert the following:

"SEC. 10. Whenever any employee of the State of California who shall have been in the continuous employ of the state in any capacity for twenty-five years which by reason of his physical or mental disability becomes incapacitated for the performance of his ordinary official duties, the head of the departments of the state service in which he is then employed shall report such fact to the civil service commission who shall direct that such employee appear before the industrial accident commission and submit to an examination under their rules and thereupon the industrial accident commission shall cause such examination to be made and report their finding to the civil service commission. Should it be found by said commission that the employee is incapacitated for the further performance of his duties, the

civil service commission may direct that said employee be retired from service during such time of incapacitation and receive as sick leave the sum of fifty dollars per month to be paid by the department in which said employee has been employed during such time of incapacitation."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Civil Service.

Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 701—An act authorizing the Department of Public Works of the State of California to grant licenses and franchises for taking tolls on all roads and bridges within the State; also granting jurisdiction to fix the rate of tolls; also providing for operators of toll bridges and toll roads to keep accurate account of costs of construction, repair, operation and maintenance thereof; also providing for verified statement of such costs to be submitted to the Department of Public Works; also authorizing the Department of Public Works to prescribe a uniform system of accounts; also providing the forms of such reports required under this act; also authorizing the Department of Public Works to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act; also repealing all other acts and parts of acts in conflict with any provision of this act.

#### COMMITTEE AMENDMENTS

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE

On page 2, line 3, of the printed bill, beginning at line 3, strike out lines 3 to 29, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 30, of the printed bill, strike out the number "3", and insert in lieu thereof the number "2".

Amendment adopted.

##### AMENDMENT NUMBER THREE

On page 2, line 40, of the printed bill, strike out the number "4", and insert in lieu thereof the number "3".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 50, of the printed bill, strike out the number "5", and insert in lieu thereof the number "4".

Amendment adopted

##### AMENDMENT NUMBER FIVE.

On page 3, line 1, of the printed bill, strike out the number "6", and insert in lieu thereof the number "5".

Amendment adopted



## AMENDMENT NUMBER SIX.

On page 3, line 3, of the printed bill, strike out the words "existing valid", and insert after the word "franchise" the words "granted under the provisions of this act".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, line 25, of the printed bill, beginning in said line 25, strike out lines 25 to 49, inclusive, and insert in lieu thereof the following:

"SEC. 6. Nothing in this act shall be construed as preventing the state, or any city, county, city and county, incorporated bridge and highway district or joint highway district from acquiring or constructing toll roads and toll bridges under the restrictions imposed by any law of this state now in force or which may hereafter be adopted authorizing the construction, acquisition or condemnation of toll roads or toll bridges through the use of revenue bonds."

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 3, line 50, of the printed bill, strike out the number "8", and insert in lieu thereof the number "7".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 6, of the printed bill, strike out the number "9", and insert in lieu thereof the number "8".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 6, of the printed bill, strike out the word "except", and in line 7 strike out the words "when specifically so stated", and in line 9 strike out the comma after the word "thereunder", and insert in lieu thereof a period, and in line 9, strike out the words "except in so far as", and all of lines 10 and 11.

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 12, of the printed bill, strike out the number "10", and insert in lieu thereof the number "9".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 4, line 13, of the printed bill, strike out the period after the word "repealed", and insert in lieu thereof a comma and add the following: "but this act shall not be construed to conflict in any manner with any provision of any law of this state now in force or which may hereafter be adopted authorizing the construction, acquisition or condemnation of toll roads or toll bridges through the use of revenue bonds."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 538—An act authorizing the Department of Public Works of the State of California to lay out, acquire and construct a highway from the city of San Francisco across the bay of San Francisco to the county of Alameda, and providing for the payment of the cost thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 of the title of the printed bill, after the word "authorizing", in line 1 of said title, insert the words, "California toll bridge authority and".

Amendment adopted.

## AMENDMENT NUMBER TWO

On page 1 of the title of the printed bill, after the word "highway" at the end of line 2 of said title, insert the word "crossing".

Amendment adopted.

## AMENDMENT NUMBER THREE

On page 1, strike out lines numbered 1 to 12, inclusive, of the printed bill, and insert in lieu thereof:

"SECTION 1. The California toll bridge authority and the department of public works of the State of California are hereby authorized to lay out, acquire and construct a highway crossing, including such bridges, tubes, tunnels and approaches in connection therewith as may be deemed to be necessary, from the city of San Francisco across the bay of San Francisco to the county of Alameda: *provided, however,* that the cost of said highway crossing shall be entirely borne by the issuance of revenue bonds retired by tolls received for passage over said highway crossing in accordance with any law of this state, now in force or which may hereafter be enacted, authorizing the issuance of such bonds, or by aid thereto extended by any city, county or city and county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 313—An act to amend section 4077 of the Political Code, relating to claims against counties.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

Strike out lines 1 to 2, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend section 4238 of the Political Code, relating to the compensation of county and township officers of counties of the ninth class and to the number, appointment and salaries of their assistants and deputies."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4238 of the Political Code is hereby amended to read as follows:

4238. In counties of the ninth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases.
3. The recorder, two thousand seven hundred fifty dollars per annum.
4. The auditor, three thousand six hundred dollars per annum.
5. The treasurer, two thousand six hundred dollars per annum.
6. The tax collector, one thousand nine hundred dollars per annum. The tax collector shall pay all his own traveling expenses.
7. The assessor, four thousand dollars per annum. The assessor shall also receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.
8. The district attorney, three thousand six hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, three thousand three hundred dollars per annum. The superintendent of schools shall pay all his own traveling expenses when visiting the schools of this county.
12. The surveyor, two thousand four hundred dollars per annum, and actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.
13. For the purposes of this section the population of the several townships of counties of this class shall be ascertained by multiplying the number of registered

voters at the last general election by two and one-half, and for the purpose of regulating the compensation of justices of the peace, said townships are hereby classified as follows: townships having a population of more than twenty-five thousand shall be townships of the first class; townships having a population of more than seven thousand five hundred but not more than twenty-five thousand shall be townships of the second class; townships having a population of more than five thousand five hundred but not more than seven thousand five hundred shall be townships of the third class; townships having a population of more than five thousand but not more than five thousand five hundred shall be townships of the fourth class; townships having a population of more than three thousand nine hundred but not more than five thousand shall be townships of the fifth class; townships having a population of more than three thousand five hundred but not more than three thousand nine hundred shall be townships of the sixth class; townships having a population of more than three thousand but not more than three thousand five hundred shall be townships of the seventh class; townships having a population of more than two thousand seven hundred fifty but not more than three thousand shall be townships of the eighth class; townships having a population of more than two thousand six hundred but not more than two thousand seven hundred fifty shall be townships of the ninth class; townships having a population of more than two thousand three hundred but not more than two thousand six hundred shall be townships of the tenth class; townships having a population of more than one thousand seven hundred but not more than two thousand three hundred shall be townships of the eleventh class; townships having a population of more than one thousand five hundred but not more than one thousand seven hundred shall be townships of the twelfth class; townships having a population of more than one thousand one hundred fifty but not more than one thousand five hundred shall be townships of the thirteenth class; townships having a population of more than one thousand but not more than one thousand one hundred fifty shall be townships of the fourteenth class; townships having a population of more than five hundred seventy-five but not more than one thousand shall be townships of the fifteenth class; townships having a population of more than five hundred twenty-five but not more than five hundred seventy-five shall be townships of the sixteenth class; townships having a population of more than four hundred seventy-five but not more than five hundred twenty-five shall be townships of the seventeenth class; townships having a population of more than four hundred twenty-five but not more than four hundred seventy-five shall be townships of the eighteenth class; townships having a population of more than three hundred seventy-five but not more than four hundred twenty-five shall be townships of the nineteenth class; townships having a population of more than three hundred but not more than three hundred seventy-five shall be townships of the twentieth class; townships having a population of more than two hundred fifty-eight but not more than three hundred shall be townships of the twenty-first class; townships having a population of more than two hundred fifty but not more than two hundred eighty shall be townships of the twenty-second class; townships having a population of not more than two hundred fifty shall be townships of the twenty-third class.

Justices of the peace shall receive the following annual salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships of the first class, two thousand seven hundred dollars; in townships of the second class, two thousand one hundred dollars; in townships of the third class, one thousand six hundred twenty dollars; in townships of the fourth class, one thousand nine hundred twenty dollars; in townships of the fifth class, one thousand eight hundred dollars; in townships of the sixth class, one thousand three hundred twenty dollars; in townships of the seventh class, one thousand two hundred dollars; in townships of the eighth class, one thousand six hundred twenty dollars; in townships of the ninth class, six hundred dollars; in townships of the tenth class, one thousand eight hundred dollars; in townships of the eleventh class, one thousand two hundred dollars; in townships of the twelfth class, three hundred dollars; in townships of the thirteenth class, one hundred twenty dollars; in townships of the fourteenth class, seven hundred twenty dollars; in townships of the fifteenth class, six hundred dollars; in townships of the sixteenth class, three hundred dollars; in townships of the seventeenth class, nine hundred dollars; in townships of the eighteenth class, one hundred twenty dollars; in townships of the nineteenth class, four hundred eighty dollars; in townships of the twentieth class, three hundred dollars; in townships of the twenty-first class, one hundred twenty dollars; in townships of the twenty-second class, one hundred eighty dollars; in townships of the twenty-third class, one hundred twenty dollars. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of more than twenty-five thousand, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by a judge of the superior court



of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand five hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m., and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month. In all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board, and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed. Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company, and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund.

17. The county clerk shall have one chief deputy, at a salary of two thousand one hundred dollars per annum; three courtroom deputies at a salary of one thousand eight hundred dollars per annum each; three office deputies at a salary of one thousand five hundred dollars per annum each; one judgment clerk at a salary of one thousand five hundred dollars per annum; one deputy who shall act as clerk to the board of supervisors at a salary of one thousand eight hundred dollars per annum; one deputy who shall act as assistant clerk to the board of supervisors at a salary of one thousand five hundred dollars per annum; and a deputy or deputies not to exceed fifteen, for the purpose of registering electors or other emergencies, who shall be paid not to exceed four dollars per diem each; also a deputy or deputies, to register electors outside of the county seat, who shall receive a compensation of eight cents for each elector registered, and shall receive no other compensation or expenses.

The county recorder, one first assistant at a salary of one thousand eight hundred dollars per annum; one second assistant at a salary of one thousand five hundred dollars per annum; three comparing or index clerks at a salary of one thousand three hundred eighty dollars per annum each; two copyists at a salary of one thousand three hundred eighty dollars per annum each; the recorder may, with the consent of the board of supervisors, hire necessary assistance in cases of emergency at a salary not to exceed four dollars per diem each, nor shall the aggregate salaries for such work exceed two thousand four hundred dollars in any one calendar year.

The treasurer, one chief deputy at a salary of two thousand five hundred dollars per annum, and one deputy at a salary of one thousand nine hundred twenty dollars per annum, and one deputy at a salary of one thousand six hundred eighty dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, and one deputy to serve not longer than six months in any one calendar year at a salary of one hundred ten dollars per month, and an emergency deputy or deputies, which position is hereby created, at a salary of four dollars per diem, which said emergency deputy or deputies shall not receive more than one thousand eight hundred dollars in any one calendar year.

The county auditor, one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum; the auditor may, with the consent of the board of supervisors, hire necessary assistants for the purpose of extending taxes, and in cases of emergency at a salary not to exceed four dollars per diem each, nor shall the aggregate salaries for such emergency work exceed one thousand dollars in any one calendar year.

The district attorney, an assistant district attorney, at a salary of two thousand seven hundred dollars per annum; and two deputies at a salary of one thousand eight hundred dollars per annum each; and one stenographer at a salary of two thousand one hundred dollars per annum.

The superintendent of schools, one deputy at a salary of one thousand two hundred dollars per annum; and an emergency deputy or deputies, which position is hereby created, at a salary of four dollars per diem, which said emergency deputy or deputies shall not receive more than four hundred dollars in any one calendar year.

The sheriff, an under sheriff, who shall receive a salary of two thousand one hundred dollars per annum; a clerk who shall receive a salary of one thousand five hundred dollars per annum; a stenographer and clerk who shall receive a salary of one thousand five hundred dollars per annum; three deputy sheriffs, who shall receive a salary of one thousand five hundred dollars per annum each; three bailiff or courtroom deputies, who shall receive a salary of one thousand five hundred dollars per annum each; and one motor boat deputy, who shall receive a salary of one hundred fifteen dollars per month; two speed cop deputies who shall furnish and maintain at their own expense the motorcycle for their use and whose salary and expense for the purpose herein named shall be one hundred thirty-five dollars per month each; two jailers, who shall receive a salary of one thousand five hundred dollars per annum each; one deputy sheriff for emergencies, and as a guard for the working prisoners who shall receive a salary of one thousand five hundred dollars per annum, and a deputy sheriff for the purpose of serving papers and other emergencies, who shall receive a salary of one thousand five hundred dollars per annum.

The county surveyor, one chief deputy, who shall be paid a salary of two thousand one hundred dollars per annum.

The coroner, one deputy, who shall be paid by the coroner out of his fees.

The county assessor shall have one chief deputy at a salary of two thousand one hundred dollars per annum; one draft-man at a salary of one thousand eight hundred dollars per annum; one stenographer and copyist at a salary of nine hundred dollars per annum; one office deputy at a salary of one thousand six hundred twenty dollars per annum; one platter to serve not to exceed one hundred eighty days in each year at a salary of four dollars per diem; two office deputies for preparing assessment rolls to serve not to exceed one hundred days each in any one year at a salary of four dollars per diem each; one office deputy for preparing assessment rolls to serve not to exceed one hundred four days in any one year at a salary of four dollars per diem; one copyist to serve not to exceed forty-three days in any one year at a salary of four dollars per diem; fifteen field deputies to serve not to exceed eighty days each in any one year at a salary of five dollars per diem each; and an emergency deputy or deputies at a salary of four dollars per diem each, which said emergency deputy or deputies shall not receive more than four hundred dollars in any one calendar year; all the deputies, assistants, emergency help and clerks herein mentioned shall be paid at the time and in the same manner that the principals are paid, and they shall be paid from the salary fund.

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district, or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. All compensations, fees, commissions and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him

thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

10. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on County Government.

Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the experimental and research work as to the efficacy of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle, recommended by the Pasteur Institute of Lille, France.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the word "of", insert the following: "eight thousand".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 889—An act to regulate the construction and maintenance of auto camps to provide for the inspection and supervision of same and to provide penalties for the violations of the provisions hereof.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15 and 16 of the General Dairy Law of California, approved June 15, 1923, as amended.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 14 of the printed bill, as amended, at the end of line 36, after the word "annually", insert a comma, and the words "with the exception of hospitals".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1062—An act to add a new section to chapter 4b of part III, title V of the Political Code to be numbered section 2322k, relating to the distribution of certain pests, and to repeal an act entitled "An act to prevent the spread of certain species of plant pests by means of containers, appliances or articles used in connection with various agricultural commodities, to confer upon the Director of the Department of Agriculture the power to designate such species and such treatment therefor as he shall deem adequate to prevent such spread, to confer upon the county horticultural commissioners the power to prescribe such treatment, to prohibit the transporting from or into any county or locality of the State of any such containers, appliances or articles unless proof shall have been furnished that the same have not been exposed to infection or infestation by such plant pests, to make a violation of the provisions hereof a misdemeanor, and to repeal an act entitled 'An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the Director of Agriculture in relation thereto,' approved June 3, 1921," approved April 3, 1925.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 161—An act appropriating money to pay the claim of Annie Locatelli against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of

such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 403—An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 609—An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 714—An act creating the Napa State Farm revolving fund and making an appropriation therefor; providing for the disposition of any accrued surplus over and above such appropriation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in

case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power." approved June 13, 1913, as amended, by amending section 7 thereof and adding new sections thereto to be numbered 37 to 59, inclusive, relating to the powers and duties of water districts and the boards of directors thereof, and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1123—An act to amend section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1136—An act appropriating money to pay the claim of H. W. Levers against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1137—An act to provide for the investigation and study of the control of hypericum perforatum by the University of California and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the words and numerals "sections 4 and 5 of".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

In line 4 of the title of the printed bill, strike out the period following the numerals "1927", and insert in lieu thereof a comma and the following: "by adding a new section, numbered 4a, thereto, and by amending section 5 thereof, appropriating additional funds for the use of the commission, and fixing the date of termination of the existence of the commission, respectively."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of line 1, and insert in lieu thereof the following:

"SECTION 1. A new section, numbered 4a, is hereby added to an act entitled "An act"."

Amendment adopted.



## AMENDMENT NUMBER FOUR.

On page 1, line 4, of the printed bill, strike out the words "is hereby amended", and insert in lieu thereof the following: "said section".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1 of the printed bill, strike out all of line 9, and insert in lieu thereof the following:

"Sec. 4a. In addition to the unexpended balance of the moneys appropriated under the provisions of section 4 of this act,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management thereof, and making an appropriation therefor.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, as amended, strike out the comma following the word "site", and strike out the following words in said line: "accept the plans and direct the", and strike out all of line 12 of said page 1, and strike out the following words in line 13 of said page: "as and".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, as amended, strike out the words "adoption of plans", and insert in lieu thereof the words "purchase of a site".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 16, of the printed bill, as amended, strike out the words "and eighty thousand".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 26, of the printed bill, as amended, strike out the words "two hundred fifty", and insert in lieu thereof the words "one hundred seventy".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 798—An act authorizing and providing for report upon the methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, as amended, after the word "governor", insert a comma, and add the following: "on or before December 1, 1930,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violations thereof, and repealing all acts in conflict herewith.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 3, line 23, of the printed and amended bill, strike out the words "one hundred", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 25, of the printed and amended bill, strike out the words "one hundred", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 4, line 10, of the printed and amended bill, strike out the words "corporation commissioner", and insert in lieu thereof the words "secretary of state".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 5, line 38, of the printed and amended bill, strike out all of lines 38 to 43, inclusive.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 5, line 44, of the printed and amended bill, strike out the letter "d" within the parentheses, and insert in lieu thereof the letter "c".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 5, line 50, of the printed and amended bill, strike out the letter "c" within the parentheses, and insert in lieu thereof the letter "d".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Motor Vehicles.

Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 801—An act to amend section 139 of the Code of Civil Procedure, relating to proceedings in case of absence of judge.

Bill read second time, and ordered on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 723 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An act to add a new section to the Penal Code to be numbered 496c, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Weller, West, and Young—29.

NOES—Senator Rochester—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 789—An act to amend sections 7 and 8 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to protest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 789 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,



Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 5, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

#### SENATE CONSTITUTIONAL AMENDMENT No. 5.

A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section 2 of article XVIII of the constitution of the State of California be amended to read as follows, to wit:

Sec. 2. Within ten months after the adoption hereof, a special election shall be held throughout the State, on a day to be fixed by proclamation of the Governor, whereat 80 delegates, one from each Assembly District who may or may not be members of the Legislature, shall be elected, having the same qualifications and being chosen in the same manner as members of the Assembly, to form a convention, to meet in the State Capitol, for the purpose of framing a new constitution for the State of California. Such convention shall assemble and organize for the transaction of its business within three months after said election of delegates, on a day to be fixed by proclamation of the Governor, and shall thereafter continue in session in the State Capitol until it shall have completed its business of framing a new constitution and provided for submitting the same to the vote of the people of the State for adoption or rejection. The compensation of each member of said convention in full payment for all services rendered, shall be fixed by the Legislature, but each delegate shall be entitled to the same mileage as is allowed to an Assemblyman, and the convention shall have authority to employ such clerks and other attaches as may be reasonably necessary for the transaction of its business and the accomplishment of its purpose, in addition to such experts as the convention shall deem necessary, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of said election of delegates and their compensation and mileage and other expenses of said convention herein authorized. Within six months after the adjournment of said convention, on a day to be fixed by proclamation of the Governor, a special election shall be held throughout the State, whereat the new constitution framed and proposed by said convention shall be submitted to the people for adoption or rejection, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of such special election. At such special election the ballot shall contain the phrases "For the new constitution" and "Against the new constitution," printed thereon in a suitable place, with an appropriate space for each elector to designate his intention with reference to the adoption or rejection of the proposed new constitution. The election officers in each and every voting precinct in the State shall ascertain and make returns of the number of votes cast in favor of the new constitution and the number of votes cast against the new constitution, as aforesaid, in like manner and with the same particularity as other votes are by law required to be counted and returned, and an abstract thereof shall be transmitted by the several county clerks and registrars of voters throughout the State to the Secretary of State, in the same manner and within the same time as votes for State officers are by law required to be transmitted. The Secretary of State shall have authority and it shall be his duty to compel the making and transmission of such returns, and, when the same have been received by him, he shall forthwith prepare and present to the Governor a complete abstract of the whole number of votes cast in favor of the new constitution and of the whole number of votes cast against the new constitution. If it shall appear from such returns that a majority of the electors voting at such special election on the question of the adoption or rejection of such proposed new constitution shall have voted in favor of its adoption, the Governor shall forthwith issue his proclamation declaring the result of said election and proclaiming such new constitution, thus ratified by the people as aforesaid, to be the constitution of the State of California, and the same shall thereupon become and be, subject only to the constitution of the United States of America, the supreme law and constitution of the State of California.

Amendment read.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the reading of the amendment, Senator Boggs moved to refer Senate Constitutional Amendment No. 5 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, after the word "whereat", strike out the word "eighty", and insert in lieu thereof "one hundred twenty".

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, following the word "district", add "and one from each senatorial district".

## AMENDMENT NUMBER THREE.

On page 1, line 14, of the printed bill, strike out the word "Assembly", and insert in lieu thereof the word "Legislature".

## AMENDMENT NUMBER FOUR.

On page 2, line 5, of the printed bill, strike out the words "an assemblyman", and insert in lieu thereof the words "a member of the Legislature".

The question being on Senator Boggs' motion to refer Senate Constitutional Amendment No. 5 to Senator Nelson, as a Special Committee of One, for amendment.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Boggs, Inman and West.

The roll was called, and Senator Boggs' motion carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassady, Cobb, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, McCormack, McKenney, Merriam, Mueller, Nelson, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—26.

NOES—Senators Canepa, Carter, Christian, Crowley, Fellom, Gray, Maloney, Murphy, Pedrotti, and Rochester—10.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Constitutional Amendment No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Senate Constitutional Amendment No. 5 ordered to print, and re-engrossment.

## THIRD READING OF SENATE BILL NUMBER EIGHT HUNDRED SEVENTY.

Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator Evans moved to refer Senate Bill No. 870 to Senator Pedrotti, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "and making an appropriation therefor."

## AMENDMENT NUMBER TWO.

On page 3, line 37, of the printed bill, after the semicolon in said line, insert the following: "and for the examination of airmen as to their qualifications, and the licensing of the same;".

## AMENDMENT NUMBER THREE.

On page 4, line 24, of the printed bill, between lines 24 and 25, insert the following:

"(c) Any person who (1) navigates any aircraft within the State of California unless said aircraft is licensed under the provisions of this section or is licensed and registered under the laws of the United States and any regulations made pursuant thereto, or (2) operates or participates in the operation of any aircraft within the State of California or acts as an airman in connection therewith unless he is licensed therefor under the provisions of this section or is registered and licensed therefor under the laws of the United States and any regulations made pursuant thereto, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars or imprisonment in the county jail for not more than six months, or both such fine and imprisonment."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 870, with instructions to amend, respectfully reports the same back, amended as per instructions.

PEDROTTI, Special Committee.

Report read, and on motion of Senator Evans adopted.

Bill ordered to print, and re-engrossment.

## RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 2—An act to amend section 1180 of the Penal Code, relating to the effect of an order granting a new trial in criminal cases;

Also: Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Assembly Bill No. 470—An act to add a new section to the Penal Code, to be numbered 415a, prohibiting the shooting or discharging of firearms upon the public highways of the State, and providing a penalty therefor;

Also: Senate Bill No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers;

Also: Assembly Bill No. 724—An act to amend section 476 of the Penal Code, relating to the issuing of fictitious bills, notes, checks, or instruments in writing with intent to defraud;

Also: Assembly Bill No. 725—An act to amend section 473 of the Penal Code, relating to penalty for forgery;

Also: Assembly Bill No. 726—An act to amend section 107 of the Penal Code, relating to escapes and attempts to escape from county jails, city jails and county hospital and from the custody of the sheriff, approved May 5, 1923;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

BAKER, Chairman.

Senate Bills Nos. 2, 383 and 588 ordered on file for second reading.

Assembly Bills Nos. 470, 724, 725 and 726 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 164—An act to appropriate the sum of \$200,000, out of any money in the State Treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to the Committee on Finance.

BAKER, Chairman.

Senate Bill No. 164 ordered re-referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote—Ayes—8; noes—1.

BAKER, Chairman.

Senate Bill No. 134 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 167—An act to amend section 7 of an act entitled "An act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section:

Also: Senate Bill No. 193—An act to amend sections 629a and 629b of the Political Code, relating to group insurance:

Also: Senate Bill No. 216—An act to amend section 17 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act:

Also: Senate Bill No. 288—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 11k, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs:

Also: Senate Bill No. 337—An act to amend section 3 of the "Narcotic Rehabilitation Act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties:

Also: Senate Bill No. 462—An act to amend section 9a34 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, and to add thereto a new section to be numbered 9a22, relating to the salaries of county librarians in counties of the twenty-second and thirty-fourth classes;

Also: Senate Bill No. 654—An act providing for the annexation of high school districts to junior college districts:

Also: Senate Bill No. 811—An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo Park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mount Diablo State Park fund:

Also: Senate Bill No. 812—An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais State Park, making an appropriation therefor and creating the Tamalpais State Park Commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927: And reports that the same have been correctly enrolled, and presented to the Governor on the first day of May, 1929, at ten o'clock a.m.

EDWARDS, Acting Chairman.

#### ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 405—An act to amend sections 2168, 2169, 2174, 2179,

2189, 2190 of the Political Code, relating to the Department of Institutions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

GRAY, Chairman.

Senate Bill No. 405 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7.

(Signed out)

CROWLEY, Chairman.  
MURPHY.  
YOUNG.  
EVANS.  
GRAY.  
CANEPÀ.

Senate Bill No. 875 ordered re-referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 873—An act making an appropriation to pay the claim of Buron Fitts against the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill No. 873 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 313—An act to amend section 4077 of the Political Code, relating to claims against counties—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass as amended.

(Signed out)

CHRISTIAN, Chairman.  
GRAY.  
CLEVELAND.  
YOUNG.  
WAGY.  
FELLOM.  
EDWARDS.

Senate Bill No. 313 ordered on file for second reading.

ON BUILDING AND LOAN ASSOCIATIONS.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act," and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act;

the term of office of the commissioner; and providing for the bonding of all officers and employees and licensees of the Building and Loan Commissioner—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

DUVAL, Chairman.  
EDWARDS.  
SLATER.  
YOUNG.  
FELLOM.

Senate Bill No. 874 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1107—An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of garages, and the maintenance, use and occupancy of the premises and land on which garages are erected or located in incorporated towns, incorporated cities, and counties, and to provide penalties for the violation thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7.

(Signed out)

CROWLEY, Chairman.  
PEDROTTI.  
CANEPA.  
EVANS.  
MURPHY.  
GRAY.

Assembly Bill No. 1107 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 538—An act to add a new section to the Penal Code to be numbered 164, relating to the making of contracts for the collection of damages for injuries to persons or property or both; and prohibiting solicitation of such claims for suit outside the State; providing for penalties therefor, and for exceptions thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bill No. 538 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 480—An act to add a new section to the Penal Code, to be numbered 628½, relating to the protection of fresh water crayfish, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Assembly Bill No. 480 ordered on file for second reading.

RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches and her name be stricken from the pay roll of the Senate, effective on April 28, 1929:

Ethelray Needham, Assistant Journal Clerk..... \$5 00 per day

Resolution read, and on motion of Senator Crowley adopted.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 26, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 470—An act to amend section 642 of the Political Code, relating to the duties of the fish and game commissioners—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—14; absent—1.

YOUNG, Chairman.

Senate Bill No. 470 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 301—An act to prohibit any board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cleveland moved to refer Senate Bill No. 301 to Senator Maloney, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended, strike out the word "officer", and insert in lieu thereof the word "office".

## AMENDMENT NUMBER TWO.

On page 1, line 3, of the title of the printed bill, as amended, strike out all of line 3, and insert in lieu thereof the words "county office".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 301, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 853 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373—An act to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 373 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 854—An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Evans, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 856 passed by the following vote:

AYES—Senators Allen, Baker, Carter, Christian, Cleveland, Cobb, Duval, Evans, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 579—An act amending section 1 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 579 passed by the following vote:

AYES—Senators Allen, Baker, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394—An act to amend section 626 of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 394 passed by the following vote:

AYES—Senators Allen, Baker, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, and West—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 860—An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 860 passed by the following vote:

AYES—Senators Baker, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Young moved to reconsider the vote whereby Senate Bill No. 12—An act regulating the sale of agricultural seed and providing penalties for violations of the provisions thereof, was refused passage.

The question being on the motion to reconsider.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Young moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Slater, Swing, Waggy, Weller, West, and Young—34.

The Secretary announced the absentees.

Time, three o'clock and twelve minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.



## PROCEEDINGS UNDER CALL OF THE SENATE.

Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Slater, Swing, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 367—An act to amend sections 3, 5, 10, 19 and 25 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to street improvements;

Also: Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37 of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvement; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements;

Also: Assembly Bill No. 831—An act to amend the title and section 3 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue, or kill wild birds or mammals and or to angle for, take, catch, or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," approved May 27, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 367 and 451 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 831 read first time, and referred to Committee on Fish and Game.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 37—Relative to the charter of the city of San Luis Obispo ratified by the qualified electors of said city at a general municipal election held on the first day of April, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER  
THIRTY-SEVEN.

Senator Baker asked for and was granted unanimous consent to consider Assembly Concurrent Resolution No. 37 at this time without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 37—Approving a certain amendment to the charter of the city of San Luis Obispo, ratified by the qualified electors of said city at a general municipal election held on the first day of April, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 37 ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1128—An act to provide for the organization and government of community or memorial hall districts and to provide for the acquisition or construction and maintenance of community or memorial halls for the use of the inhabitants of the district for recreational, educational and related activities;

Also: Assembly Bill No. 1171—An act to provide for the transferring of moneys in the contingent fund of the State Fire Marshal to the clothes cleaning establishment fund; abolishing the contingent fund of the State Fire Marshal; and providing for support of the Division of Industrial Fire Safety in the Department of Industrial Relations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1128 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 1171 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 717—An act to amend the title, to amend section 1, and to add a new section to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements;

Also: Assembly Bill No. 618—An act to amend section 4278 of the Political Code, relating to salaries and fees of officials in counties of the forty-ninth class;

Also: Assembly Bill No. 363—An act to amend sections 2, 3, and 4 and to add a new section to be numbered 4a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds;

Also: Assembly Bill No. 658—An act relating to proceedings for the improving of highways, streets, alleys, lanes, courts or places in any city or county and requiring the filing of a petition therefor by the owners of a portion of the lands affected or the making of provision for payment of a part of the expense of the work or improvement by the city or county;

Also: Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein and to protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the reorganization of the Tamalpais Forest Fire District.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 618 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 717, 363 and 658 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 281 read first time, and referred to Committee on Conservation.

#### REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 876—An act to validate franchises to construct and operate toll roads;

Also: Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

(Signed out)

HANDY, Chairman.  
McCORMACK.  
WAGY.  
MUELLER.  
INMAN.  
SHARKEY.  
BOGGS.  
SWING.  
BRIED.  
DUVAL.  
McKINLEY.

Senate Bills Nos. 876 and 877 ordered on file for second reading.

##### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the Second Appellate District—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Senate Bill No. 661 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 242—An act to amend section 737 $\frac{1}{2}$  of the Political Code, relating to the salary of the superior judge in and for the county of Modoc—has



had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and that it be re-referred to the Committee on Finance.

(Signed out)

MUELLER, Chairman.  
MALONEY.  
GARRISON.  
WELLER.  
McKINLEY.  
COBB.  
BREED.  
MURPHY.  
NELSON.  
BAKER.

Assembly Bill No. 242 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 202—An act to revise an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Assembly Bill No. 202 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1134—An act to add a new section to the Political Code, to be numbered 363p, relating to pamphlets and bulletins of the Department of Public Works—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Assembly Bill No. 1134 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 228—An act to amend section 737p of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings;

Also: Assembly Bill No. 865—An act to amend sections 737nn and 737pp of the Political Code, relating to the salaries of judges of the superior court;

Also: Assembly Bill No. 1091—An act to amend section 737u of the Political Code, relating to the salary of the superior judge in and for the county of Marin; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—7; absent—4.

MUELLER, Chairman.

Assembly Bills Nos. 228, 865 and 1091 ordered re-referred to Committee on Finance.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals, and to provide compensation therefor;

Also: Senate Bill No. 808—An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season;

Also: Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish;

Also: Assembly Bill No. 803—An act to amend section 384c of the Penal Code, relating to hunting, injuring animals and penalty;

Also: Assembly Bill No. 421—An act to amend section 626 of the Penal Code, relating to the shooting of waterfowl;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Assembly Bills Nos. 6, 803 and 421 ordered on file for second reading.  
Senate Bills Nos. 572, 393 and 808 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 790—An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

INMAN, Vice Chairman.

Assembly Bill No. 790 ordered on file for second reading.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following amendment was offered:

By Senators Inman, Baker, Boggs, Breed, Canepa, Fellom, Garrison, Handy, Nelson, Murphy, Sharkey, Slater, Wagy, West and Young: Senate Constitutional Amendment No. 41—Proposed amendment to article IX of the constitution, relative to the payment of retirement salaries to teachers who have qualified therefor by service in the public school system as provided by law.

Amendment referred to Committee on Constitutional Amendments.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to section 2 of article V of the constitution of said State, relating to the election and duration of office of Governor.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Canepa, Christian, Cleveland, Edwards, Garrison, Gray, Jones, Ray, Merriam, Mueller, Pedrotti, Swing, and Wagy—12.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Evans, Handy, Inman, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Weller, West, and Young—18.

##### SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 876—An act to validate franchises to construct and operate toll roads.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the Second Appellate District.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out the period in line 2 of the title of the printed bill, and insert in lieu thereof the following: "providing for the maintenance, operation and employees of said court, and making an appropriation therefor."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, after the period in said line, insert the following:

"Sec. 2. Division three of the second appellate district of the district court of appeal shall hold its regular sessions at Los Angeles, and shall always be open for the transaction of business.

SEC. 3. All laws now in force providing for the constitution, government, regulation, maintenance and operation of the district courts of appeal shall, in so far as they may be consistent with the provisions of this act, continue in force and apply to the district courts of appeal including division three of the district court of appeal for the second appellate district, unless otherwise provided by law.

SEC. 4. The governor shall appoint the justices of division three of the district court of appeal in and for the third appellate district, and they shall hold office, as provided in section 4a of article six of the constitution. The annual salary of each of such justices is the sum of ten thousand dollars. Such salaries shall be payable monthly by the state.

SEC. 5. Division three of the district court of appeal in and for the second appellate district may employ and appoint the following officers of the court, whose salaries shall be as follows: one deputy clerk at three thousand dollars per annum; one phonographic reporter as provided in section 759 of the Political Code; and one bailiff at two thousand four hundred dollars per annum.

SEC. 6. The sum of eighty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, in addition to any moneys otherwise appropriated for such purpose, for the support, during the eighty-first and eighty-second fiscal years of division three of the district court of appeal in and for the fiscal appellate district."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 3 of the printed bill, strike out all of line 4, and insert in lieu thereof the following: "taking salmon, steelhead, striped bass, or shad".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3 of the printed bill, strike out all of line 6, and insert in lieu thereof the following: "head, striped bass, or shad which have been".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3 of the printed bill, strike out all of lines 18 to 25, inclusive, and insert in lieu thereof the following: "gill or trammel net or any beach seine or round haul-net is guilty of a misdemeanor; and provided, further, that in fish and game district fifteen, purse or round haul-nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines; and provided, further, that it shall be unlawful to take barracuda in any fish and game district, with round haul-nets or purse seines, between the first day of May and the thirty-first day of July, both dates inclusive, or between the first day of May and the thirty-first day of July, both dates inclusive, to have any barracuda in



possession on any purse or round haul-net boat or to have in possession any barracuda which have been caught with a purse seine or with a round haul-net."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals, and to provide compensation therefor.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the comma after the word "animals", and also strike out the words "and to provide compensation therefor.", and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the words "regularly paid game warden".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 14, strike out all of lines 14 to 28, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 808—An act to amend section 626*a* of the Penal Code, relating to the retention of fish and game after the open season.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 14, and insert in lieu thereof the following: "five days; *provided, further,* that deer meat legally taken may be retained for an additional fifteen days next succeeding the last day of the season for the taking of deer."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Young.

The Secretary was directed to call the roll on the adoption of the report.

The roll was called, and the notice to reconsider the vote whereby Senate Bill No. 12 was refused passage lost by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Cobb, Duval, Edwards, Garrison, Handy, McCormack, McKinley, Merriam, Mueller, Nelson, Slater, Wagly, Weller, and Young—18.

NOES—Senators Baker, Canepa, Carter, Christian, Cleveland, Crowley, Evans, Fellom, Gray, Jones, Ray, Lyon, Maloney, Murphy, Pedrotti, Rochester, Sharkey, Swing, and West—18.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 673—An act relating to the ages of retirement and to the payment of retirement salaries to teachers employed in the public schools of this State—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

##### PRESIDENT PRO TEMPORE IN THE CHAIR.

At three o'clock and forty-three minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

##### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Swing:

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing to introduce a bill entitled—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagly, Weller, and West—30.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Swing: Senate Bill No. 878—An act creating an additional District Court of Appeal known as the District Court of Appeal

for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, MAY 1, 1929

*To the Senate of the State of California*

Senate Bill No. 711 is returned herewith without my approval.

The bill seeks to afford further protection to creditors of live stock and poultry men buying their stock under conditional sales agreements. I am in accord with the desirability of securing to creditors the collectability of their claims, but there are certain defects in the bill as now drawn which prevent my approval.

The language used would embrace conditional sales agreements heretofore executed. The Attorney General's office and the sponsors of the bill agree that in all probability this can not be done constitutionally. Enforcement of the law would thus invite unnecessary litigation, a thing which is to be avoided.

The conditional seller or his assignee would be required to repossess the stock before he could record the seven days' notice contemplated, incurring the costs of transportation, care and feeding during the interim and would be left with a probably worthless claim against the buyer for his expenses unless some of the buyer's creditors should see fit to redeem. The bill leaves the repossessing party without a privilege of recording notice before assuming the expense of repossession. No provision is made with respect to giving him adequate leeway in control over the stock during the seven days' interim. If the State is to interpose a period of this sort on the chance that creditors of a buyer will in instances exercise the buyer's redemption rights, it should be done with fairness to the seller.

Had a measure been presented containing appropriate provisions on these points, it would not have been so objectionable. But for the reasons indicated, the present bill is returned without my approval.

Respectfully submitted.

C. C. YOUNG, Governor.

SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 711 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Iman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—29.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 754—"An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bidders on public works under the jurisdiction and control of the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 754 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR NELSON IN THE CHAIR.

At four o'clock and seven minutes p.m., Senator Nelson of the First District was called to the chair.

Senate Bill No. 221—An act to amend sections 2 and 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 221 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Maloney, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

Senator Rochester moved that Senate Bill No. 673 be made a special order for Thursday, May 2, 1929, at eleven o'clock a.m.

Motion carried.

SPECIAL ORDER.

Senator West moved that Senate Constitutional Amendment No. 5 be made a special order for Thursday, May 2, 1929, at two o'clock p.m.

Motion carried.

Senate Bill No. 693—An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device and providing a penalty for violation thereof," approved May 16, 1927, and to add a new section thereto to be numbered 3, said new section relating to the repeal of acts and parts of acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 693 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney,

McCormack, McKinley, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the waterfront of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 859 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish and other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator Young moved to refer Senate Bill No. 434 to Senator Handy, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 3, line 21, of the printed bill, after the word "any", insert the word "edible".

##### AMENDMENT NUMBER TWO.

On page 3, line 36, of the printed bill, strike out lines 36 to 52, inclusive; also strike out lines 1 to 19, inclusive, on page 4, and insert in lieu thereof the following: "Out deterioration; *provided, however*, that it is hereby declared lawful for any such packer of sardines actually engaged in packing sardines, to take and use in a reduction plant in each calendar month sardines to the amount of twenty-five per cent of the amount of sardines actually received at the plant of such packer during such calendar month."

#### POINT OF ORDER.

Senator Lyon raised the point of order that the amendments as offered by Senator Young to Senate Bill No. 434 had already been offered and acted upon by the Senate.

## DECISION ON POINT OF ORDER.

The President pro tempore announced his decision, and declared the point of order well taken.

## COMMUNICATION.

The following communication was received, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL, May 1, 1929.

*Memorandum to Senator Breed.*

The question has been put to this bureau as to just what relation the Special Committee of One amendments offered by Senator Young to Senate Bill No. 434 have to the action of the Senate taken on April 23d, amending said bill.

We find that Amendment No. 1 as offered has no relation to the amendments adopted on April 23d.

Secondly, we find that Amendment No. 2 as offered strikes out of Senate Bill No. 434 one of the amendments as adopted on the night of April 23d, being Amendment No. 2, and places back into the bill the matter which at that time was amended from the measure, except for the use of the words "waste or spoilage" which we consider meaning "deterioration" as used in the bill.

ROBERT S. LAMBORN.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

## AMENDMENT TO TITLE.

Senator Young moved to amend the title of Senate Bill No. 434 as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the title of the printed bill, strike out the period following the word "purposes"; in said line, and insert in lieu thereof a comma and the following: "and prescribing the seasons in which sardines may be taken."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, May 1, 1929.

*To the Senate of the State of California.*

Senate Bill No. 575 is herewith returned without my approval.

The measure requires the Commissioner of Corporations to maintain a branch office in San Diego. The commissioner advises me that such a law, in his opinion, is not justified by the existing facts. It is pointed out that the revenue from a San Diego office would carry but approximately 40 per cent of its maintenance cost; that from receipts aggregating \$101,887.34 to the Los Angeles office, but \$2,097.19 was attributable to business originating in the vicinity of San Diego; that out of 1484 permits, but 52 could be allocated to the San Diego territory. It thus appears that only 34 per cent of the Los Angeles applications, and 2.05 per cent of its fees, are derived from San Diego business. And finally, from 329 brokers' certificates, but 13 certificates were issued to San Diego applicants.

Thus it would appear that, for the present at least, the facts do not justify the establishment of this new office. I have discussed this with the author of the bill, and in view of the above facts disclosed by an investigation of the records of the department, it is agreed that there is no other justifiable attitude than to follow the present recommendation of the commissioner. For these reasons I am returning this bill without my approval.

Respectfully submitted.

C. C. YOUNG, Governor.



## SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 575 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—29.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Waggy:

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes.

Request referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Waggy to introduce a bill entitled "An act to amend the title and sections 10, 11, 33 and 41 of an act entitled 'An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California,' approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes," has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—30.

NOES—None.

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 878—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

(Signed out)

MUELLER, Chairman.  
TUBBS.  
MCKINLEY.  
WELLER.  
BAKER.  
MURPHY.  
MALONEY.

Senate Bill No. 878 ordered re-referred to Committee on Finance.

## ON UNIVERSITIES AND TEACHERS COLLEGES.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Assembly Bill No. 441—An act to amend the title and section 1 of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture in cooperation with the United States Department of Agriculture and the University of California," approved May 18, 1915—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9.

(Signed out)

WEST, Chairman.  
DUVAL.  
LYON.  
HANDY.  
McKINLEY.  
PEDROTTI.  
JONES, RAY.

Assembly Bill No. 441 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 132—An act to amend section 653c of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Maloney moved to refer Assembly Bill No. 132 to Senator Fellom, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 16, of the amended printed bill, after the word "award", insert a hyphen.

## AMENDMENT NUMBER TWO.

On page 3, lines 12 and 13, of the amended printed bill, strike out the words "system of any irrigation district or of the irrigation or drainage system of a reclamation district", and insert in lieu thereof the following: "or drainage system of any irrigation or reclamation district".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 132, with instructions to amend, respectfully reports the same back, amended as per instructions.

FELLOM, Special Committee.

Report read, and on motion of Senator Maloney adopted.

Bill ordered to print.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Wagy: Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes.

Bill read first time, and referred to Committee on Roads and Highways.

## ADJOURNMENT.

At four o'clock and forty-five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until ten o'clock a.m., Thursday, May 2, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, May 2, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, May 1, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. M. Edelman of Los Angeles.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. C. Baker of Los Angeles.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lucille Hasset of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Emmett Seawell, judge of the Supreme Court.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Alice Maloney of Richmond.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Andrew R. Schotlky of Merced.

On request of Senator West, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gerald Campbell, British Consul General for California.



On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. Locke of Lockeford.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ida M. Stratton, principal of Waterford Grammar School, accompanied by Mrs. Haupt, Mrs. George Miller, Mr. C. C. Nielson, Mrs. Gatzman and seventh and eighth grade pupils as follows: Ethel Bowman, Lewis Jones, Kenneth Kirkpatrick, Inga Nielson, James Riddle, Carl Rader, Ardys Rash, Charles Sesser, Edward Schaupp, Adolph Shuttera, Jean Strong, Helen Shields, Stanley Turpen, Galen Weaver, Donald Walker, Lorrin Booth, David Fickel, Walter Gammion, Opal Kennedy, Minerva Lean, Marion Lehmkuhl, Evelyn Nielson, Donald Odell, Otis Rash, Erma Smith, Edwina Smith, Margaret Schaupp, Frank Shuttera, Evelyn Walthers and Cecilia Welsh.

On request of Senator Jones, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Minnie M. Gray, superintendent of schools of Sutter County, and following named principals and teachers: Miss Alice Carroll, rural supervisor; Mr. and Mrs. Marshall Kelly, Mrs. M. R. Brady, Mrs. Allen E. Gray, H. H. Stohlman, Frank Willard, Mrs. E. Walsh, Mrs. Mary Kelly, Ed Purinton, Wm. R. Dawson, Mrs. Mary E. Stohlman, Mary K. Ford, G. F. Algei, Mrs. Irene Pickler, Blanche Tharp and Mrs. Russell, and guests and pupils as follows: Mrs. Ruth L. Corliss, Mr. P. M. Lazier, Mrs. E. Da Cose, Dr. and Mrs. N. E. Richardson, Mrs. Armstrong, Mrs. E. L. Adams, Mrs. Frank Willard, Mrs. L. Hess, Verto Carlile, George Murray, Mrs. Laramore, Mr. and Mrs. J. Hansen, Mrs. F. W. Bolten, R. S. Ford, Mrs. Clark Van Dyke, Mrs. Lettie Van Dyke, Mrs. Francis Trevathan, Mrs. Lillian Keys, Mrs. Anna Catlett, Mr. and Mrs. Dan Woodard, Claud Hart, Mrs. J. D. Rodolf, Ward Green, Gertrude Low, Alfred Low, Edgar Nelson, Lucile Nelson, La Verne Nelson, Mrs. Walsh, Margaret Newman, Clair Senfert, Harold Senfert, Ramona Senfert, Andrew Newton, Beth Pickton, Elisabeth Mason, Verna B. Mason, Ellen B. Mason, Hatsuy Mason, Fred M. Mason, Cora Thompson, Johnnie Saunders, Jimmie Wada, Laura Johnson, Dorothy Johnson, Ruth Thoma, Lavange Thoma, Kenneth Thoma, Norman Johnson, Leota Johnson, Ruth Johnson, Edwin Hess, Henry Covert, Philip Spencer, Virginia Goetz, Joe Holzback, Verto Carlisle, Lex Murray, James Adty, Adeline Addy, Lorain Addy, Francis Paubeck, Elvin Ley, Gwynne Sargent, Raymond Weser, Aubrey Schuler, Charles Ott, Palmer Harting, Harold Dodson, Margaret Schroeder, Mildred Schroeder, George Trowbridge, Johnnie Adams, Gertrude Perlette, Lucille Powell, Vernon Powell, Verne Carpenter, Elisabeth Harting, Vivian Edsinger, Joseph Serger, Alice Shannon, Joe Holzbock, Frances Willard, Frances McCollum, Betty Hartwig, Lucile Nelson, Wilma Brown, Mabel Ensign, Glenn Burke, Verna Buckingham, James E. Hammons, Hobert Corliss, Thelma Kirkman, Eleanor Corliss, Ines Brutti, Bernadette Campbell, Elleta Wilson, Billie Meyer, Margaret Righero, Dorothy Childs, Gorda Ott, Hazel Perry, Beth Adams, Charles Vantress, Jack Purdue, Ivan Farlee, Clay Heilman, Herbert Roulsten, Thelma Michel, Loreine Addy, Melvin Johnson, John Backman, Lee Dolson, Walter Queen, Harvey Schmidt, Neen Fairlee, John

Hutchingson, Evelyn Marshall, Florence Marshall, Ena Cook, Ludia Lake, Leona Lake, Cleo Holmes, Frances Adams, Robert Sitton, Jack Sitton, Marie Shintaffer, Raymond Armstrong, Howard Fuller, Kevanichi Saito, William Anderson, Ralph Mitchell, Robert Queen, Clarence Silva, Forrest Gelbke, Herbert Thornton, Laurence Thornton, Marian Engasser, Gregoria Domingez, Leslie Scheiber, John May, Melvin Engasser, Adel Rudan, Margaret Michel, Lorraine Minden, Clara Bailey, Hermina Peter, Pearl Miles, Louise Schwall, Norma Howsley, Evelyn Scheiber, Thomas Glenn, Charlotte Catlett, Elmer Davis, Lorraine Trevethan, Stanley Coppin, Stanley Anderson, Mike Elorduy, Margaret Azevedo, Louise Trevethan, Isabel Inman, Marie Slight, James Keys, Julian Elorduy, Winona Johnson, Daryl Van Dyke, Lawrence Davis, Lawrence Howsley, Ellen Coppin, Belle Azevedo, Ernest Azevedo, Carrie Mellin, Orlin Van Dyke, Neal Catlett, Stanley Trevethan, Dean Van Dyke, Helen Richardson, Jeanne Andross, Beth Lazear, Ellen Millar, Georgia Belle Holmes, James Trowbridge, Billy Da Cosse, Harry Karnegis, Gus Karnegis, Walter Dietrich, David Andross, Ethel Gardner, Eve Keeler, Edith Armstrong, Helen Krehe, Gladys Buckingham, Doris Buckingham, Clare Stevenson, Andrew Newton, Elvin Lay, Joseph Serger, Raymond Weser, Edwin Storm, Palmer Hartwig, Dora Buschman, Ward Greene, Lucile Powell, Henry Covert, Gertrude Parletto, Ellen Buckingham, Ruth Johnson, Alice Shannon, George Trowbridge, Fred Meyers, Francis Brubek, Wilma Brown, Aubrey Schuler, Elizabeth Hartwin, Lorraine Addy, Harold Schroeder, Ellen McMahon, Thelma Mitchell, Edgar Nelson, Lucile Nelson, Frances McCalloun, Mabel Ensign, Verna Buckingham, Glenn Burke, Leora Brady, Buddy McMurtry, Kathryn McMurtry, Eugene McMurtry, Burton Brady, Forest Hammons, Dayrel Rowen, Erma Rowen, Mildred Kelley, Virginia Haynes, Glen Wilson, James Hammons, Titus Kelley, Margaret Hall, Frank Garcia, Charles Hansen, Delmo Siler, Tom Chikaraishi, Sammie Chikaraishi, Ruth Hansen, Esther Bolton, Kathleen Ford, Walter Woodard, Nicholas Orr, Jack Spencer, Arthur Hewitt, Sidney Westlund, George Sanderson, James Woodard, Thelma Toss, Robert Meist, Fred Jericoff, Billy Lancaster, Chester Sunny, Charles Hewitt, Don Rodolf, June Spear, Carrie Harrison, Beverly Epperson, James McFarland, Verdi Ziegenmeyer, Nadine Lemenager, Joyce Dixon, Robert McDaniels, Mary Nelson, Minnie Meischke, Alice Stewart, Grace DeWitt, John Meischke, Frieda Ziegenmeyer, Clarence Pease, Eva Correll, Anita Karstens, Lucile Weaver, Robert Close, Anthony Correll, Fayne Haynes, Sidney Westlund, F. E. Young, Florence White, Helen White, Elizabeth Demott, Margaret Moyes, Marcia Essex, Jack Carpenter, Velma Hensen, Aubrey Schuler, Lucile Walton, Margaret Brown, Barbara Kirk, Harriet Thomas, Louise Maace, Stella Johnson, Elleta Gray, Chas. L. Neary, Frank Bremer, Leland Bryant, James Purinton, Edgar Nelson, Herman Schmidt, Wilma Brown, John Senfeit, Verna Buckingham, Mabel Ensign, Byron Davis, Gordon Harter, Ernest Kunde, Wright McReynolds, Neil Bonelli, Elvira Barber, Violet Verley and Fern Wood.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hermon Wingate Lake.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughter houses and meats by cities, counties or cities and counties and the sale of meats inspected by cities, counties or cities and counties— and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 379 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 511 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9a of article XIII thereof, relative to revenue and taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 18 ordered to enrollment.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 487—An act to provide for the establishment and maintenance of preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of State aid to cities, counties, cities and counties, and groups of counties, for the care and treatment of such persons; defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish;

Also: Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists;

Also: Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within



such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State Acquisition and Improvement Statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act;

Also: Senate Bill No. 712—An act providing for the registration of contractors and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act;

And reports that the same have been correctly engrossed

EDWARDS, Acting Chairman

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty first class.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator McCormack moved to refer Assembly Bill No. 956 to Senator Breed, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, after the word "salaries", strike out the period and insert a comma in lieu thereof; also in line 20 strike out the words "The sheriff may appoint a", and all of lines 21, 22, 23 and to and including the word "salaries" in line 24.

##### AMENDMENT NUMBER TWO.

On page 2, line 27, of the printed bill, after the period after the word "paid", insert the following: "In counties of this class the sheriff may appoint a deputy sheriff, which office of deputy sheriff is hereby created for a period of six days in each month. Said sheriff shall receive as compensation for all services performed as such a sum not to exceed six dollars per day, to be paid out of the county treasury monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid."

##### AMENDMENT NUMBER THREE.

On page 4, line 8, of the printed bill, strike out the words "one thousand two", and insert in lieu thereof the word "nine".

##### AMENDMENT NUMBER FOUR.

On page 4, line 12, of the printed bill, after the period after the word "paid", insert the following: "In counties of this class the tax collector may appoint one or more cashiers, which offices are hereby created, and said cashiers shall receive as compensation for all services performed as such, a sum not to exceed five dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid; provided, that such cashiers shall not be paid a total of more than three hundred dollars in any one calendar year."

##### AMENDMENT NUMBER FIVE.

On page 4, line 23, of the printed bill, strike out the words "one thousand eight", and insert in lieu thereof the words "two thousand one".

##### AMENDMENT NUMBER SIX.

On page 4, line 36, of the printed bill, strike out the words "one hundred eighty", and insert in lieu thereof the words "two hundred fifty".

##### AMENDMENT NUMBER SEVEN.

On page 4, line 40, of the printed bill, strike out the word "six", and insert in lieu thereof the word "four".

## AMENDMENT NUMBER EIGHT.

On page 6, line 7, of the printed bill, strike out the words "deputy surveyor to be known", and insert in lieu thereof the words "assistant surveyor who shall act".

## AMENDMENT NUMBER NINE.

On page 6, line 10, of the printed bill, strike out the words "deputy surveyor to be known", and insert in lieu thereof the words "assistant surveyor who shall act".

## AMENDMENT NUMBER TEN.

On page 6, line 19, of the printed bill, strike out the period after the word "time", and insert in lieu thereof a semicolon, and also strike out the remainder of said line 19 and all of line 20.

## AMENDMENT NUMBER ELEVEN.

On page 6, line 51, of the printed bill, after the word "class", strike out the period and insert a semicolon and the following: "provided, each township shall have not more than one justice of the peace and one constable."

## AMENDMENT NUMBER TWELVE.

On page 7 of the printed bill, strike out lines 4 to 13, inclusive, and insert in lieu thereof the following:

"1. In townships of the first class the sum of one hundred fifty dollars per month;"

## AMENDMENT NUMBER THIRTEEN.

On page 7 of the printed bill, strike out all of lines 16 and 17, and insert in lieu thereof the following:

"3. In townships of the third class, forty dollars per month;"

## AMENDMENT NUMBER FOURTEEN.

On page 7 of the printed bill, strike out all of lines 24 to 27, inclusive, and insert in lieu thereof the following: "Justices of the peace in townships of the first and second classes shall be allowed their office rent not to exceed twenty-five dollars per month, and necessary and incidental expenses."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 956, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator McCormack adopted.  
Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 29, of the printed bill, strike out the figures "772", and insert in lieu thereof the figures "770".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 2—An act to amend section 1180 of the Penal Code, relating to the effect of an order granting a new trial in criminal cases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 588—An act to add a new section to the Penal Code, to be known as section 537i, relating to the defrauding of garage keepers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 867—An act to add a new section to be numbered 10½, to the County Water Works District Act, approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 405—An act to amend sections 2168, 2169, 2174, 2179, 2189, 2190 of the Political Code, relating to the Department of Institutions.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the following: "2168, 2169, 2174."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 28, inclusive, also strike out all of pages 2, 3 and 4; on page 5, strike out lines 1 to 6, inclusive.

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 7, of the printed bill, strike out "SEC. 4", and insert in lieu thereof "SECTION 1."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 24, of the printed bill, strike out all of lines 24 to 25, inclusive, and insert in lieu thereof the following: "services as such administrator but the court may allow such reasonable fees for such administration as it deems proper, said fees to be paid into the state treasury to become a part of and to be added to the appropriation or special fund in the state treasury, made available by law, for the support or management of said department."

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 5, line 26, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "2".

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 9, line 6, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "3".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 873—An act making an appropriation to pay the claim of Buron Fitts against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.



Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto, to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations; providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 470—An act to amend section 642 of the Political Code, relating to the duties of the Fish and Game Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1156—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 41, 43, 44, 45 and 46 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1107—An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of garages, and the maintenance, use and occupancy of the premises and land on which garages are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and counties, and to provide penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 538—An act to add a new section to the Penal Code, to be numbered 164, relating to the making of contracts for the collection of damages for injuries to persons or property or both; declaring the making of such contracts to be the practice of law; providing for penalties therefor; and for exceptions thereto.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 2, line 10, of the printed bill, strike out "and/".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out "and/".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, strike out "and/".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 16, of the printed bill, strike out "and/".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 19, of the printed bill, strike out "and".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 480—An act to add a new section to the Penal Code, to be numbered 6287, relating to the protection of fresh water crayfish.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 457—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE

On page 1, line 1, of the printed bill, as amended, strike out "2,600a", and insert in lieu thereof "2,600-l".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, as amended, strike out "2,600a", and insert in lieu thereof "2,600-l".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, as amended, after the period, insert the following: "The petition shall not be approved by the state board of education unless it appears from a certified statement of the county assessor of the county or counties within which the high school district from which said elementary school district is withdrawing is situated, that the assessed valuation of the territory remaining in the said high school district after the withdrawal of the said elementary school district will be in excess of twenty million dollars, and unless it appears from a certified statement of the county superintendent of schools having jurisdiction over the said high school district that the average daily attendance in the high schools of the said high school district after the withdrawal of the said elementary school district will be in excess of one thousand."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 202—An act to revise an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, following the word "States", insert the following: "or to a municipal corporation."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1134—An act to add a new section to the Political Code, to be numbered 363p, relating to pamphlets and bulletins of the Department of Public Works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, after the words "Napa river", insert the words "and in Bel river".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 29, of the printed bill, strike out the words "ship or transfer", and insert in lieu thereof the word "carry".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 31, of the printed bill, strike out the word "county", and insert in lieu thereof the word "district".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 32, of the printed bill, after the word "caught", insert the words "or legally possessed".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 3, line 33, of the printed bill, strike out the word "consignee", and insert in lieu thereof the word "consignor".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, line 37, of the printed bill, immediately following the semicolon in said line, insert the following: "provided, that trout lawfully taken and possessed may be shipped into a closed district, when said shipment is accompanied by a written statement signed by the person taking said trout and countersigned by the agent of the express company to whom said trout are offered for shipment, stating that the trout were legally taken and setting forth the address of the person possessing same;".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 3, line 46, of the printed bill, after the word "commission", strike out the period, and insert in lieu thereof a semicolon and the following: "provided, that steelhead trout are not to be sold, offered or exposed for sale or held in possession in excess of the daily limit provided for in subdivisions (a) and (f) hereof, at any time in fish and game district one and one-half".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 421—An act to amend section 626 of the Penal Code, relating to the shooting of waterfowl.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Assembly March 11, 1929, strike out the figures "626", and insert in lieu thereof "626a".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In the title of the printed bill, as amended in Assembly March 11, 1929, strike out line 2 of the title, and insert in lieu thereof the following: "the protection of game."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 803.—An act to amend section 384c of the Penal Code, relating to hunting, injuring animals and penalty.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE

Strike out all of line 2 of the title of the printed bill, as amended in Assembly April 4, 1929, and insert in lieu thereof the following: "Killing or injuring live stock and providing penalties therefor."

Amendment adopted.

AMENDMENT NUMBER TWO

On page 1 of the printed bill, as amended in Assembly April 4, 1929, strike out all of line 6, and insert in lieu thereof the following:

"384c. Every person who, wilfully, or through gross negligence, by use of any firearm, kills,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 724.—An act to amend section 476 of the Penal Code, relating to the issuing of fictitious bills, notes, checks, or instruments in writing with intent to defraud.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 725.—An act to amend section 473 of the Penal Code, relating to the penalty for forgery.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 726.—An act to amend section 107 of the Penal Code, relating to escapes and attempts to escape from county jails and county hospitals and from the custody of the sheriff, approved May 5, 1923.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 470.—An act to add a new section to the Penal Code, to be numbered 415c, prohibiting the shooting or discharging of firearms upon the public highways of the State, and providing a penalty therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 790.—An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, lines 49 and 50, of the printed bill, strike out the following: "has incurred liability for forfeiture of its charter or".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 441.—An act to amend the title and section 1 of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture in cooperation with the United States

Department of Agriculture and the University of California," approved May 18, 1915.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS.

Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Swing, Tubbs, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Bill read third time.

URGENCY CLAUSE.

Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Swing, Tubbs, Weller, West, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 858 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

POSTPONEMENT OF RECONSIDERATION.

Senator Hurley asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 198 was refused passage postponed until the next legislative day.

Senate Bill No. 487—An act to provide for the establishment and maintenance of preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of State aid to cities, counties,

cities and counties, and groups of counties, for the care and treatment of such persons; defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Cassidy, Christian, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by repealing section 10½, relating to alternative specifications for sewer construction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 752 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, and West—30.

NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 673 heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Senate Bill No. 673—An act relating to the ages of retirement and to the payment of retirement salaries to teachers employed in the public schools of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 673 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Weller, West, and Young—28.

NOES—Senators Boggs, Cassidy, Duval, Jones, Ray; Nelson, and Sharkey—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for



the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 748 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—Senators Carter, Cleveland, and McCormack—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SPECIAL ORDER.

Senator Crowley moved that his resolution to recall Assembly Bill No. 94 from Committee on Commerce and Navigation and place it upon second reading file be made a special order for two o'clock and thirty minutes p.m., May 2, 1929.

Motion carried.

Senate Bill No. 842—An act to create a State Medical Library, to provide for the establishment and maintenance of said library as a part of the State Library, to transfer and to set over to the State Medical Library fund certain moneys.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 842 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An act to amend section 3700a of the Political Code relating to the salary of the secretary of the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones,

Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagv, Weller, and West—32.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 739—An act to amend section 51 of the State Housing Act approved June 15, 1923, as amended, relating to fire and smoke towers and stairways combined; and enclosed stairways terminating in fireproof passageway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 739 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—33.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 639—An act to provide for the purchase of school supplies for school district by superintendents of schools of counties.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Senate Bill No. 639 to Senator McKinley, as a Special Committee of One, to amend as follows.

##### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, as amended, after the word "discrete", insert a comma.

##### AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, as amended, after the word "act", insert a comma.

##### AMENDMENT NUMBER THREE.

On page 1, line 16, of the printed bill, as amended, after the word "fund", insert a comma.

##### AMENDMENT NUMBER FOUR.

On page 1, line 21, of the printed bill, as amended, strike out the words "and such", and insert in lieu thereof the following: "covered by the provisions of this act and such other elementary schools and".

##### AMENDMENT NUMBER FIVE.

On page 2, line 18, of the printed bill, as amended, after the first word "supplies" appearing thereon, insert a comma.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 639, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator Carter adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20 and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists,

and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 551 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Senate Bill No. 418—An act to amend section 2 of the "County Improvement Act of 1921," approved June 3, 1921, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Sharkey, Slater, Tubbs, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

# CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 540—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 540 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 937—An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 937 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 868—An act to amend section 4267 of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty-eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 868 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 922—An act to amend an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 4, 1899, as amended, by adding a new section to be entitled "section 17," and making said act inapplicable to cities of the fifth and sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923—An act providing for the creation, maintenance and operation of police relief, life insurance and pension funds in the cities and towns of the fifth and sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley,

Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 45—An act to amend section 4254 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election of directors and the levy and collection of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 544 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 821 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1058—An act to amend sections 851, 863, 874, 882 and 883 of an act entitled "An act to provide for the organization,



incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1058 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1073—An act to amend section 401 of the Civil Code, relating to extension of corporate existence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1073 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100—An act to amend the California Irrigation District Act, approved March 31, 1897, by amending sections 7, 26, 27b and 90 thereof, relating to directors of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 100 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 316—An act granting to the city and county of San Francisco lands known as "Channel" or "Channel Street" southwesterly from the northeasterly line of Seventh street in said city and county; and authorizing said city and county of San Francisco to dispose of portions of said street, or otherwise deal with or improve said portion of said street as said city and county may deem proper; and repealing all acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 316 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON PRISONS AND REFORMATORIES.

##### SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; noes—1; absent—2.

PEDROTTI, Chairman.

Senate Bill No. 136 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Concurrent Resolution No. 42—Relative to study on prison labor—

has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Assembly Concurrent Resolution No. 42 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 872—An act to amend section 1 of an act entitled "An act empowering the Board of Trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, relating to the disposition of the proceeds of sale;

Also: Assembly Bill No. 701—An act to amend section 1 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, adding an additional member to the Advisory Pardon Board; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Assembly Bills Nos. 872 and 701 ordered on file for second reading

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 576—An act making an appropriation for the acquisition of land and water rights and the making of all necessary preparations for the construction of buildings for a State penitentiary to be situated in the county of Los Angeles, State of California;

Also: Assembly Bill No. 848—An act to establish a State prison; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended, and be referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Senate Bill No. 576 ordered on file for second reading.

Assembly Bill No. 848 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 375—An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled 'An act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885,' approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the 'revolving fund' provided for in said act,' approved March 24, 1911, as amended, approved May 23, 1925, as amended,"—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Assembly Bill No. 375 ordered re-referred to Committee on Finance.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof—has had the same under consideration, and respectfully reports



the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9; noes—2; absent—4

SHARKEY, Chairman.

Senate Bill No. 869 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with extinguishers or receptacles for burning tobacco and other glowing, flaming or inflammable substances—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4

SHARKEY, Chairman.

Assembly Bill No. 65 ordered on file for second reading.

#### ON REVENUE AND TAXATION

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 646—An act to amend section 3664aa of the Political Code relating to taxation of highway transportation companies—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—13; committee vote: Ayes—10; absent—3

NELSON, Chairman.

Senate Bill No. 646 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new paragraph to section 14 of article XIII of said constitution, to be designated as subdivision *ab*, relating to revenue and taxation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—10; absent—3

NELSON, Chairman.

Assembly Constitutional Amendment No. 34 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 296—An act to add a new section to the Political Code, to be numbered 3897a, relating to the termination of the right of redemption in tax-deeded lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3

NELSON, Chairman.

Assembly Bill No. 296 ordered on file for second reading.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 164—An act to appropriate the sum of \$200,000, out of any money in the State Treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation;

Also: Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the Second Appellate District;

Also: Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by

such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure;

Also: Senate Bill No. 878—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bills Nos. 164, 661, 875 and 878 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 242—An act to amend section 737 $\frac{1}{2}$  of the Political Code, relating to the salary of the superior judge in and for the county of Modoc;

Also: Assembly Bill No. 606—An act to amend section 3700 of the Political Code, relating to the State Board of Equalization;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Assembly Bills Nos. 242 and 606 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens;

Also: Assembly Bill No. 1015—An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges;

Also: Assembly Bill No. 1114—An act to add a new section to the Political Code to be numbered 4167 $\frac{1}{2}$ , relating to vacancies in the office of sheriff;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—9; absent—6.

INMAN, Vice Chairman.

Assembly Bills Nos. 525, 1015 and 1114 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 959—An act to add a new section to the Penal Code, to be numbered 472 $\frac{1}{2}$ , relating to the use of reproductions or facsimiles of the Great Seal of the State of California;

Also: Assembly Bill No. 1139—An act to add a new section to the Code of Civil Procedure to be numbered 1454 $\frac{1}{2}$ , relating to the administration of estates;

Also: Assembly Bill No. 1154—An act to amend section 585 of the Code of Civil Procedure, relating to judgments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—9; absent—6.

INMAN, Vice Chairman.

Assembly Bills Nos. 959, 1139 and 1158 ordered on file for second reading.

#### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 957—An act to add a new section to the Political Code to be numbered 594 $\frac{1}{2}$ ,

relating to burial contracts and burial certificates—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—11.

TUBBS, Chairman.

Assembly Bill No. 957 ordered on file for second reading.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senators Allen, Swing, Cassidy, McCormack, Jones, Ray, Murphy and Crowley: Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation.

Amendment referred to Committee on Constitutional Amendments.

By Senators Rochester, Pedrotti and Gray: Senate Concurrent Resolution No. 28—Relative to continuing the legislative investigation as to the advisability of establishing a State prison in one of the southern counties of the State of California.

Resolution referred to Committee on Prisons and Reformatories.

#### REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

##### ON PRISONS AND REFORMATORIES

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Concurrent Resolution No. 28—Relative to continuing the legislative investigation as to the advisability of establishing a State prison in one of the southern counties of the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

PEDROTTI, Chairman

Senate Concurrent Resolution No. 28 ordered on file.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

In line 23 of the printed bill, after the word "maintenance", strike out the words "and the proper proportion of the overhead cost and the original cost of raw material", and substitute in lieu thereof the following words: ", the original cost of raw material, the cost of machinery and equipment and upkeep and the proper proportion of the overhead cost".

Bill read second time, ordered to print, engrossment, and on file for third reading.



Senate Bill No. 576—An act making an appropriation for the acquisition of land and water rights and the making of all necessary preparations for the construction of buildings for a State Penitentiary to be situated in the county of Los Angeles, State of California.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of lines 1 to 5, inclusive, and insert in lieu thereof the following :

"An act to establish a state prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of lines 1 to 8, inclusive, and insert in lieu thereof the following :

"SECTION 1. There shall be established in southern California, a prison for the confinement, discipline, instruction and training of prisoners committed thereto as hereinafter provided.

SEC. 2. Any person, not less than eighteen and not more than twenty-four years of age at the time of sentence, who, for the first time, is convicted of a crime which is punishable by imprisonment in the state prison, shall be sentenced to confinement in the prison hereby created, unless in the judgment of the court he should be confined in one of the other existing state prisons.

SEC. 3. Said prison shall be so administered as to provide, so far as is practicable, the most beneficial training, education and discipline of the prisoners therein confined.

SEC. 4. The prison hereby created shall be under the management and control of the state board of prison directors and all laws applying to the existing state prisons and the prisoners therein confined are hereby made applicable to the prison to be constructed in accordance with the provisions of this act.

SEC. 5. A commission consisting of the director of the department of penology, the director of the department of public works, the director of the department of finance, the director of the department of social welfare and the president of the board of prison directors, is hereby constituted for the selection and purchase of a suitable site for said prison, with the necessary water and water rights. The said commission is directed to secure land susceptible of irrigation and suitable for the agricultural, vocational and industrial training of prisoners committed thereto. Title to said land shall be taken in the name of the State of California.

It shall be the duty of the state board of prison directors to construct and equip on such site acquired all necessary buildings as provided for by law to accomplish the purpose of the provisions of this act.

SEC. 6. Any prisoner may be removed from the prison hereby created to any one of the existing state prisons to serve the remainder of the term for which he was sentenced when, in the judgment of the state board of prison directors, such transfer is desirable.

The state board of prison directors may transfer from either of the existing state prisons to the prison created by this act any prisoner under the age of twenty-four years serving a first term when, in its judgment, such transfer is desirable.

SEC. 7. The probation officers of the state shall cooperate with the state board of prison directors and the state parole officer in procuring employment for and supervising prisoners paroled from the prison hereby created, and the probation officers of each county shall act as parole officers for all such prisoners on parole living within the limits of their respective counties, under such rules as may be established by the state board of prison directors and under the supervision of the state parole officer.

SEC. 8. When the prison to be constructed in accordance with the provisions of this act is ready for the confinement of prisoners the state board of prison directors shall certify such fact to the governor, who shall make proclamation thereof.

SEC. 9. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred seventy-five thousand dollars (\$375,000) for the purposes of this act, and the controller of the state is hereby directed on the request of the state board of prison directors, duly audited by the state department of finance, to draw his warrant on the state treasurer in favor of

said board, for any moneys duly appropriated to meet any expenditures under this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California highway patrol and the personnel thereof.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, after the word "and", strike out and down to and including the word "who", line 8, and insert the following: "the chief of the division subject to the approval of the director of the department of public works"

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 33, of the printed bill, after the word "The", insert the following "chief of the division of motor vehicles subject to the approval of the".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 2, line 44, of the printed bill, before the word "director", insert the following: "chief of the division of motor vehicles, subject to the approval of the"

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 3, line 14, of the printed bill, immediately before the word "director", insert the following: "chief of the division of motor vehicles, subject to the approval of the".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 646—An act to amend section 3664~~aa~~ of the Political Code, relating to taxation of highway transportation companies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 164—An act to appropriate the sum of \$200,000, out of any money in the State Treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the Second Appellate District.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the

purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 878—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS (RESUMED).

Assembly Bill No. 245—An act to amend section 5 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, and to add a new section to said act to be numbered section 16, defining the term mine and the term mineral as used in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 245 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Garrison, Handy, Hurley, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Swing, Tubbs, and Wagy—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 962—An act to add a new section to the Political Code to be numbered 686, relating to the creation of a Division of Personnel and Organization in the Department of Finance and the transference of the work, affairs and functions of the State Civil Service



Commission to said department and providing for the performance and discharge of said duties by said department through the Civil Service Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 962 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Pedrotti, Slater, Swing, Tubbs, Waggy, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

Assembly Bill No. 354—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 354 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Swing, Tubbs, Waggy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 660—An act to provide for the assent by the State of California to the provisions of an act passed by the Congress of the United States known as the Capper-Ketchum Act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and approved May 22, 1928.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 660 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 196—An act to amend section 1151 of the Political Code, relating to boards for municipal elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 547—An act to limit the registration, enrollment, and attendance of the California Polytechnic School to male students. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 547 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 548—An act relating to holding of school elections in union or joint union school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 548 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 549—An act relating to the election of clerks of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 549 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 824—An act providing for the employment of home teachers by governing boards of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 824 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At two o'clock and twenty minutes p.m., on motion of Senator West, the President declared the Senate at recess to hear from Gerald Campbell, British Consul General for California.

#### RECONVENED.

At two o'clock and twenty-five minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

Assembly Bill No. 867—An act relating to the opening and closing of polls at school elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 867 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 38—An act to add a new section to the "Weights and Measures Act" approved June 16, 1913, as amended, to be numbered 16x2, relating to the salaries of the sealer of weights and measures, and deputies, in counties of the second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Edwards, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senator Crowley's resolution to recall Assembly Bill No. 94 from Committee on Commerce and Navigation, and place it on the second reading file, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.



## RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That Assembly Bill No. 94 be recalled from the Senate Committee on Commerce and Navigation and placed upon the Senate second reading file.

Resolution read.

Senator Crowley moved, duly seconded by Senator Maloney, that the resolution be adopted.

The question being on the adoption of the resolution.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Crowley, Tubbs and Maloney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Breed, Canepa, Carter, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Tubbs, Wagy, Weller, and West—22.

NOES—Senators Allen, Boggs, Cassidy, Christian, Cleveland, Cobb, Duval, Garrison, Handy, Inman, Jones, Ray; McCormack, McKinley, Nelson, Slater, and Young—16.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 160—An act to amend section 19x28 of the Juvenile Court Law, approved June 5, 1916, as amended, relating to salary of the probation officer and assistant probation officer in counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 160 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and West—34.

NOES—None.

## TITLE AMENDED.

Senator Handy moved to amend the title of Assembly Bill No. 160 by adding thereto the following:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended in Assembly March 20, 1929, strike out the figures "1916", and insert in lieu thereof the figures "1915".

Motion carried.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 271—An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of the officers in counties of the forty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 271 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones,

Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—32.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

Senate Constitutional Amendment No. 5 ordered on file.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 5, heretofore set as a special order for three o'clock p.m., the same was taken up for consideration.

Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Allen, Baker, Baggs, Breed, Cleveland, Cobb, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray; McKinley, Merriam, Mueller, Nelson, Sharkey, Slater, Swing, Wagy, Weller, and Young—23.

NOES—Senators Canepa, Carter, Cassidy, Christian, Crowley, Fellom, Garrison, Gray, Maloney, McCormack, Murphy, Pedrotti, Rochester, Tubbs, and West—15.

#### NOTICE OF MOTION TO RECONSIDER.

Senator West gave notice that on the next legislative day he would move to reconsider the vote by which Senate Constitutional Amendment No. 5 was refused adoption.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 71—An act to add a new section to be numbered 4185a, to the Political Code, relating to qualifications and eligibility for the office of justice of the peace;

Also: Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a, 953c and 956 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662 respectively, relating to findings, judgments, new trials and appeals;

And reports that the same have been correctly re-engrossed.

JONES, RAY, Chairman.

## SPECIAL ORDER.

Senator Inman moved that Senate Bill No. 73 be made a special order for Monday, May 6, 1929, at eleven o'clock a.m.

Motion carried.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 71—An act to add a new section to the Political Code, to be numbered 4185a, relating to qualifications and eligibility to the office of justice of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a, 953c and 956 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662 respectively, relating to findings, judgments, new trials and appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## PRESIDENT PRO TEMPORE IN THE CHAIR.

At four o'clock and fifteen minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.



## CONSIDERATION OF SENATE BILL NUMBER EIGHT HUNDRED SEVENTY-FIVE.

Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

Bill read third time.

## CASE OF URGENCY.

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Senate Bill No. 875 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Senate Bill No. 875.

## SECOND READING OF SENATE BILL NUMBER EIGHT HUNDRED SEVENTY-FIVE.

Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

## URGENCY CLAUSE.

SEC. 3. Inasmuch as this act concerns and is necessary to the immediate protection of the public health and safety, for the reason that a dangerous fruit fly infestation has been found to exist within the United States and it is important that at the earliest possible date the State Department of Agriculture initiate and carry on necessary inspection of carriers of materials which are liable to bring this infestation into the State of California, and which if brought in would greatly imperil and endanger the agricultural industry of this State, and probably cause irreparable damage thereto; and further, for the reason that immediate establishment of additional inspection stations is necessary to so prevent the introduction of dangerous

agricultural pests, this act shall, under the provisions of section 1, article IV, of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Handy, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—29.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray; Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SPECIAL ORDER.

Senator Nelson moved that Senate Constitutional Amendment No. 36 be made a special order for Friday, May 3, 1929, at eleven o'clock a.m.

Motion carried.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Young:

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Young to introduce a bill entitled—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray;

Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, and West—32.  
 NOES—None.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300*m*, relating to salaries of justices of the peace in townships in cities, counties, and cities and counties, providing for offices and necessary equipment by the supervisors of each county, the payment of clerks and other clerical help, and providing a salary therefor and the manner of payment thereof, the issuance, filing and entry of papers, documents and processes in such justices' courts, the disposition of moneys collected by such justices' courts, and prescribing the oath of office and bonds for officers of said courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, and Young—29.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1028 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Maloney, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 565—An act to amend section 4 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kind and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to prohibited occupations.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 565 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Maloney, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An act to add a new section, to be numbered section 3a, to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to the keeper of records of hours worked and prima facie evidence of violation of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—28.

NOES—None.

#### AMENDMENT TO TITLE.

The following amendment to the title of Assembly Bill No. 93 was offered, and its adoption moved by Senator Murphy:

#### AMENDMENT NUMBER ONE.

On page 1, line 18, of the title of the printed amended bill, after the word "worked", insert a period, and strike out the balance of the line and all of line 19.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 534—An act to amend the title and sections 2, 4, 5, 6, 7, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts

and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section, to be numbered section 6½, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 2½.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Swing moved to refer Assembly Bill No. 534 to Senator Fellom, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE

On page 8, line 26, of the printed bill, as amended in Senate April 29, 1929, after the word "death", and before the word "did" insert the following: "imposed a legacy, succession or death tax in respect of intangible personal property within said state or territory or foreign state or country of residents of said state or territory or foreign state or country, but".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 534, with instructions to amend, respectfully reports the same back, amended as per instructions.

FELLOM, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print.

Assembly Bill No. 689—An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act, to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1917 (Stats. 1927, p. 149), relating to payment of expenses of persons committed to State Narcotic Hospital.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Assembly Bill No. 689 to Senator McKinley, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE

On page 2, line 8, of the printed bill, as amended, strike out all of the printed matter on said line.

AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed bill, as amended, following the word "be", insert "the duty of the county auditor".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 689, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator Carter adopted.

Bill ordered to print.

Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish

an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917, as amended.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Assembly Bill No. 692 to Senator McKinley, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, line 19, of the printed bill, as amended, beginning with the word "The", strike out all the printed matter down to and including the portion of a word "ness" on page 2, line 20.

##### AMENDMENT NUMBER TWO.

On page 2, line 20, of the printed bill, as amended, following the word "be", insert "the duty of the county auditor".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 692, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator Carter adopted.

Bill ordered to print.

Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code, and to add a new section to said code, to be numbered 2176a, all relating to the Department of Institutions.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Assembly Bill No. 983 to Senator McKinley, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 3, line 33, of the printed bill, beginning with the word "The", strike out all of the printed matter down to and including the portion of a word "ness".

##### AMENDMENT NUMBER TWO.

On page 3, line 34, of the printed bill, following the word "be", insert "the duty of the county auditor".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 983, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator Carter adopted.

Bill ordered to print.



Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer Assembly Bill No. 691 to Senator McKinley, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 17, of the printed bill, as amended, beginning with the word "The", strike down to and including the portion of a word "ness" on page 2, line 18.

AMENDMENT NUMBER TWO.

On page 2, line 48, of the printed bill, as amended, following the word "he", insert "the duty of the county auditor".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 691, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator Carter adopted.

Bill ordered to print.

Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689 and 690, and to amend sections 662 and 675 of the code, all relating to the Department of Finance, and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 293 to Senator Boggs, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

Strike out lines 3 and 4 of the title of the printed bill, and insert in lieu thereof the following: "sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the department of finance, surveyor general, state land office and the officers, agents and employees thereof and to repeal an act entitled "An act".

AMENDMENT NUMBER TWO.

On page 4 of the printed bill, strike out line 1 of said page, and insert in lieu thereof the following:

"690. There is hereby created in the department of finance a division to be known as the division of state lands. The division shall be in charge of a chief who shall be appointed by the director of finance, with the approval of the governor. The chief of the division shall be ex officio registrar of state lands, and shall hold office at the pleasure of the director of finance at such annual salary as may be fixed by such director with the approval of the governor.

The department of finance shall succeed to and is".

AMENDMENT NUMBER THREE.

On page 5, line 42, of the printed bill, after the word "authorize", insert a comma and add the following: "with the consent of the state department, board, commission, or officer concerned."

AMENDMENT NUMBER FOUR.

On page 5, line 48, of the printed bill, strike out the period and insert in lieu thereof a comma and add the following: "if no other agency of the state is specifically directed and empowered to acquire such title."

## AMENDMENT NUMBER FIVE.

On page 5, line 51, of the printed bill, strike out the period and insert in lieu thereof a comma and add the following: "if no other agency of the state is specifically directed and empowered to convey such title."

## AMENDMENT NUMBER SIX.

On page 6, line 13, of the printed bill, strike out the period and insert in lieu thereof a comma and add the following: "if no other agency of the state is specifically directed and empowered to institute such proceedings."

## AMENDMENT NUMBER SEVEN.

On page 6, line 15, of the printed bill, after the word "fornia", insert a comma and add the following: "with the approval of the department concerned."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 1, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 293, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 117—An act to provide aid for needy blind persons, creating a State Blind Benefit Commission, and defining the powers and duties thereof, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Christian moved to refer Assembly Bill No. 177 to Senator Hurley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 8, line 44, of the printed, amended bill, add the following: "Said department shall create a new division which shall be devoted exclusively to carrying out the provisions of this act and shall be headed by a chief, appointed by the governor, who is a trained social worker experienced in work for the blind."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 117, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.

Bill ordered to print.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bill was introduced:

By Senator Young: Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations.

Bill read first time, and referred to Committee on Fish and Game.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Murphy:

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of waterworks, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments.

Request referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to section 15, article XIII, of the constitution of the State of California, relative to taxation:

Also: Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 8, of article VI thereof, relating to the filing of vacancies in the superior court:

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article IX thereof a new section to be numbered VII, relative to the payment of retirement salaries to teachers who have qualified theretofore by service in the public school system as provided by law.

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—10; committee vote, Ayes—8; absent—2.

SWING, Chairman.

Senate Constitutional Amendments Nos. 39, 40 and 41 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10.

(Signed out)

SWING, Chairman.  
CHRISTIAN.  
YOUNG.  
MURPHY.  
WELLER.  
WEST.  
FELLOM.  
CANEPÀ.

Senate Constitutional Amendment No. 42 ordered on file.

## ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, April 30, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 671—An act to amend sections 1, 2, 11, 16 and 24b of an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved



May 18, 1919; as amended April 13, 1927, relating to contents of petition, extent of district, award of contract, date and form of bonds, and reassessments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5.  
(Signed out)

McCORMACK, Chairman.  
MERRIAM.  
BOGGS.

Assembly Bill No. 671 ordered on file for second reading.

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXIV thereto, relating to the construction, maintenance and operation of a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and for the construction of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 127 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 265—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act, approved April 23, 1915, as amended;

Also: Senate Bill No. 228—An act to add three new sections to the Political Code, to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor;

Also: Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino

County, State of California, and providing for the expenditure of any moneys received therefrom;

Also: Senate Bill No. 493—An act to amend section 361c of the Political Code, and to add a new section to said code, to be numbered 361h, relating to the Department of Agriculture and the Division of Land Settlement thereof;

Also: Senate Bill No. 732—An act to amend sections 373a, 373b, 373c, 373d, 373e, 373f, 373g and 373h of the Political Code, relating to the Department of Natural Resources;

Also: Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 265, 228, 836, 493, 732 and 787 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 323 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 614. An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 614 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 615. An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 615 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River lying in the county of Santa Clara, State of California:

Also: Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section, to be numbered 2168a, providing for the arrest, without a warrant upon probable cause, of alleged insane persons:

Also: Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts;

Also: Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure, relating to publication of notice to creditors in probate proceedings;

Also: Senate Bill No. 479—An act to amend section 737g of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake:

Also: Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468a, 1468b, 1468c and 1468d, relating to the administration of estates having a net value of less than \$2,500:

Also: Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925:

Also: Assembly Bill No. 738—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 855, 556, 341, 347, 479, 659, 686, and 738 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of an act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein:

Also: Senate Bill No. 203—An act to add a new section to the Penal Code, to be numbered 653, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had:

Also: Senate Bill No. 126—An act to add a new section to the Penal Code, to be numbered 1269a, relating to bail in criminal cases.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 857, 203, and 126 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation:

Also: Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco Harbor improvement fund:

Also: Senate Bill No. 190—An act to amend sections 1, 2, 7, 13, 15, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board



of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

Also: Senate Bill No. 269—An act to add a new section to the Juvenile Court Law, approved June 5, 1915, as amended, to be numbered 14.54, relating to the salary of probation officer in counties of the fifth class.

Also: Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and punishment of county state doctors.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 250, 389, 199, 269 and 217 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to improve the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 550 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the supervision of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics, to prescribe the duties and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act, to create the offices of State and local registrars of vital statistics, to provide for the salaries and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 33 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 618—An act to add a new section, to be numbered 8h, to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 618 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 523 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads, and providing the method therefor—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 227 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 280 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1161—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925, relating to the San Diego State Teachers College building and improvement fund and an appropriation for construction and equipment for said school.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1161 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 22—Relative to radio interference by electrical transmission lines and other electrical equipment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 22 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 27 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1131—An act authorizing the Department of

Natural Resources to receive in the name of the State of California gifts of lands and contributions for the purchase or maintenance of such lands for forestry purposes; providing for the acceptance thereof; and repealing an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1131 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 107—An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class;

Also: Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof;

Also: Assembly Bill No. 741—An act to amend section 363a of the Political Code, relating to the Department of Public Works;

Also: Assembly Bill No. 141—An act to repeal section 685 of the Code of Civil Procedure, relating to enforcement of judgments;

Also: Assembly Bill No. 292—An act to add a new section to the Code of Civil Procedure, to be numbered 831i, relating to the record of civil actions and the recording and entry of judgment and satisfaction of judgment in civil actions in municipal courts;

Also: Assembly Bill No. 1160—An act to transfer and set over certain State land from the jurisdiction of the Park Commission, the Department of Institutions, and the Division of Highways to the jurisdiction of the Surveyor General, and providing for the use thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 107 read first time, and referred to Committee on County Government.

Assembly Bill No. 498 read first time, and referred to Committee on Irrigation.

Assembly Bills Nos. 741 and 1160 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 141 and 292 read first time, and referred to Committee on Judiciary.

RECESS.

At four o'clock and fifty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of eight o'clock and thirty minutes p.m.

RECONVENED.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

LEAVE OF ABSENCE.

Senator McKinley was, on motion of Senator Evans, granted leave of absence for the remainder of this day.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 249—An act providing money for the control of the floods of the Santa Ana River system, providing for cooperation by the interested counties and districts, directing the Division of Engineering and Irrigation, Department of Public Works, to conduct and carry on such work, and relating thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—13; absent—4.

INMAN, Chairman.

Senate Bill No. 249 ordered on file for second reading.

## SECOND READING OF SENATE BILL NUMBER TWO HUNDRED FORTY-NINE.

Senate Bill No. 249—An act providing for the control of the floods of the Santa Ana River system, providing for cooperation by the interested counties and districts, directing the Division of Engineering and Irrigation, Department of Public Works, to conduct and carry on such work and relating thereto.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, strike out the word "control" and all the balance of the line, and lines 2, 3, 4 and 5, and insert in lieu thereof "study of the flood problems of the Santa Ana river system, the preparation of plans and specifications in connection therewith, providing for study of rainfall penetration in connection therewith, and establishment and maintenance of gauging stations, providing for the cooperation by interested counties and districts, and directing the division of engineering and irrigation, department of public works, to provide for the carrying on of said work under its own direction or under the direction of the department of agriculture of the United States, and relating thereto."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, after the word "of", strike out the word "three" and all the balance of said section, and insert in lieu thereof "twenty-five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury, not otherwise appropriated, which said sum shall be expended in and for the study of the flood problems of the Santa Ana river system and the study of rainfall penetration in connection therewith, and for the establishment and maintenance of gauging stations upon said river system, said work to be done under the direction of the division of engineering and irrigation, department of public works, and in conjunction with the department of agriculture of the United States of America; *provided, however*, that such sum shall become available and be disbursed from time to time in such amounts not exceeding said sum of twenty-five thousand dollars, as shall be matched or made available by any political subdivision or subdivisions within the State of California, or by the federal government, or by any other interested party, district or agency.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, strike out the word "Sec." and all the balance of said sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## COMMUNICATION.

The following communication was received, and ordered printed in the Journal:

By Senator Inman:

SHRINERS' HOSPITAL FOR CRIPPLED CHILDREN,  
SAN FRANCISCO, CALIFORNIA, April 30, 1929.

*Hon. Jack M. Inman, Senate Chamber,  
Sacramento, California.*

MY DEAR SENATOR: We are in receipt today of a check from Arthur W. Gluckman, Potentate of Ben Ali Temple, in the amount of \$483.59, which is the result of a ball held in the Memorial Auditorium by the members of the Legislature and attaches.

Please express to each and every one of your committee, and those who assisted, our sincere gratitude for their thought of our institution, and assure them that such interest on their part is an incentive for those who are in active charge of the work to carry on and do just that much more for these underprivileged children.

We trust that should any member of the Legislature be in San Francisco he would spare a few minutes to come out and visit our hospital and see the environment these children are placed in. I am sure he would feel glad he had contributed to such a worthy cause.

With kind personal regards, I am

Yours very sincerely,

JOHN D. MCGILVRAY,  
Chairman, Board of Governors.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 698—An act to amend section 2322*h* of the Political Code, relating to county horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 698 passed by the following vote:

AYES. Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Handy, Hurley, Inman, Maloney, McCormack, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—23.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 696—An act to amend section 2322*f* of the Political Code, relating to county horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Christian, Crowley, Duval, Edwards, Handy, Hurley, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 697—An act to amend section 2322*e* of the Political Code, relating to county horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Handy, Hurley, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 145—An act to amend section 1274*b* of the Code of Civil Procedure, relating to unclaimed money of missing persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Handy, Hurley, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 146—An act to amend section 4153 of the Political Code, relating to the duties of the district attorney.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 146 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Handy, Hurley, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1103—An act to amend section 204 of the Code of Civil Procedure, relating to the selection of trial jurors and grand jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1103 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Crowley, Edwards, Fellom, Handy, Hurley, Inman, Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 528—An act to amend section 3 of an act entitled 'An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repeal-



ing all acts or parts of acts inconsistent herewith," approved April 15, 1919.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

#### AMENDMENT TO TITLE.

The following amendment was offered, and its adoption moved by Senator Nelson:

#### AMENDMENT NUMBER ONE.

In line 7 of the title of the printed bill, strike out the period in said line, and insert in lieu thereof a comma and the following: "relating to containers used for the sale of imitation milk."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 641—An act to amend section 1274a of the Code of Civil Procedure of the State of California, relating to the deposit of unclaimed property in the estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 641 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Maloney, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 185—An act to add a new section to the Code of Civil Procedure, to be numbered 542b, relating to the release of personal property under attachment or garnishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 685—An act to amend sections 2, 5 and 7 of an act entitled "An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting

the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled 'An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," approved February 20, 1901,' as amended," approved May 31, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 685 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 171—An act to amend section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to human bodies not to be used for scientific purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 171 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 978—An act to amend the California Fruit, Nut and Vegetable Standardization Act of 1927, approved June 2, 1928,

as amended, by amending section 35 thereof, relating to standards for sweet potatoes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Follom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 720—An act to amend section 2 of an act entitled "An act to provide for the establishment of weed free areas, vesting the enforcement hereof in the State Director of Agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 720 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Follom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335—An act to amend section 128 of the Civil Code, as to the residence of the plaintiff, defendant and cross-complainant in an action for divorce.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Follom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 335 was passed.

Assembly Bill No. 694—An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909,



as amended, designated the "Bank Act," by amending section 28, relating to the definition and regulation of the business of banking.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 694 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689 and 690, and to amend sections 662 and 675 of the code, all relating to the Department of Finance, and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 293 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 82 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 757—An act to amend the Political Code by adding thereto a new section to be numbered 4310, providing a special fund

for the sheriff, for the manner of making disbursements thereunder, for the use of the fund, and for the manner of accounting therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 757 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 791—An act to amend section 701 of the Code of Civil Procedure, relating to who may redeem real property from sale under a lien.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 791 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 789—An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 789 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 106—An act to amend sections 1 and 2 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 106 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley,

Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 193—An act to provide for the standardization of cement pipes sold for irrigation purposes and providing for the enforcement thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 234—An act to amend section 357½ of the Penal Code, relating to altering or defacing marks or brands on domestic animals and turkeys.

Assembly Bill No. 234 ordered passed on file.

Assembly Bill No. 978—An act to amend the California Fruit, Nut and Vegetable Standardization Act of 1927, approved June 2, 1928, as amended, by amending section 35 thereof, relating to standards for sweet potatoes.

Assembly Bill No. 978 ordered passed on file.

Assembly Bill No. 799—An act to amend the California Irrigation District Act by amending section 18 thereof, relating to the distribution of water, so as to provide for the sale or lease of surplus water.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165—An act relating to the sale or exchange of surplus products between institutions owned, managed or controlled by the State, or the political subdivisions thereof, and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political subdivisions thereof," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 165 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 755—An act to add a new section to the Political Code to be numbered 363*a*, relating to the preparation of plans for public buildings and other structures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 755 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 739—An act to add a new chapter 3 of title I of part III of the Political Code, to be numbered title II*a*, embracing sections 376 to 376*n*, inclusive, relating to a Department of Professional and Vocational Standards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 739 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—28.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 702—An act to add a new section to the Political Code, to be numbered 404*r*, authorizing counties to expend money for flood protection and conservation of water resources.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## ASSEMBLY JOINT RESOLUTION No. 8.

Relative to memorializing Congress for federal aid in the construction of a breakwater in Trinidad Harbor at or near the city of Trinidad, California.

WHEREAS, The development of harbor facilities, deep water harbors, and ports of refuge on the long coast line of California is of vital importance to the welfare of the State and the nation; and

WHEREAS, Such facilities and ports are necessary to water borne commerce which is rapidly increasing on the Pacific Coast; and

WHEREAS, Natural harbors along more than 750 miles of California coast line are limited to a few in number as compared to the Atlantic seaboard, and development of these harbors is extremely important to the ever increasing productivity of the State; and

WHEREAS, The city of Trinidad, California, is now seeking federal assistance in the construction of a breakwater in Trinidad Bay for the development and improvement of a deep water harbor which will serve as an outlet for the commerce and industry that will follow the development of northwestern California with its millions of dollars worth of untouched and undeveloped natural resources; and

WHEREAS, Improvements made in Trinidad Harbor would facilitate the shipping of commerce to and from the tributary territory; now, therefore, be it

*Resolved by the Assembly and the Senate, jointly.* That the Legislature of the State of California joins with the city of Trinidad in respectfully urging and requesting federal assistance in this important project, and the adoption by the Congress of the United States of appropriate legislation for the appropriation of the requisite funds to aid in the construction of said proposed breakwater; and be it further

*Resolved.* That the Chief Clerk of the Assembly be and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the Secretary of War of the United States, the Secretary of the Navy of the United States, and to each of the members of the Senate and House of Representatives.

## Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wag, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 8 ordered transmitted to the Assembly.

Assembly Bill No. 607—An act relating to the use of public school-houses as civic centers

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 647—An act relating to courses of study in elementary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 647 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman,

Jones, Ray; Lyon, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 522—An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An act to amend section 737dd of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 458 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Murphy to introduce a bill entitled—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of waterworks, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones,



Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.  
NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Murphy: Senate Bill No. 881—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of waterworks, electric power works, gas works, lighting works, and other public works and utilities: for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments.

Bill read first time, and referred to Committee on Municipal Corporations.

#### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 721—An act to add a new section to the Political Code of the State of California, to be numbered 3456e, relating to assessments levied by reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 721 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 380—An act to amend an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin Drainage District to the Department of Public Works, and providing that the cost thereof shall be paid by the State for a limited period and relieving said district and the Reclamation Board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the Reclamation Board to levy a supplementary assessment and to order called assessments levied in connection with Project No. 6; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of Project No. 6 of said district; authorizing the validation of said bonds; authorizing the State Board of Control to purchase and invest in warrants and bonds of said district; authorizing land owners within said Project No. 6 to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the Reclamation Board Act, approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, by adding a new section thereto, to be numbered section 17.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 380 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Hardy, Harley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206—An act to amend sections 2 and 15 of an act entitled "An act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including a minimum wage, providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 206 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Hardy, Harley, Jones, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 564—An act to amend section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to occupations to which act applies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 564 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Hardy, Harley, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 773—An act to amend section 4041 of the Political Code and to add 25 new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 773 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 941—An act to amend section 2322r54 of the Political Code, relating to the horticultural commissioner of counties of the fifty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 941 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142—An act to amend section 4041 of the Political Code, relating to the general powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 142 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 233—An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 233 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray;



Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 305—An act to amend section 4252 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the twenty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 305 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306—An act to amend section 19c23 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twenty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 306 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307—An act to amend section 2322c23 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 307 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333—An act to amend section 4253 of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505—An act to amend sections 5 and 9 of an act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department," approved March 4, 1881, as amended, relating to the support thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Lyon, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 673—An act to amend section 2322x5 of the Political Code, relating to salaries of county horticultural commissioner, inspectors and clerks in counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 673 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189—An act to amend section 3 and 79c of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost

thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 878—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, or the construction of sewers, septic tanks, and other sanitary disposal of sewage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 878 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 901—An act to amend section 1 of an act entitled “An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance,” approved May 31, 1917, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 901 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 634—An act to amend section 928 of the Penal Code, relating to grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 634 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1012—An act to add a new section to the Penal Code, to be numbered 531a, relating to fraudulent conveyances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1012 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1113—An act to amend sections 1205 and 1446 of the Penal Code, relating to judgments directing imprisonment for satisfaction of fines and providing payment of fines within a limited time or in installments in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1113 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Waggy, Weller, West, and Young—28.

NOES—Senators Lyon, and Slater—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1049 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225—An act to amend section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended, relating to the disposition of fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 225 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—29.

NOES—Senator West—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ADJOURNMENT.

At eleven o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Friday, May 3, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, May 3, 1929.

The Senate met at ten o'clock a.m.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, May 2, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVES OF ABSENCE.

Senator McKinley was, on motion of Senator Evans, granted leave of absence for this day.

Senator Baker was, on motion of Senator Duval, granted leave of absence for this day.

Senator Allen was, on motion of Senator Cobb, granted leave of absence for this day.

Senator Cleveland was, on motion of Senator Garrison, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hurley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. David A. Monheit and Mrs. Monheit of Oakland.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII½, relating to revenue and taxation—and reports that the same has been correctly re-engrossed.

WEST, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to salaries of justices of the peace in townships in cities, counties, and cities and counties, providing for offices and necessary equipment by the supervisors of each county, the payment of clerks and other clerical help, and providing a salary therefor and the manner of payment thereof, the issuance, filing and entry of papers, documents and processes in such justices' courts, the disposition of moneys collected by such justices' courts, and prescribing the oath of office and bonds for officers of said courts;

Also: Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor;

Also: Senate Bill No. 469—An act to amend sections 1, 2 and 3 of an act entitled "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, as amended;

Also: Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter



of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925;

Also: Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect;

Also: Senate Bill No. 876—An act to validate franchises to construct and operate toll roads;

Also: Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads;

Also: Senate Bill No. 2—An act to amend section 1180 of the Penal Code, relating to the effect of an order granting a new trial in criminal cases;

Also: Senate Bill No. 164—An act to appropriate the sum of \$200,000, out of any money in the State treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation;

Also: Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 470—An act to amend section 642 of the Political Code, relating to the duties of the Fish and Game Commissioners;

Also: Senate Bill No. 646—An act to amend section 3664aa of the Political Code, relating to taxation of highway transportation companies;

Also: Senate Bill No. 867—An act to add a new section to be numbered 104 to the County Water Works District Act, approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts;

Also: Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or partnership money withdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licenses of the Building and Loan Commissioner;

Also: Senate Bill No. 873—An act making an appropriation to pay the claim of Baron Fitts against the State of California;

Also: Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district;

Also: Senate Bill No. 547—An act to amend section 3480a of the Political Code, providing a method of refunding reclamation district bonds now or hereafter issued or outstanding and to add a new section to the Political Code to be designated section 3457a thereof providing for the cancellation of warrants of condemnation districts and for the issuance of warrants in lesser denominations in lieu thereof;

Also: Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the R. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France;

Also: Senate Bill No. 538—An act authorizing California Toll Bridge Authority and the Department of Public Works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof;

Also: Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the Second Appellate District, providing for the maintenance, operation and employees of said court, and making an appropriation therefor; And reports that the same have been correctly engrossed.

WEST, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing

legislation inconsistent with this act," approved June 7, 1915, as amended—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 124—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, that it do pass as amended, and be re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—6; absent—1.

PEDROTTI, Chairman.

Assembly Bill No. 124 ordered on file for second reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 872—An act to amend section 1 of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, relating to the disposition of the proceeds of sale.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 701—An act to amend section 1 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, adding an additional member to the Advisory Pardon Board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 848—An act to establish a State prison; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Assembly March 4, 1929, beginning in said line 1, strike out the following: "to provide for purchase of land therefor", and insert in lieu thereof the following: "creating a commission to select and purchase a suitable site therefor".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Assembly March 4, 1929, strike out the words "within this state", and insert in lieu thereof the following: "in the southern California,".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 20, of the printed bill, as amended in Assembly March 4, 1929, strike out all of lines 20 to 23, inclusive, and also strike out on page 2 of the printed bill, all of lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SEC. 5. A commission consisting of the director of the department of penology, the director of the department of public works, the director of the department of

finance, the director of the department of social welfare and the president of the board of prison directors, is hereby constituted for the selection and purchase of a suitable site for said prison, with the necessary water and water rights. The said commission is directed to secure land susceptible of irrigation and suitable for the agricultural, vocational and industrial training of prisoners committed thereto. Title to said land shall be taken in the name of the State of California.

It shall be the duty of the state board of prison directors to construct and equip on such site acquired all necessary buildings as provided for by law to accomplish the purpose of the provisions of this act."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Finance.

Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with extinguishers or receptacles for burning tobacco and other glowing, flaming or inflammable substances.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, strike out the words "extinguishes or"

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, as amended, strike out the word "extinguishers".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, as amended, strike out the word "extinguishers".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 296—An act to add a new section to the Political Code, to be numbered 3897a, relating to the termination of the right of redemption in tax deeded lands.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed bill, as amended in Assembly March 28, 1929, strike out the words "state controller", and insert in lieu thereof the words "tax collector of the county wherein the land is situated".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, as amended in Assembly March 28, 1929, strike out lines 16 to 24, inclusive; also strike out lines 1 to 12, inclusive, on page 2, and insert in lieu thereof the following: "said lands are situate, to give the notice herein required. It shall thereupon be the duty of the tax collector to give notice by publication or posting or by registered mail, for the same time and in the same manner as provided in section 3897 of this code. The notice shall embody a copy of the authorization received from the controller; shall contain a description of the property; shall contain a detailed statement, as required in a notice given under the provisions of section 3897 of this code, of the moneys required to be paid to effect a redemption of the property up to the time fixed for termination of the right of redemption; shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any



part thereof; and shall state that if said property is not redeemed within six months after the date of the first publication of said notice, specifying the date of said first publication, said right of redemption will terminate.

In all cases where the right to redemption exists such right shall terminate six months after the date of first publication".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 242—An act to amend section 737y of the Political Code, relating to the salary of the superior judge in and for the county of Modoc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 606—An act to amend section 3700 of the Political Code, relating to the State Board of Equalization.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 28, of the printed bill, strike out the period, insert in lieu thereof a semicolon and add the following: "*provided, however,* that any such lien arising by reason of repossession of such automobile shall be subservient to any bona fide sale, lien or encumbrance to which such automobile shall become subject during the period intervening between the time of loss of possession and the time of such repossession".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1015—An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 5, and insert in lieu thereof the following:

"1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;"

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "3".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 17, of the printed bill, strike out the word "herein", and the balance of the line and down to and including the word "three", in line 18, and insert in lieu thereof the following: "mentioned in this subdivision or in subdivisions 2 or 4."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "4".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 1, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "5".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 3, line 23, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "6".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1114—An act to add a new section to the Political Code, to be numbered 4167*a*, relating to vacancies in the office of sheriff.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the words "and shall".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 5, of the printed bill, strike out the words "succeed to the position of".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 7, of the printed bill, beginning in said line 7, and carrying over into line 8, strike out the words: "and shall receive the same compensation as is provided for by law for the sheriff.", and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 959—An act to add a new section to the Penal Code, to be numbered 472*a*, relating to the use of reproductions or facsimiles of the Great Seal of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1139—An act to add a new section to the Code of Civil Procedure, to be numbered 1454*a*, relating to the administration of estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 957—An act to add a new section to the Political Code, to be numbered 594*b*, relating to burial contracts and certificates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1158—An act to amend section 585 of the Code of Civil Procedure, relating to judgments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 671—An act to amend sections 1, 2, 11, 16 and 24*b* of an act entitled "An act to promote the drainage of wet, swamp, and

overflowed land, or lands, otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof." approved May 18, 1919; as amended April 13, 1927, relating to contents of petition, extent of district, award of contract, date and form of bonds, and reassessments.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the title of the printed bill, after the word "reassessments", strike out the period and insert a comma and the following: "and to add thereto a new section numbered 24c, relating to rights of way."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 10 of the printed bill, following line 27, add the following:

"SEC. 6. A new section numbered 24c is hereby added to said act to read as follows:

Sec. 24c. The board of supervisors shall have power to construct drains or conduits along, under or across any road, street, alley, avenue, highway or public property within or without the district, provided that such drains or conduits are constructed in such manner as to afford security for life and property and in a manner which shall not necessarily impair the usefulness of the same, and said board of supervisors shall restore the road, street, alley, avenue, highway, or public property so used to its former state as near as may be."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 94—An act granting in trust to the city and county of San Francisco the interest of the State in and to and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor.

Bill read second time, and ordered on file for third reading.

#### CONSIDERATION OF DAILY FILE.

##### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED EIGHTY.

##### AMENDMENT NUMBER ONE.

On page 1, line 24, of the printed bill, strike out the word "entitled", and substitute in place thereof the following: "a proper person".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 280?

The roll was called, and Assembly amendment to Senate Bill No. 280 concurred in by the following vote:

AYES—Senators Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Maloney, McCormack,



Merriam, Mueller, Murphy, Pedrotti, Tubbs, Waggy, Weller, West, and Young—25.  
NOES—None.

Senate Bill No. 280 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads, and providing the method therefor.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWO HUNDRED  
TWENTY-SEVEN.

AMENDMENT NUMBER ONE.

On page 1, line 15, of the printed bill, strike out the following: "Sec. 2."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 227?

The roll was called, and Assembly amendment to Senate Bill No. 227 concurred in by the following vote:

AYES—Senators Breed, Canepa, Christian, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Tubbs, Waggy, Weller, West, and Young—22.  
NOES—None.

Senate Bill No. 227 ordered to print, and enrollment.

POSTPONEMENT OF RECONSIDERATION.

Senator Hurley asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 198 was refused passage postponed until the next legislative day.

POSTPONEMENT OF RECONSIDERATION.

Senator West asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Constitutional Amendment No. 5 was refused adoption postponed until the next legislative day.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED FIFTY.

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed amended bill, after the numerals "12", insert a comma and the numerals "13".

AMENDMENT NUMBER TWO.

On page 7, line 20, of the printed amended bill, following the period in said line 20, insert the following:

"SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sec. 13. Revocation of license. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:

(1) His conviction of a felony or misdemeanor involving moral turpitude in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) The rendition of a final judgment against any such dentist in a court of competent jurisdiction upon a cause of action alleging grossly unskillful or negligent dental practice.

(3) For unprofessional conduct or for gross ignorance or inefficiency in his profession. Unprofessional conduct is hereby defined to be: The employment of persons known as cappers or steersmen, to obtain business; the obtaining of any fee by fraud or misrepresentation; willfully betraying professional secrets; employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof; aiding or abetting any unlicensed person to practice dentistry unlawfully; habitual intemperance; gross immorality; the use of any false, assumed or fictitious name, either as an individual, firm, corporation, or otherwise, or any practice, advertise or in any other manner indicate that he is practicing or will practice dentistry; directly or indirectly paying, accepting or receiving any commission or rebate in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients."

#### AMENDMENT NUMBER THREE.

On page 7, line 21, of the printed amended bill, strike out the words "Sec. 7.", and insert in lieu thereof the words "Sec. 8."

#### AMENDMENT NUMBER FOUR.

On page 7, line 11, of the printed amended bill, following the word "dollars", insert a comma and the following: "or by imprisonment in the county jail for not to exceed six months, or both".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 550?

The roll was called, and Assembly amendments to Senate Bill No. 550 concurred in by the following vote:

AYES—Senators Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Waggy, and West—27.

NOES—None.

Senate Bill No. 550 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 33—An act to amend section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THIRTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 3 of the printed bill, as amended, between lines 27 and 28, insert the following:

"SEC. 2. Section 18 of said act is hereby amended to read as follows:"

##### AMENDMENT NUMBER TWO.

On page 4, line 22, of the printed bill, as amended, strike out the word "card".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 33?

The roll was called, and Assembly amendments to Senate Bill No. 33 concurred in by the following vote:

AYES—Senators Breed, Canepa, Christian, Cleveland, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—27.

NOES—None.

Senate Bill No. 33 ordered to print, and enrollment.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office.

On motion of Senator Mueller, Senate Bill No. 570 was ordered re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 passed by the following vote:

AYES—Senators Breed, Canepa, Crowley, Duval, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 281—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 281 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



## SPECIAL ORDER RESET.

Senator Nelson moved that Senate Constitutional Amendment No. 36 be reset as a special order for Monday, May 6, 1929, at two o'clock p.m.  
Motion carried.

Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 655 passed by the following vote:

AYES—Senators Boggs, Canepa, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Pedrotti, Slater, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 868 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 876—An act to validate franchises to construct and operate toll roads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 876 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 877 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Fellom moved to refer Senate Bill No. 383 to Senator Garrison, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed bill, strike out the words "every person"; also strike out lines 18 to 21, inclusive.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 383, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Fellom adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 867—An act to add a new section to be numbered 10½ to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 867 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An act to amend section 642 of the Political Code, relating to the duties of the Fish and Game Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 164—An act to appropriate the sum of \$200,000, out of any money in the State treasury, not otherwise appropriated, to lease wires, construct, purchase and maintain in operation, teletype equipment between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento; and for the operation of the teletype equipment to be under the direction of the Bureau of Criminal Identification and Investigation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack,



Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith:

Also: Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith; and making an appropriation therefor.

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

#### ASSEMBLY CONCURRENT RESOLUTION No. 23.

Providing for the creation of a joint committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

WHEREAS, Due to the vast increase in the population of cities and counties of the State of California there will hereafter be a great number of public improvements constructed; and

WHEREAS, The present procedural statutes for the making of street improvements were enacted at a time when present problems did not confront the members of the Legislature; and said system and procedures although adequate at the time

of enactment are inadequate at this time and have resulted in numerous amendments being offered to present statutes in an effort to meet existing conditions; and

WHEREAS, In order to permit a thorough and systematic study and revision thereof, and in order to permit the enactment of procedural statutes to provide for the efficient, expeditious and economical construction of public improvements; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That there is hereby created a joint committee of the Assembly and Senate to consist of four members of the Assembly to be appointed by the Speaker of the Assembly and three members of the Senate to be appointed by the President of the Senate; and, be it further

*Resolved.* That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further

*Resolved.* That it shall be the duty of said committee to study existing street improvement procedural statutes of the State of California, and said committee shall carefully consider the laws and systems enacted in other states, and said committee shall after said study, recommend legislation to correct and modernize existing street improvement procedural statutes and shall include in this report, the measures which in its judgment should be enacted; and, be it further

*Resolved.* That it shall be the duty of said committee to simplify and cut down the number of existing street improvement statutes and it shall recommend only such procedural statutes as will be necessary to permit efficient, economical and expeditious construction of public improvements; and, be it further

*Resolved.* That the members of said committee shall receive no compensation for their services other than their official salaries but they shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical and other help to assist in the preparation and compiling of said report. The said committee shall be provided with headquarters in the State Building at Los Angeles, if such quarters are available, but if such quarters are not available such committee may procure such quarters in any other building in the city of Los Angeles as its headquarters; and, be it further

*Resolved.* That the expenses of the committee and the members thereof and of such clerical and other help incurred by the committee under the authority hereof shall be payable out of the moneys heretofore or heretofore appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, not exceeding the sum of seven thousand five hundred dollars from the contingent fund of the Assembly, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Assembly for the purposes aforesaid, and the sum of seven thousand five hundred dollars from the contingent fund of the Senate, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Senate for the purposes aforesaid, to be disbursed from time to time by controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and, be it further

*Resolved.* That said committee be instructed to have prepared its report not later than the thirty-first of December, 1930, and that a copy of said report be not later than said date transmitted to the Governor of the State in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, McCormack, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—22.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 23 ordered transmitted to the Assembly.

Assembly Bill No. 570—An act to amend section 605 of the Political Code, relating to the fees payable to the Insurance Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Luman, Jones, Ray; McCormack, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 657—An act to amend section 73711, relating to salaries of judges of the superior court in and for the city and county of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Crowley, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray; Lyon, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Tubbs, Wagy, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Murphy gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 657 was passed.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 511—An act to amend section 44 of the "California Vehicle Act," relating to renewal of registration of vehicles.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED ELEVEN.

##### AMENDMENT NUMBER ONE.

On page 1 in the title of the printed bill, after the words "an act", strike out the balance of said title, and insert in lieu thereof the following: "to add a new section to be numbered 44½ to the California vehicle act, relating to cancellation of registration for nonpayment of personal property tax on motor vehicles."

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, after the word and figure "SECTION 1.", strike out the balance of said line, and strike out all of line 2, and insert in lieu thereof the following: "The California vehicle act is hereby amended by adding thereto a new section to be numbered 44½, to read as follows:"

##### AMENDMENT NUMBER THREE.

On page 2 of the printed bill, strike out all of lines 26 to 51, both inclusive, and on page 3 strike out all of lines 1 to 18, both inclusive, and insert in lieu thereof the following:

"Sec. 44½. Cancellation of registration for nonpayment of personal property tax. Whenever in any county or city and county the personal property tax on any motor vehicle, trailer, or semitrailer, legally assessable in said county or city and county remains unpaid for a period of fifteen days or more after the first Monday in August, and said tax is not secured by real estate, the assessor of said county or city and county shall immediately give written notice of such fact to the chief of the division of motor vehicles, and the chief of the division, upon receiving any such notice, shall immediately cancel the registration of the motor vehicle, trailer, or semitrailer



referred to in said notice, and shall give notice of such cancellation as provided in the California vehicle act to the owner at his last known address as shown by the records of the division and shall properly list all such cancellations of registration and shall require the return of the outstanding license plates and all certificates issued for any such vehicle and shall not transfer or follow the registration certificate thereof unless and until a certificate from said county assessor or tax collector of said county or city and county shall be filed with the chief of the division showing that the delinquent personal property tax and any penalties thereon have been fully paid and satisfied or that said assessment was made through error or mistake, and an application shall be made either for reinstatement of registration and return of the license plates and certificates or for a new registration of said motor vehicle, trailer, or semitrailer, and in either event the application shall be accompanied by the fee specified in this act for annual registration of said motor vehicle, trailer, or semitrailer except in the event it shall appear by certificate that said assessment was made through error or mistake. Whenever the personal property tax is paid upon a motor vehicle, trailer, or semitrailer, or is secured by real estate, the county assessor or the tax collector as the case may be shall issue a certificate or receipt showing such fact to the owner of such motor vehicle, trailer, or semitrailer.

This section shall take effect on the first Monday in March in the year 1930."

#### AMENDMENT NUMBER FOUR.

Strike out all of the title to the said bill, and insert in lieu thereof the following: "An act to amend section 44 of the California vehicle act, relating to the renewal and regulation of vehicles."

#### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, strike out all of lines 2, 3, and 4, and insert in lieu thereof the following:

"Section 44 of the California vehicle act is hereby amended to read as follows:."

#### AMENDMENT NUMBER SIX.

On page 2, line 29, of the printed bill, strike out all of line 29 up to and including line 14 on page 3 of the printed bill, and insert in lieu thereof the following:

"SEC. 44. Renewal of registration. (a) Every vehicle registration under this act shall expire at midnight on the thirty-first day of December of each year, and shall be renewed annually upon application by the registered owner by presentation of the certification of registration for the current year and by payment of the same fees as provided for original registration, and such renewal shall take effect on the first day of January of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal whenever the legal owner of a vehicle is other than the registered owner the division shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle within fifteen days after annual expiration of license, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle until midnight of January thirty-first without displaying the registration certificate of the current year, on condition that such owner shall, during said time display upon such vehicle the number plates or plate assigned thereto for the previous year.

(c) No motor vehicle shall be registered as provided in this act, or certificate of registration issued by the motor vehicle department, unless application therefor shall be accompanied by a certificate in such form as the division of motor vehicles shall prescribe, issued by the county assessor of the county or city and county in which such applicant may reside, showing that such motor vehicle is or has been assessed for personal property taxes thereon which accrued or became due and payable on the last preceding first Monday in March prior to making such application; and it is hereby declared to be the duty of the assessor of each such county or city and county to issue such certificate showing such assessment; provided, further, that the presentation of such a certificate from the county assessor shall not be necessary in applying for the original or renewal of registration of a motor vehicle, which, as shown by evidence of title satisfactory to such division, was not subject to such personal property tax on said last preceding first Monday in March."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 511?

The roll was called, and Assembly amendments to Senate Bill No. 511 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Jones, Ray, McCormack, Mueller, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, and Young—22.

NOES—Senator Merriam—1.

Senate Bill No. 511 ordered to print, and enrollment.

Assembly Bill No. 283—An act granting to The Regents of the University of California for the use of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography the sole and exclusive right of possession, occupation, and use of certain lands bordering on the Pacific Ocean in the county of San Diego, State of California, and State waters adjacent thereto, forbidding entry upon said lands and State waters by any persons other than officers, employees, students of the University of California, and licensees of The Regents, of the University of California, making every violation of certain provisions of this act a misdemeanor, and providing for the punishment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Crowley, Duval, Edwards, Evans, Fellom, Gray, Inman, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Waggy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 614—An act relating to the establishment and maintenance of dormitories at State teachers colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 614 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Crowley, Duval, Evans, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 615—An act providing for the establishment and maintenance of cafeterias in State teachers colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 615 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Crowley, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, McCormack, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An act providing for the disposition of profits resulting from the operation of cafeterias and dormitories at State teachers colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 637—An act relating to revocation of life diplomas or other teacher's credential or document issued by the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 637 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 787—An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 787 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13—An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee districts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 675—An act to amend section 19x5 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An act to amend section 421 of the Civil Code, relating to investments of insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 passed by the following vote:

AYES—Senators Boggs, Breed, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 457—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Edwards moved to refer Assembly Bill No. 457 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 20, of the printed bill, as amended, after said line 20, insert the following: "Any elementary school district electing to withdraw from a high school district at an election petitioned for and called under the provisions of this section, shall continue to remain liable for such proportion of the bonded indebtedness, incurred before such withdrawal, of the said high school district, as it would have been liable for had it not withdrawn."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 457, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print.

Assembly Bill No. 55—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 55 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed amended bill, insert after the word "property" a period.

## AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed amended bill, strike out the word "the", and insert in lieu thereof the word "The".

## AMENDMENT NUMBER THREE.

On page 2, after line 7, of the printed amended bill, add a new paragraph reading as follows:

"Whenever a verified third party claim is served upon the sheriff, upon levy of execution, the plaintiff, or the person in whose favor the writ of execution runs, shall be entitled to a hearing within twenty days therefrom, before the court having jurisdiction of the action, in order to determine title to the property in question, which hearing must be granted by the said court upon the filing of an application or petition therefor. Ten days' notice of such hearing must be given to all parties claiming an interest in the property, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question. The court may continue the hearing beyond the said twenty day period, but good cause must be shown for any such continuance."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 55, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 1045—An act to amend section 647 of the Penal Code, relating to vagrancy.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Weller moved to refer Assembly Bill No. 1045 to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

Strike out the title of the printed bill, and insert in lieu thereof the following: "An act to add a new section to the Penal Code, to be numbered 647a, relating to vagrancy."

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, beginning with the word "SECTION", strike out all the printed matter down to and including the period on page 2, line 8, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Penal Code to be numbered 647a and to read as follows:

647a. Every person who annoys or molests any school child or who loiters about any school or public place at or near which school children attend, is a vagrant, and is punishable by a fine of not exceeding five hundred dollars or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1045, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Weller adopted.  
Bill ordered to print.

CONSIDERATION OF DAILY FILE.

UNFINISHED BUSINESS—(RESUMED).

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by municipalities and the sale of municipally inspected meats.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED SEVENTY-NINE.

AMENDMENT NUMBER ONE.

In lines 7 and 8 of the title of the printed bill, as amended, strike out the words "municipalities and the sale of municipally inspected meats", and insert in lieu thereof the following: "cities, counties or cities and counties and the sale of meats inspected by cities, counties or cities and counties".

AMENDMENT NUMBER TWO.

On page 3, line 13, of the printed bill, as amended, after the word "counties", insert a comma and the following: "or counties,".

AMENDMENT NUMBER THREE.

On page 3, line 18, of the printed bill, as amended, after the word "counties", insert a comma and the following: "or counties,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 379?



The roll was called, and Assembly amendments to Senate Bill No. 379 concurred in by the following vote:

AYES—Senators Breed, Canepa, Carter, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—24.  
NOES—None.

Senate Bill No. 379 ordered to print, and enrollment.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 303—An act to amend section 626m of the Penal Code, relating to fishing at night.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Assembly Bill No. 303 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 1 of the title to the printed bill, after the word "to", insert the words "hunting and".

AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, after the period following the word "misdemeanor", insert: "Nothing in this section contained shall be deemed to repeal nor in any wise affect any of the provisions of section 626u of this code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 303, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print.

Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners, and to repeal sections 18, 18a and 1588 of the Penal Code, relating to terms of imprisonment.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 977 to Senator Duval, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 4, line 43, of the printed bill, strike out the comma following the word "imposed".

AMENDMENT NUMBER TWO.

On page 4, line 44, of the printed bill, after the word "court", insert a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 977, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 574—An act to amend section 428 of the Civil Code, limiting the amount of insurance which may be carried in this State on any one risk; and providing exemptions from the provisions of this section.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 574 to Senator Boggs, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill, as amended in Assembly April 11, 1929, strike out the period, and insert in lieu thereof a comma and the following: "and to brokers and agents engaged in the sale of such securities and capital stock, providing for the supervision thereof, defining the powers and duties of the insurance commissioner in relation thereto and prescribing penalties for violation of the provisions thereof."

AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, between lines 15 and 16, insert the following:

"304c. The word "security" as herein used shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit sharing agreement, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security; but shall not include:

(a) Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce;

(b) Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale;

(c) Mortgage participation certificates issued under and in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code.

"Sale" or "sell" as used in this section shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; *provided*, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; *and provided further*, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this section.

The word "broker" as used in this section includes every person, firm or corporation, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security as defined in this section, issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.

The word "agent" as used in this section means and includes every person, firm or corporation employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security as defined in this section."

AMENDMENT NUMBER THREE.

On page 2, line 6, of the printed bill, as amended in Assembly April 11, 1929, after said line, add the following:

"The application for the permit shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the applicant shall set forth the names and addresses of its officers, the location of its office, an itemized account of its financial condition, the amount and character of its assets and liabilities, a detailed statement of the plan upon which it proposes to transact business, a copy of any security it proposes to issue, a copy of any contract it proposes to make concerning the

same, a copy of any prospectus or advertisement, or other description of such securities, then prepared by or for it for distribution or publication, and such additional information concerning the company, its condition and affairs as the commissioner may require. If the applicant is a partnership or an unincorporated association or joint stock company, it shall file with its application a copy of its articles of partnership or association, and all other papers pertaining to its organization. If the applicant is a corporation, it shall file with its application a copy of all minutes of any proceedings of its directors or stockholders or members relating to or affecting the issue of such securities, and also a copy of its articles of incorporation and of its by-laws and of any amendments thereto. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall also file with its application a certificate, executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government; and also, in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. The commissioner may, from time to time for cause, amend, alter or revoke any permit issued by him hereunder, or temporarily suspend the rights of the applicant under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this section.

Every company authorized by the commissioner to sell securities shall thereafter, at such times as it may be required by the commissioner, make and file in the office of the commissioner a report, setting forth, in such form as the commissioner may prescribe, the securities sold by it under the authority of any permit issued by him, the proceeds derived therefrom, the disposition of such proceeds, and such other information concerning its property, officers, or affairs, relating to or affecting the value of such securities, as the commissioner may require.

No person, firm or corporation shall act as an agent or broker unless he shall have first applied for and secured from the insurance commissioner a certificate, then in effect, authorizing him so to do.

Every such certificate shall expire on the first day of July next after its issue, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

At the time of filing an application for a broker's certificate, the applicant shall file with the commissioner a good and sufficient bond for five thousand dollars, payable to the people of the State of California, for the use and benefit of any interested person, executed by said applicant and by sufficient surety or sureties, and to be approved by the commissioner. Said bond shall be conditioned upon the strict



compliance with the provisions of this section, and the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employees. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this section, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this section. Any person who sustains an injury covered by such bond, may, in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him. Upon such action being commenced the commissioner may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

If the applicant is a corporation or association organized under the laws of any other state, territory or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it arising out of or founded upon the fraud of such applicant in the sale of securities within this state, or in any action upon any bond provided by this section, may be served with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

The commissioner shall examine such application and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If from such examination, the commissioner shall be satisfied of the good business reputation of the applicant and of its officers or members, if any, that the sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchaser thereof, that neither it nor its officers or members have violated any of the provisions of this act and that neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision. The commissioner may at any time temporarily suspend or revoke any broker's or agent's certificate issued by him if he shall find that the holder thereof is of bad business repute, or has violated any provision of this act, or has engaged, or is about to engage in any fraudulent transaction.

Every broker shall, at such times as it may be required by the commissioner, make and file in the office of the commissioner a true and correct statement concerning any security sold or offered for sale by such broker, showing the name and location of the principal office of the issuer of such security, the names of its managing officers, if it is a corporation, or of its members, if it is a partnership; its assets, liabilities, and issued capital stock, at the close of its fiscal year then last ended, or at a later date; its gross income, expenses, and fixed charges for the year next preceding such date, or for such time as such issuer of such security has transacted business, if for less than one year, and the approximate price at which such broker has sold or proposes to sell such security, together with such other information, of which the broker may have knowledge, as the commissioner may require, nor shall any broker sell or offer for sale any security after notice in writing given to it by the commissioner that in his opinion, the sale thereof would be unfair, unjust, or inequitable to the purchaser thereof, unless the commissioner shall subsequently in writing withdraw such objection to the sale thereof.

No person, partnership, association, or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security, to be issued by any company, that such person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security sold or offered for sale by it, unless the name of the company, broker, agent, or person issuing, circulating, or publishing the same shall be subscribed thereto, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; provided, however, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his

opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

All papers, documents, reports, and other instruments in writing filed with the commissioner under this section shall be open to public inspection; *provided*, that if, in his judgment, the public welfare or the welfare of any company, demands that any portion of such information be not made public, he may, in his discretion, withhold such information from public inspection for such time as in his judgment is necessary. The commissioner may at any time give, issue, or make public any information concerning any company or any contracts, stocks, bonds, or other securities, sold or offered for sale within this state, if in his judgment the giving, issuing, or publishing of the same will be of public interest or advantage or will tend to prevent the fraudulent sale of such securities.

Every order, decision, permit or other official act of the commissioner made, issued or done under the provisions of this section, shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, or permit.

Every security issued by any company, without a permit of the commissioner authorizing the same then in effect, shall be void, and every security issued by any company, with the authorization of the commissioner but not conforming in its provisions to the provisions, if any, which it is required by the permit of the commissioner to contain, shall be void.

Every company which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this section, or of the constitution of this state, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars.

Every officer, agent, or employee of any company, and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this section, or of the constitution of this state, or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security, without first informing the commissioner of the falsity of such statement in writing, or who, directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose specified in such permit in excess of any amount limited in such permit to be issued for such purpose, or who, with knowledge that any security has been issued or executed, in violation of any of the provisions of this section, sells or offers the same for sale, or who, with knowledge that any advertisement, pamphlet, prospectus, or circular concerning any security contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, issues, circulates, or publishes the same, or shall cause the same to be issued, circulated, or published, or who, in any respect, wilfully violates or fails to comply with any of the provisions of this section, or who, in any other respect, wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

The commissioner in the exercise of his powers and the performance of his duties in accordance with this section shall charge and collect the following fees:

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One-twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; *provided, however*, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(d) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a broker's certificate twenty-five dollars.

3. For filing any application for an agent's certificate five dollars.

4. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

5. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 574, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Boggs moved to refer Assembly Bill No. 311 to Senator Handy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 12, of the printed amended bill, strike out the word "shall", and substitute in lieu thereof the word "may".



## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed amended bill, following the comma, after the word "schools", insert the words "and the member of the board of supervisors representing the district."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 311, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 398—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county water works districts; for supplying the inhabitants thereof with the water, for laying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining water works—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

LYON, Chairman.

Assembly Bill No. 398 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 173—An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments;

Also: Assembly Bill No. 1164—An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts;

Also: Assembly Bill No. 363—An act to amend sections 2, 3 and 4 and to add a new section to be numbered 4a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

LYON, Chairman.

Assembly Bills Nos. 173, 1164 and 363 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 968—An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, as amended;

Also: Assembly Bill No. 900—An act to amend sections 5 and 19 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, to provide for

the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915;

Also: Assembly Bill No. 521—An act to add a new section to the Political Code, to be numbered 3670*d*, relating to settlement by the State of the principal and interest of bonded debt created and outstanding by any city, city and county, county, town, township or district prior to November 8, 1910;

Also: Assembly Bill No. 511—An act to validate and legalize all proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street Opening Act of 1903," as amended, approved March 24, 1903;

Also: Assembly Bill No. 1096—An act authorizing any municipal corporation to institute suits against the State of California or any county of said State to cancel tax assessments and sales erroneously made against municipal owned property exempt from taxation;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

LYON, Chairman.

Assembly Bills Nos. 968, 900, 521, 511 and 1096 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 367—An act to amend sections 3, 10, 19, 20, 21, 25, 27, 40, 41 and 79*b* and to add certain new sections thereto to be numbered 20*a*, 20*b*, 20*c*, 20*d*, 20*e*, 20*f*, 20*g*, 20*h*, 20*i* and 20*j* to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to street improvements;

Also: Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements;

Also: Assembly Bill No. 717—An act to amend the title, to amend section 1, and to add a new section to be numbered 1*a*, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

LYON, Chairman.

Assembly Bills Nos. 367, 451 and 717 ordered on file for second reading.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 871—An act authorizing and empowering high school districts maintaining

junior college courses to charge tuition to all students nonresident of the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 871 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

SLATER, Chairman.

Senate Bill No. 414 ordered on file for second reading.

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

HANDY, Chairman.

INMAN.

HURLEY.

BOGGS.

DUVAL.

SHARKEY.

EDWARDS.

MUELLER.

SWING.

TURBS.

McCORMACK.

McKINLEY.

CASSIDY.

Senate Bill No. 879 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 263—An act regulating the practice of professional engineering; providing for the creation and establishment of a State Board of Registration for Professional Engineers; granting certain powers to and prescribing the duties of said board; providing for the examination and registration of professional engineers, and providing penalties for the violation of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—6; absent—5.

MUELLER, Chairman.

Senate Bill No. 263 ordered on file for second reading.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 881—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of water-works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments—



has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership— 9; committee vote: Ayes 5; absent 4.

LYON, Chairman

Senate Bill No. 881 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 7 Relative to memorializing the Congress of the United States for federal aid in making provision for the national forests of the State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 7 read first time, and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1120.—An act to amend sections 4, 6, 8, 9, 12, and to add certain new sections to be numbered 12½ and 13½, to an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927:

Also: Assembly Bill No. 1133.—An act to allow the establishment of an emergency cash fund by the governing board of any school district, high school district, or junior college district, of any kind or class, and providing also for the reduction or discontinuance of such fund.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1120 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1133 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 179.—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence:

Also: Senate Bill No. 180.—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 179 and 180 ordered to enrollment.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the Senate Journal of April 29 be corrected as follows:

On page 32 of said Journal in the resolution appearing thereon appointing certain clerical assistants, immediately below the name of "Clarence J. Prentice" as the same appears thereon, insert the following:

Agnes Shearer, Stenographer.....	\$5 00 per day
Josephine L. Pewterbaugh, Stenographer.....	5 00 per day

Resolution read, and on motion of Senator Crowley adopted.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following amendment was offered :

By Senators Edwards, Carter, Evans, Merriam and Mueller: Senate Constitutional Amendment No. 43—Proposed amendment to article XIII of the constitution, relative to State and county boards of equalization.

Amendment referred to Committee on Constitutional Amendments.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students nonresident of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 7 to 9, inclusive, and insert in lieu thereof the following: "of income and expense of every school district of whatever type and class, shall be published by the board of supervisors of the county and paid for out of the general fund of the county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 263—An act regulating the practice of professional engineering; providing for the creation and establishment of a State Board of Registration for Professional Engineers; granting certain powers to and prescribing the duties of said board; providing for the examination and registration of professional engineers, and providing penalties for the violation of this act.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following :

"An act creating and prescribing the powers and duties of a commission to study, investigate and report upon, the conditions and influences surrounding and connected with the supply of telephone communications, and the tolls and rates allowed and charged therefor within this state; and appropriating funds for the use of the commission."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out lines 1 to 22, inclusive; also strike out all of pages 2, 3, 4, 5, 6 and 7, and insert in lieu thereof the following:

"SECTION 1. A commission is hereby created to be known as \_\_\_\_\_ which shall have the powers and duties and be constituted in the manner hereinafter prescribed.

SEC. 2. Said commission shall consist of nine members. Three members shall be appointed by the president of the Senate from the membership of the Senate; three members shall be appointed by the speaker of the Assembly from the membership of the Assembly; and three members shall be appointed by the governor. The members shall be appointed within ten days after this act takes effect.

SEC. 3. The members of the commission shall serve without pay but shall be allowed their actual and necessary expenses incurred in the performance of their duties, which shall be paid in the same manner as other expenses of the commission.

SEC. 4. Forthwith upon the appointment of the members of the commission, the commission shall proceed to organize by the election of one of its members as chairman and by the election of a secretary. The commission is hereby directed and empowered to employ and fix the compensation of such accountants, attorneys, engineers, expert help, clerks, and stenographers, as in its discretion, may be necessary in order to accomplish the purposes of this act, any or all of whom shall, in the discretion of the commission, be exempt from the provisions of the civil service act, approved June 16, 1913, statutes 1913, chapter five hundred ninety, as amended.

SEC. 5. The commission shall be furnished suitable quarters in the state capital at Sacramento and at such other available places as the commission may request.

SEC. 6. For the purpose of recommending legislation based upon its findings, the commission is hereby directed and empowered to study, inquire into, and investigate: (1) the tolls and rates charged by corporations supplying telephone service within this state; (2) the methods employed and bases used in fixing rates and tolls for telephone service in California; (3) the capital structure, and the value of the properties, resources, and reserves, and the methods of accounting and financing, of every corporation furnishing telephone service within this state and of every corporation owning directly or through subsidiaries, the stock of such telephone service corporations; (4) the methods employed in determining the valuation of the properties of such corporations for the purpose of fixing rates and tolls; (5) the relative scales of tolls and rates charged to residents of California compared to those charged elsewhere throughout the United States; (6) the extent to which holding companies of public utilities furnishing telephone service in California, and the stockholders thereof control or are financially interested in financial, engineering, construction or management corporations, and the relation one to the other of the latter classes of corporations, to the holding companies, and the public utility corporations, and (7) all facts, conditions, and influences, connected with or affecting the supply of telephone communications, and the rates and tolls charged therefor, within California.

SEC. 7. The commission is authorized to meet and perform its duties at such times and places as it deems necessary or proper; and each member of the commission is hereby authorized to administer oaths. The commission is authorized and directed to take all steps necessary to compel attendance before the commission of witnesses and to procure evidence and testimony, and for these purposes to subpoena, summon and examine under oath all witnesses and to require the production of all persons, books, agreements, minutes of meetings, documents, records, papers of every kind, and accounts which the commission deems necessary or advisable in order fully to accomplish the purposes of this act. In any inquiry, hearing or investigation conducted pursuant to the provisions of this act, in any part of the state, the process issued by the chairman of the commission shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the chairman. The person serving any such process may receive such compensation as may be allowed by the chairman not to exceed the fees prescribed by law for similar service, and such fees shall be paid by the commission. Each witness who shall appear by order of the chairman, other than an officer or employee of the state or of any political subdivision thereof, shall receive for his attendance the same fees, and all witnesses shall receive the same mileage allowed by law to a witness in civil cases, which amount shall be paid by the commission. To the same extent, any witness who is subpoenaed by the chairman, shall be paid his fees and mileage from the funds appropriated for the use of the commission.

The superior court in and for the county in which any hearing may be held under the direction of the commission, shall have the power to compel the attendance of witnesses, the giving of testimony and the production of all papers, books, accounts and documents required by any subpoena issued by the chairman. In case of the refusal of any witness to attend or testify or produce any papers, books, accounts or documents required by such subpoena the chairman may report to the superior court in and for the county in which the hearing is pending, by petition, setting forth that due notice has been given of the time and place of



attendance of said witness or the production of said papers, books, accounts or documents and that the witness has been summoned in the manner prescribed in this section, and that the witness has failed and refused to attend or produce the papers, books, accounts or documents required by subpoena of the chairman in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation or hearing, and ask an order of said court compelling the witness to attend and testify or produce said papers, books, accounts or documents before the commission. The court upon the filing of the petition shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, and then and there show cause why he has not attended or testified or produced said papers, books, accounts or documents as required. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the chairman, the court shall thereupon enter an order that said witness appear before the commission at the time and place fixed in said order and testify or produce the required papers, books, accounts or documents, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

The chairman may in any hearing cause the deposition of witnesses residing within or without the state to be taken by causing a petition to be filed in the superior court in the county of Sacramento reciting the nature of the matter pending, the name and residence of the witness whose testimony is desired, and asking that an order be made requiring the witness to appear and testify before the commission. Upon the filing of the petition the court may make an order requiring such witness to appear and testify in the manner prescribed by law for depositions in civil actions in the superior courts of this state. To that end and in the same manner the superior courts may compel the attendance of witnesses and the production of papers, books, accounts, and documents, and, in the same manner, may punish for contempt.

A witness is not obliged to attend as a witness in any matter under this section at a place out of the county in which he resides, unless the distance be less than fifty miles from his place of residence. The powers conferred upon the commission by the provisions of this section may be exercised with like force and effect by such members of the commission as the chairman thereof may authorize and designate to conduct any such investigation or hearing.

SEC. 8. The railroad commission and all state agencies and officers shall cooperate with the commission and give it such assistance as the commission may desire and request.

SEC. 9. Said commission is hereby directed to complete its report and make its recommendations, based upon the result of its study, investigation, and inquiry, not later than the first Monday following the first day of January, 1931; and at that time to submit the same to the forty-ninth session of the Legislature, to the governor and to the railroad commission of this state.

SEC. 10. The sum of one hundred fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the commission herein created for the purpose of defraying the expenses of the commission and of the investigation and inquiry to be conducted under and in compliance with the provisions of this act. The controller is hereby authorized and directed to draw his warrants in favor of the chairman of said commission for such expenditures as may be certified to the controller from time to time by the chairman, and the state treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### ADJOURNMENT.

At one o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Monday, May 6, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Monday, May 6, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, May 3, 1929, the further reading was dispensed with, on motion of Senator Slater.

## LEAVE OF ABSENCE.

Senator Hurley was, on motion of Senator Christian, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth Whitely, Evanston, Illinois; Nina Howard, Sacramento, California, and Caroline Bailey, Los Gatos, California.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Russell O'Hara, city attorney, and C. F. Hatch of Vallejo.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Stanley B. Wilson of Los Angeles, and Mrs. Clarence Jarvis of Sacramento.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 289—An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor.

ARTHUR A. OHNMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 146—An act to amend the Code of Civil Procedure, by adding a new section number 549a, providing for the release from attachment of real property owned by any person not a party to the action—and appointed Assemblymen Brock, Hoffman and Meeker as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Committee on Free Conference concerning Senate Bill No. 146 appointed previously.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 540—An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class;

Also: Assembly Bill No. 542—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class;

Also: Assembly Bill No. 544—An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended, relating to the election and recall of directors and the levy and collection of taxes;

Also: Assembly Bill No. 702—An act to add a new section to the Political Code, to be numbered 4041r, authorizing counties to expend money for investigation of watershed protection, reforestation and afforestation;

Also: Assembly Bill No. 755—An act to add a new section to the Political Code, to be numbered 363n, relating to the preparation of plans for public buildings and other structures;

Also: Assembly Bill No. 821—An act relating to maximum rates of tax for school district purposes;

Also: Assembly Bill No. 923—An act providing for the creation, maintenance and operation of police relief, life insurance or pension funds in the cities and towns of the fifth and sixth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the Department of Finance, Surveyor General, State Land Office and the officers, agents and employees thereof and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893;

Also: Assembly Bill No. 160—An act to amend section 19r28 of the Juvenile Court Law approved June 5, 1916, as amended, relating to salary of the probation officer and assistant probation officer in counties of the twenty-eighth class;

Also: Assembly Bill No. 250—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof;

Also: Assembly Bill No. 354—An act to amend section 226 of the Civil Code, relating to proceedings on adoption;

Also: Assembly Bill No. 528—An act to amend section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 45—An act to amend section 4254 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class;

Also: Assembly Bill No. 93—An act to add a new section to be numbered section 3a, to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishments, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to the



keeping of records of hours worked and prima facie evidence of violation of the act:

Also: Assembly Bill No. 189—An act to amend sections 3 and 79c of an act known as "The Improvement Act of 1911," approved April 7, 1911, as amended, relating to publication of notice of improvements:

Also: Assembly Bill No. 193—An act to provide for the standardization of cement-concrete pipe sold for irrigation purposes.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1958—An act to amend sections 851, 863, and 874 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class:

Also: Assembly Bill No. 522—An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 219—An act to amend section 4244 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 219 ordered to unfinished business.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 519—An act to amend section 1188 of the Political Code, relating to elections—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

MERRIAM, Chairman.

Senate Bill No. 519 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 516—An act to amend sections 5 and 12 of the Direct Primary Law, approved June 16, 1913, as amended, and to add thereto two new sections numbered 30 and 30a, respectively, relating to methods of getting candidates names upon ballots, the form and preparation of primary election ballots, statements of campaign expenses, and the duties of the Secretary of State in relation thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

MERRIAM, Chairman.

Senate Bill No. 516 ordered on file for second reading.

##### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace:

Also: Senate Bill No. 727—An act to amend section 103½ of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same:

Also: Senate Bill No. 806—An act to amend section 4236l of the Political Code, relating to the compensation of county and township officers in counties of the seventh class;

Also: Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Senate Bills Nos. 699, 727, 866 and 259 ordered on file for second reading.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

(Signed out)

YOUNG, Chairman.  
CASSIDY.  
LYON.  
WAGY.  
CARTER.  
HANDY.  
SLATER.  
BREED.

Senate Bill No. 880 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 78—An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class;

Also: Assembly Bill No. 107—An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class;

Also: Assembly Bill No. 279—An act to amend section 2322c28 of the Political Code, relating to horticultural commissioners in counties of the twenty-eighth class;

Also: Assembly Bill No. 297—An act to amend section 4244 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class;

Also: Assembly Bill No. 298—An act to amend section 19a15 of the Juvenile Court Law, relating to compensation of probation officers in counties of the fifteenth class;

Also: Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

CHRISTIAN, Chairman.

Assembly Bills Nos. 78, 107, 279, 297, 298 and 340 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 871—An act to amend section 7 and to add a new section numbered 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the number and compensation of judges, clerks and other officers and attaches of municipal courts and providing for the maintenance of a night court in cities of the first and one-half class;

Also: Assembly Bill No. 997—An act to amend section 19 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

CHRISTIAN, Chairman.

Assembly Bills Nos. 871 and 997 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, May 2, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 257—An act to add a new section to the Political Code to be numbered 1197d, relating to ballots—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

MERRIAM, Chairman.

Assembly Bill No. 257 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 317—An act to amend section 1360 of the Political Code, relating to absent voters:

Also: Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed:

Also: Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

MERRIAM, Chairman.

Assembly Bills Nos. 317, 318 and 431 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns and to repeal an act entitled "An act to provide for the recall of elective officers of incorporated cities and towns," approved January 2, 1912—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and it do pass as amended.

MERRIAM, Chairman.

Assembly Bill No. 965 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 40—An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class;

Also: Assembly Bill No. 241—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class;



Also: Assembly Bill No. 243—An act to amend section 4281 of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class;

Also: Assembly Bill No. 269—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 339—An act to amend section 2322~~r~~20 of the Political Code, relating to the compensation of the horticultural commissioner in counties of the twentieth class;

Also: Assembly Bill No. 461—An act to amend section 4273 of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class;

Also: Assembly Bill No. 618—An act to amend section 4278 of the Political Code, relating to salaries and fees of officials in counties of the forty-ninth class; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Assembly Bills Nos. 40, 241, 243, 269, 339, 461 and 618 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class;

Also: Assembly Bill No. 686—An act creating a commission to investigate and report upon the subject of home rule for counties, providing for the appointment of the members thereof, the powers and duties of such commission, and making an appropriation therefor;

Also: Assembly Bill No. 849—An act to amend section 16~~r~~15 of the Weights and Measures Act, approved June 16, 1913, as amended, relating to compensation of the sealer of weights and measures in counties of the fifteenth class;

Also: Assembly Bill No. 850—An act to amend section 2322~~r~~15 of the Political Code, relating to county horticultural commissioners;

Also: Assembly Bill No. 864—An act to amend section 2322~~r~~30 of the Political Code, relating to the salary of the horticultural commissioner of counties of the thirtieth class;

Also: Assembly Bill No. 877—An act to amend section 4266 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-seventh class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Assembly Bills Nos. 667, 686, 849, 850, 864 and 877 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to section 15, article XIII, of the constitution of the State of California, relative to taxation;

Also: Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 8, of article VI thereof, relating to the filling of vacancies in the superior court;

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article IX thereof a new section to be numbered 64, relative to the payment of retirement salaries to teachers who have qualified therefor by service in the public school system as provided by law;

Also: Senate Bill No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers;

Also: Senate Bill No. 657—An act to amend the Penal Code of California, by adding thereto two new sections to be numbered 597h and 597i, relating to the cropping or cutting of the ears and tails of dogs, providing for the registration of such dogs and fixing penalties;

Also: Senate Bill No. 313—An act to amend section 4238 of the Political Code, relating to the compensation of county and township officers of counties of the

ninth class and to the number, appointment and salaries of their assistants and deputies;

Also: Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals;

Also: Senate Bill No. 808—An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season;

Also: Senate Bill No. 642—An act to amend an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, by adding thereto a new section to be numbered 16a, relating to sealers of weights and measures;

Also: Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students nonresident of the State of California;

Also: Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes;

Also: Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures;

Also: Senate Bill No. 405—An act to amend sections 2179, 2189, 2190 of the Political Code, relating to the Department of Institutions;

Also: Senate Bill No. 249—An act providing money for the study of the flood problems of the Santa Ana River system, the preparation of plans and specifications in connection therewith, providing for study of rainfall penetration in connection therewith, and establishment and maintenance of gauging stations, providing for the cooperation by interested counties and districts, and directing the Division of Engineering and Irrigation, Department of Public Works, to provide for the carrying on of said work under its own direction or under the direction of the Department of Agriculture of the United States, and relating thereto;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

## Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 301—An act to prohibit any board of supervisors from appointing any of its members to fill any vacancy which occurs in any county office;

Also: Senate Bill No. 460—An act to add a new chapter to be numbered chapter 11, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to slander;

Also: Senate Bill No. 520—An act to add a new section to the Code of Civil Procedure, to be known as section 170b, relating to justices of the peace;

Also: Senate Bill No. 581—An act to amend section 363b of the Political Code, and to add thereto a new section to be numbered 363c, relating to the Department of Public Works;

Also: Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommenda-

tions to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto and reports that the same have been correctly re-enclosed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 9—An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions:

Also: Senate Bill No. 35—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 303, page 498, Statutes of 1925, \$400,000 and chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, and reappropriating said balance:

Also: Senate Bill No. 205—An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of threats;

Also: Senate Bill No. 327—An act to amend section 3666 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property;



Also: Senate Bill No. 535—An act to amend sections 1, 2, 3 and 4 of an act entitled "An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein, and authorizing the Board of Control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof," approved May 24, 1921, relating to periods of extraordinary unemployment and vesting the enforcement of said act in the Departments of Finance, Public Works and Industrial Relations;

Also: Senate Bill No. 562—An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 11 of article XIII of the constitution;

Also: Senate Bill No. 565—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises;

Also: Senate Bill No. 660—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Norwalk State Hospital grounds;

Also: Senate Bill No. 664—An act making an appropriation for the construction, and equipment, of a State Armory at the city of Long Beach;

Also: Senate Bill No. 703—An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors;

Also: Senate Bill No. 746—An act to amend section 604a of the Civil Code, relating to religious corporations;

Also: Senate Bill No. 761—An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the Reclamation Board upon lands in said district," approved May 27, 1919, as amended, by amending section 34, providing for the disposition of proceeds of bond sales, and section 42, relating to installments to pay the interest and principal on bonds and by repealing section 36 thereof;

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said State, by adding to article XIII thereof, a new section to be numbered 14, relating to the taxation of hospitals and sanatoriums conducted not for private profit;

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 19 of article V thereof, relating to the compensation of executive officers;

Also: Senate Joint Resolution No. 11—Relating to the working condition of unclassified civil service employees in veterans' hospitals;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1929, at nine o'clock and thirty minutes a.m.

EDWARDS, Acting Chairman.

SENATOR INMAN IN THE CHAIR.

At ten o'clock and forty minutes a.m., Senator Inman of the Seventh District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Handy moved to refer Assembly Bill No. 6 to Senator Slater, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, strike out the words "four and one-half."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 6, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.  
Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 862:—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pedrotti moved to refer Senate Bill No. 862 to Senator Lyon, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of lines 1 to 6, inclusive, and insert in lieu thereof the following:

"An act authorizing municipal corporations to acquire, improve and donate real property to the State of California; providing for the use of such property and empowering the director of finance to receive in the name of the State of California gifts or donations of such improved real property subject to certain conditions and restrictions."

## AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the words "may be improved", and insert in lieu thereof the following: "improve the same".

## AMENDMENT NUMBER THREE.

On page 1, line 5, of the printed bill, strike out all of said line 5, and insert in lieu thereof the following: "such improved real property to the State of California, and the state director of finance".

## AMENDMENT NUMBER FOUR.

On page 1, line 6, of the printed bill, strike out the words "the State of California".

## AMENDMENT NUMBER FIVE.

On page 1, line 8, of the printed bill, strike out the words "real property or".

## AMENDMENT NUMBER SIX.

On page 1, line 9, of the printed bill, strike out the comma after the word "California", and also strike out the words "for any", and also strike out all of lines 10 to 11, inclusive, and insert in lieu thereof the following: "as a summer residence for the governor for not more than three months in any one year."

## AMENDMENT NUMBER SEVEN.

On page 1, line 12, of the printed bill, immediately following the word "such", insert the words "improved real".

## AMENDMENT NUMBER EIGHT.

On page 1, line 13, of the printed bill, strike out the word "lands", and insert in lieu thereof the word "property".

## AMENDMENT NUMBER NINE.

On page 1, line 18, of the printed bill, immediately following the comma after the word "deed", insert the following: "and approved by the director of finance,".

## AMENDMENT NUMBER TEN.

On page 1, line 19, of the printed bill, beginning in said line 19, strike out the words "be it improved or unimproved real property, shall not be", and insert in lieu thereof the following: "as herein provided, shall not be construed to be".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 862, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator Pedrotti adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 222 to Senator West, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, as amended in Senate April 24, 1929, strike out the semicolon after the word "applicant", and insert in lieu thereof a period, and strike out the balance of line 5 and down to and including the word "act" in line 11.

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 222, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print, and re-engrossment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILL.

Assembly Concurrent Resolution No. 25—Relative to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation.

Resolution read.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Duval moved to refer Assembly Concurrent Resolution No. 25 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 2, of the printed resolution, as amended, after the word "make", insert the following: "its organization and facilities available for".

## AMENDMENT NUMBER TWO.

On page 2, line 20, of the printed resolution, as amended, beginning in said line 20, strike out "to collaborate with the department of natural resources and other executive departments;"

## AMENDMENT NUMBER THREE.

On page 2, line 22, of the printed resolution, as amended, beginning in said line 22, strike out the semicolon after the word "resolution" and the following: "to receive the report of the department of natural resources", and insert in lieu thereof the following: "by the executive departments hereinbefore designated; to receive and consider the results of the investigation and study so requested."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Concurrent Resolution No. 25, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and motion of Senator Duval adopted.

Assembly Concurrent Resolution No. 25 ordered to print.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 254—An act to amend section 3897 of the Political Code, relating to tax deeded land.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 519—An act to amend section 1188 of the Political Code, relating to elections.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, strike out lines 2 to 9, inclusive, and insert in lieu thereof the following: "amended to read as follows:

1188. A candidate for any public office for which no candidate has been nominated at any primary election may be nominated subsequently to said primary election, or in lieu of any primary election, in the manner following:

A nomination paper containing the name of the candidate to be nominated, with other information required".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, after the comma in said line, insert the following: "when the nomination to be made under this section is for an office for which nominations are made at the August primary election, and the provisions of that law as therein applied to primaries other than the August primary election and the May presidential primary election, when the nomination to be made under this section is for a municipal office or for any office to which that law does not apply."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 19, of the printed bill, after the word "manner", insert the word "of".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 23, of the printed bill, strike out the word "and" following the word "clerk", and insert in lieu thereof a comma and the word "or".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 27, of the printed bill, strike out the words "filing fees", and insert in lieu thereof the words "a filing fee".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 1, of the printed bill, strike out the word "the" preceding the word "candidate", and insert in lieu thereof the word "a".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 4, of the printed bill, preceding the word "special", insert the following: "general or municipal or a".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 9, of the printed bill, strike out the word "candidates", and insert in lieu thereof the word "candidate".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 10, of the printed bill, strike out said line, and insert in lieu thereof the following: "the ensuing general or municipal election according to the provisions of section 1197 of this code."

The nomination of a candidate under the provisions of this section, subsequent to a primary election and prior to the ensuing general election, for an office for which a candidate has been nominated at the primary election, is hereby prohibited."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 516—An act to amend sections 5 and 12 of the Direct Primary Law, approved June 16, 1913, as amended, and to add thereto two new sections numbered 39 and 30a, respectively, relating to methods of getting candidates' names upon ballots, the form and preparation of primary election ballots, statements of campaign expenses, and the duties of the Secretary of State in relation thereto.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out all of the title, consisting of lines 1 to 11 thereof, and insert in lieu thereof the following:

"An act to amend section 5 of the direct primary law, approved June 16, 1912, as amended, relating to nomination of candidates for public office."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 4, line 38, of the printed bill, strike out lines 38 to 46, inclusive; also strike out all of pages 5 to 29, inclusive, and insert in lieu thereof the following: "SEC. 5. (a) The name of no candidate shall be printed on the official ballot to be used at the August primary election unless at least sixty days and not more

than ninety days prior thereto there shall be filed a declaration of his candidacy, by such candidate, or a declaration of candidacy by sponsors on behalf of such candidate, and an acceptance of such candidacy by the candidate so proposed. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside, in securing the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the time the sponsor certificates of the candidate are left with the county clerk or registrar of voters for filing or for examination. Said document shall be in substantially the following forms:

"I, the undersigned, a candidate for the \_\_\_\_\_ party nomination for the office of \_\_\_\_\_, which nomination is to be made by direct vote at a primary election to be held on the \_\_\_\_\_ day of August, 19\_\_\_\_, do hereby appoint the following registered qualified electors of the county of \_\_\_\_\_ as verification deputies to obtain signatures of sponsors in said county to a nomination paper placing me in nomination as a candidate of said \_\_\_\_\_ party for said office of \_\_\_\_\_.

Name	VERIFICATION DEPUTIES.	Residence
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etc.	(Signature) _____ (Residence) _____	etc.

Filed in the office of the county clerk (or registrar of voters) of the county of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted.

In the event the said declaration of candidacy is made by sponsors, as herein provided, any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination, and in appointing verification deputies to serve within the county or city and county in which such deputies reside in securing the signatures of sponsors to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the declaration of candidacy by sponsors is left with the county clerk or registrar of voters for filing or examination.

In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

State of California, }  
County of \_\_\_\_\_ } ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of \_\_\_\_\_ State of California, and that we are each registered as intending to affiliate with the \_\_\_\_\_ party and we do hereby propose \_\_\_\_\_, who resides at No. \_\_\_\_\_ street in the city of (or in the town of) \_\_\_\_\_, county of \_\_\_\_\_, as a candidate for the nomination of such party for the office of \_\_\_\_\_ to be voted for at the primary election to be held on the \_\_\_\_\_ day of August, 19\_\_\_\_; and we do solemnly swear (or affirm) that said \_\_\_\_\_ has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the declaration of candidacy by sponsors of said \_\_\_\_\_ to said office of \_\_\_\_\_.



Name	VERIFICATION DEPUTIES.	Residence
etc.		etc.

(Signed)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

[SEAL]

Notary Public (or other official).

The declaration of such candidacy by such candidate shall be substantially as follows:

## DECLARATION OF CANDIDACY.

I hereby declare myself a \_\_\_\_\_ party candidate for nomination to the office of \_\_\_\_\_ to be voted for at the primary election to be held \_\_\_\_\_, 19\_\_, and declare the following to be true:

My name is \_\_\_\_\_

My present residence is \_\_\_\_\_

My present occupation is \_\_\_\_\_

My present business address is \_\_\_\_\_

The name of my employer (if any) is \_\_\_\_\_

The address of my employer (if any) is \_\_\_\_\_

My occupation for the past three years has been as follows: \_\_\_\_\_

The duration of my residence in California is \_\_\_\_\_ years.

My address for the past five years has been as follows: \_\_\_\_\_

I am at present an incumbent of the following public office (if any): \_\_\_\_\_

I have held the following public offices (if any): \_\_\_\_\_

\_\_\_\_\_ for \_\_\_\_\_ years.

\_\_\_\_\_ for \_\_\_\_\_ years.

I am registered as affiliated with the \_\_\_\_\_ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of candidate.

State of California, }  
County of \_\_\_\_\_ } ss.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Notary Public (or other official).

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Registrar of Voters - County Clerk.

In the event the said declaration of candidacy is made by sponsors, as herein provided, each such declaration of candidacy shall be substantially as follows:

## DECLARATION OF CANDIDACY BY SPONSORS.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of the County of \_\_\_\_\_, State of California, and that I am registered affiliated with the \_\_\_\_\_ party, and I do hereby sponsor, propose and nominate \_\_\_\_\_ who resides at No. \_\_\_\_\_ Street in the city of (or in the town of) \_\_\_\_\_ County of \_\_\_\_\_, State of California, as a party candidate for the nomination of such party for the office of \_\_\_\_\_ to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, and I hereby assert as follows:

My knowledge of the said \_\_\_\_\_ is sufficient to warrant my urging his election to the office of \_\_\_\_\_ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am not at this time a signer of any other declaration of candidacy, nominating, proposing or sponsoring any other candidate for the above named office, or in case there are several places to be filled

in the above named office, I have not signed more declarations of candidacies than there are places to be filled in the above named office. My residence and occupation are correctly set forth after my signature hereto:

Name	Residence	Occupation
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#### VERIFICATION DEPUTY'S AFFIDAVIT.

I, -----, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision a, section 5 of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of ----- to the nomination paper of ----- as a candidate for the nomination of the ----- party for the office of -----: that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19-----  
[SEAL] ----- Verification Deputy.

Examined and certified by me this ----- day of -----, 19-----  
----- Notary Public (or other official).

----- Registrar of Voters—County Clerk.

Such declaration or declarations of candidacy by sponsors shall contain, in the aggregate, the same number of signatures as required by subdivision (d) hereof, and no further signatures shall be necessary or required to place such candidate so proposed on the official primary ballot.

Such candidate so nominated or proposed by said sponsors shall, if he accepts such nomination, file with the proper officials and within the time provided by law, an affidavit of acceptance, which affidavit shall be substantially as follows:

#### DECLARATION OF ACCEPTANCE OF NOMINATION.

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the ----- party for nomination to the office of -----, to be voted for at the primary election to be held -----, 19-----, and declare the following to be true:

My name is -----  
My present residence is -----  
My present occupation is -----  
My present business address is -----  
The name of my employer (if any) is -----  
The address of my employer (if any) is -----  
My occupation for the past three years has been as follows: -----

The duration of my residence in California is ----- years.  
My address for the past five years has been as follows: -----

I am at present an incumbent of the following public office (if any): -----

I have held the following public offices (if any): -----

----- for ----- years,  
----- for ----- years.

I am registered as affiliated with the ----- party.

(The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

-----  
Signature of candidate.

State of California ) ss.  
County of ----- }

Subscribed and sworn to before me this ----- day of -----, 19-----.

-----  
Notary Public (or other official).

(b) The declaration shall be subscribed and sworn to before some officer authorized to administer oaths, and thereupon at least sixty-five days before the August primary election shall be delivered to the county clerk or registrar of voters in the county in which the candidate resides. Such clerk or registrar of voters shall forthwith certify

and transmit to the secretary of state the declaration of candidacy and acceptance as herein provided, for each candidate for state officers, United States senators, representatives in congress, members of the state Senate and Assembly, delegates to state conventions from hold-over senatorial districts, and all officers to be voted for in districts comprising more than one county.

(c) A candidate for a nonpartisan office shall omit all reference to party candidacy or party affiliations from said declaration.

(d) Said declaration shall be signed, certified and filed as provided in this section, and at least sixty-five days before said primary election, the candidate shall cause to be filed sponsor certificates herein provided for, of not less than sixty-five nor more than one hundred sponsors if the candidate is a candidate for a state office or for United States senator, and not less than forty nor more than sixty if the candidacy is for representative in congress, member of the board of equalization, or for any office voted for in more than one county, and not state wide, except for the state Senate or for the Assembly, and not less than twenty nor more than thirty if the candidacy is for the state Senate or for the Assembly, or a candidacy in a single county or any political subdivision thereof, or for delegate to state convention from a hold-over senatorial district. In the case of every candidate to be voted for at the primary election for whom the number of sponsor certificates is not above provided, the number shall be not less than ten nor more than twenty; *provided*, that if any political party has less than fifty registered voters in the state or in the county or district in which the election is to be held, a candidate for nomination by such party need not have more sponsors than one-tenth the number of said registered voters of said party; *provided, further*, that if there are less than one hundred fifty registered voters in the county or district in which the election is to be held, the number of sponsors shall not be less than ten nor more than twenty.

Sponsors must be electors and qualified to vote at the ensuing primary election in the district or political subdivision in which the candidate is to be voted on, and shall be affiliated with the party, if any, in which the nomination is proposed.

(e) Sponsor certificates and declarations of candidacy by sponsors shall be delivered to the county clerk or registrar of voters of the county in which the sponsor resides and is a registered voter and the county clerk or registrar of voters shall not accept for filing any declaration or sponsor certificate unless all blanks therein are filled. The county clerk or registrar of voters shall forthwith file said certificates in his office or forward the same for filing as provided in this act.

The county clerk or registrar of voters before filing or forwarding for filing any declaration or sponsor certificate shall verify the signature on each declaration and certificate and the political affiliation set forth therein with the registration affidavits on file in his office and mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or in which the declaration of party affiliation is not in accordance with the declaration of party affiliation in such affidavit of registration. No more sponsors shall be secured for any candidate than the maximum number required in subdivision (d) of this section; *provided*, that if, through miscalculation or otherwise, more sponsors are secured than said maximum number, the officer with whom said sponsor's certificates are filed, shall with the written consent of the candidate withdraw such excess number. No fee or charge whatsoever shall be made or collected by any officer for the verifying or any declaration of candidacy, sponsors certificates, declaration of acceptances or verification affidavit.

(f) Sponsors for candidates for nonpartisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

(g) All sponsor certificates which by section 6 of this act are required to be filed in the office of the secretary of state shall be delivered to the county clerk or registrar of voters as provided herein at least sixty-five days prior to the August primary election and within five days after being so left such certificates shall be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The county clerk or registrar of voters shall forward with said sponsors' certificates a statement showing the total number which have not been marked "not sufficient," as hereinabove provided, and shall include therewith a typewritten list of the sponsors not marked "not sufficient," their addresses and occupations, and shall file a copy of such statement and list in his office.

All sponsor certificates which are not required by this act to be filed in the office of the secretary of state shall be filed in the office of the county clerk or registrar of voters. All sponsor certificates shall be so arranged, by pluralizing of pronouns and otherwise, as to admit of the signatures of not exceeding thirty sponsors on the same sponsors' certificates.

Sponsors, other than those who shall sign declarations of candidacy by sponsors, shall certify to the qualification of the candidate as follows:

#### SPONSOR'S CERTIFICATE.

I, the undersigned sponsor for \_\_\_\_\_ for the \_\_\_\_\_ party nomination to the office of \_\_\_\_\_,



to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, hereby assert as follows:

My knowledge of the said \_\_\_\_\_ is sufficient to warrant my urging his election to the office of \_\_\_\_\_ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am a qualified elector of \_\_\_\_\_ county and I am registered as affiliated with the \_\_\_\_\_ party and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more certificates than there are places to be filled in the above-named office. My residence and occupation are correctly set forth after my signature hereto.

Name

Residence

Occupation

#### VERIFICATION DEPUTY'S AFFIDAVIT.

I, \_\_\_\_\_ solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision (a), section 5 of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of \_\_\_\_\_ to the nomination paper of \_\_\_\_\_ as a candidate for the nomination of the \_\_\_\_\_ party for the office of \_\_\_\_\_; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) \_\_\_\_\_

Verification Deputy.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
[SEAL]

Notary Public (or other official).

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Registrar of Voters—County Clerk.

(b) No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate which is presented within the period allowed for presenting the declaration or sponsor certificate.

(i) The secretary of state, county clerk or registrar of voters shall preserve in his office, for a period of four years, all declarations and sponsors' certificates filed in accordance with this section.

(j) Each signer of a sponsor certificate must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled for such office.

(k) The secretary of state before any primary election shall cause to be printed in pamphlet form a copy of all declarations of candidates received by him, said declarations to be followed by the names, addresses, and occupations of all sponsors. The pamphlet shall contain the declarations and sponsor list of all candidates for state offices, United States senators, representatives in congress, and all officers to be voted for in districts comprising more than one county, except said senators, assemblymen and delegates to state convention.

The state printer shall furnish to each county clerk or registrar of voters sufficient copies of said pamphlets containing only declarations of candidates and list of sponsors of the candidates to be voted for in such county or city and county to supply one copy to each registered voter in his county; copy for said pamphlet shall be furnished to the state printer by the secretary of state.

The county clerk or registrar of voters shall mail one copy of said pamphlet to each registered voter with his sample ballot. As soon as said pamphlets are printed the county clerk or registrar of voters of each county or city and county, shall send one copy to each candidate whose declaration of candidacy is printed therein.

The names of candidates and sponsors shall be printed in black face type, the names of the candidates to be in capital letters. The size of the pamphlet shall not exceed six by nine inches. Said pamphlets shall be headed in large type "Information concerning candidates to be voted on at the primary election" and below this shall be printed in black face type the following: "Retain this pamphlet until the November election for information concerning candidates nominated at this primary election." These pamphlets shall be printed with appropriate headings and shall contain, first the names of all candidates of that party whose candidate for governor received the highest vote at the last gubernatorial election; secondly, the names of all candidates of that party whose candidate for governor received the second highest vote, and so on. For parties which had no candidate for governor the order shall be as determined by the secretary of state. Every candidate who is the candidate

of more than one party shall have his declaration of candidacy or acceptance printed but once; but under each party for whose nomination he is a candidate shall appear a statement that he is a candidate of such party, together with the list of party sponsors who have proposed his nomination by such party. Under each party division of said pamphlet shall appear all the offices for which nominations are to be made, and under the name of each office the names of all party candidates for such office, the names of both offices and candidates to appear in the same order in which they are to appear upon the primary ballot for the first assembly district. After the lists of all party candidates with their respective declarations of candidacy and sponsor lists, shall appear, in the order of offices and names of candidates provided for the primary ballot for the first assembly district, all other offices to be voted on in more than one county, with the declarations of candidacy and sponsor lists for the several candidates under each of said offices.

(1) Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section reads at the time of said nomination; *provided*, that an independent nomination of a candidate subsequent to a primary election and prior to the ensuing general election, for an office for which a candidate has been nominated at the primary election, is hereby prohibited. One whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act and who is defeated for such party nomination at such primary election shall be ineligible as a candidate named by a party central committee to fill a vacancy as provided in section 25 of this act for the same or any other office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election, nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the Political Code (in case no candidate is nominated for said office at said primary election), or of section 25 of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general state election.

(m) The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

(n) The provisions of this section of the direct primary law shall not apply to municipal elections nor to the May presidential primary election, but nominations under the provisions of the presidential primary act and under the provisions of section 1188 of the Political Code shall be made through the method of nomination papers provided by the direct primary law as it existed in 1926."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 727—An act to amend section 103½ of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 866—An act to amend section 4236½ of the Political Code, relating to the compensation of county and township officers in counties of the seventh class.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2, line 41, of the printed bill, strike out all of lines 41 to 50, inclusive.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 124—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, following the word "of", insert a semicolon, and strike out the words "women misdemeanants, and" in line 3, and insert in lieu thereof the following:

"(a) women convicted of misdemeanor under the provisions of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, or adjudged vagrants under the provisions of section 647 of the Penal Code, and deemed by the court proper subjects for such confinement, care and reformation, and (b) of".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "which board shall be and constitute the division of women's institutions within the department of penology of the State of California. The division hereby created shall be administered by said board of trustees, and the chairman of said board, who shall also be known as chief of the division."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 35, of the printed bill, strike out the period following the word "biennially", and insert in lieu thereof a comma and the following: "and at such other times as the governor may direct."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 46, of the printed bill, after the word "therefrom", insert a comma and the following: "by the state board of prison directors or by the director of the state department of institutions."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 398—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of



county water works districts; for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining water works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 173—An act to amend the title of, and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, as amended, and approved April 20, 1917, by including counties and cities and counties within the provisions thereof, and to add three new sections to said act to be numbered sections 8, 9 and 10, respectively, relating to the procedure and law for enforcement and collection of special assessments created by said act.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended April 16, 1929, strike out all of lines 14 to 19, inclusive, and insert in lieu thereof the following:

"Sec. 3. After the passage of said resolution, the county horticultural commissioner, or the county board of forestry, or the county forester, or other officer, board, or commission, as designated by the board of supervisors by motion or resolution."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1164—An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, following the word "jurisdiction", insert "in misdemeanor cases".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 26, of the printed bill, following the word "operating", insert "such departments of".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 27, of the printed bill, following the word "jurisdiction", insert "in misdemeanor cases".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 29, of the printed bill, following the word "county", insert "and such money so deposited shall be apportioned between the city and county and paid in the manner hereinabove provided for the apportionment of fines and forfeitures".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date at the next maturing interest coupon at the rate named in the bond, together with interest for six months at the rate named in the bond. Upon such payment being made to the city treasurer he shall forthwith mark paid in his record of such bond the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office."

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Improvement bonds, or any number of such bonds issued hereunder, except as otherwise provided in section 9 hereof, shall be sold to the highest cash bidder after advertising for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such newspaper, then such advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated; *provided, however*, that said bonds shall not be sold for less than the amounts of the assessments for which they were issued. In the event that it is provided in the resolution of intention that the bonds shall be issued at a maximum rate of interest leaving the exact rate of interest at which the bonds are to be issued and sold to be determined at the sale of such bonds, then the notice provided for in this section shall state that said bonds will bear interest at a rate not to exceed the maximum rate therefor named in said resolution, stating the same. Upon the issuance of said bonds by the treasurer, the city council shall advertise for the sale of said bonds, calling for bids therefor and fixing a time for the receipt of bids. At the time fixed for the receipt of such bids, or as soon thereafter as the city council can conveniently do so, it shall publicly open, examine and declare the same. Said bonds shall be sold to the best responsible bidder for cash therefor, and consideration shall be given to the rate of interest at which the bonds are offered to be purchased and the premium offered, if any. The rate of interest at which said bonds are sold shall not exceed the maximum rate named in the resolution of intention; and the rate of interest at which the legislative body sells said bonds shall therefore be fixed as the rate of interest therefor, and such fixing and determination of such rate of interest shall be final and conclusive. If any bond be sold for an amount in excess of the amount for which it was issued, such excess shall be paid into the general fund of the city.

SEC. 6. A new section to be numbered 7a is hereby added to said act, to read as follows:

Sec. 7a. Notwithstanding the provisions of section 3 of said act, as amended by this act, and notwithstanding the provisions of any ordinance or resolution relating to the issuance of improvement bonds, as permitted by said act, passed prior to the date this act becomes effective, the city council of any city shall, at any time prior to the date of the recodation of the assessment roll for any work or improvement for which bonds may be issued under the provisions of said act, have the power to provide by resolution that bonds may be issued under and in accordance with said act as amended by this act for any work or improvement the proceedings for which shall have been commenced prior to the date this act becomes effective. Said resolution shall contain the identical provisions relative to bonds required to be set forth in the resolution of intention as required by section 3 of said act as amended by this act. Bonds issued under this section shall be issued in the manner and form prescribed in section 4 of said act as amended by this act, and such bonds shall be subject to all of the provisions of said act as amended by this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 968—An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness of cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 900—An act to amend sections 5 and 19 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets,



avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 521—An act to add a new section to the Political Code, to be known as section 3670*d*, relating to settlement by the State on account of payment of principal and interest of bonded debt created and outstanding by any city, city and county, county, town, township or district prior to November 8, 1910.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 511—An act to validate and legalize all proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street Opening Act of 1903," as amended, approved March 24, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1096—An act authorizing any municipal corporation to institute suits against the State of California in any county of said State to cancel tax assessments and sales erroneously made against municipally owned property exempt from taxation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 367—An act to amend sections 3, 5, 10, 19 and 25 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to street improvements.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 16, line 4, of the printed bill, strike out the numerals and letter "796", and insert in lieu thereof the numerals "41".

**Amendment adopted.**

##### AMENDMENT NUMBER TWO.

On page 16, between lines 5 and 6, insert the following:

"Sec. 41. The city engineer, or where there is no city engineer, the county or city and county surveyor or engineer of work hereinafter mentioned, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading, macadamizing, or improving streets and other work done hereunder, and to estimate the costs and expenses thereof, and perform such other duties hereunder as may be directed by the city council; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of the contents. He shall also keep a record of all surveys made under the provisions of

this act, as in other cases. In its discretion, the city council may appoint an engineer of work, other than the city engineer or in place of the city engineer, and all provisions of this act applicable to the city engineer shall apply to such engineer of work. The city council shall initially fix or if not thereafter confirm the compensation of such city engineer, surveyor or engineer of work.

SEC. 19½. Section 79b of said act is hereby amended to read as follows:".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvement; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 18, line 18, of the printed bill, following the word "phrases", insert the following: "occur, they".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 717—An act to amend the title as amended, to amend section 1 and to add a new section, to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

#### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 4, line 34, of the printed bill, strike out the word "daily".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, May 4, 1929.

*To the Senate of the State of California.*

Senate Bill No. 475 is returned herewith without my approval.

This bill was designed to give the Building and Loan Commissioner jurisdiction over the sale of guarantee and permanent nonwithdrawable stock. There is no criticism of the purpose, but the bill inadvertently eliminates other matter in the Civil Code section with which it deals, elimination of which was not intended. The results of this undesigned change in the law might be seriously prejudicial to the interests of companies.

The commissioner and the draftsman of the bill, at whose request it was introduced, concur in these views and ask that I withhold my approval. I am fortunately able to do this without affecting the principle involved, inasmuch as the desired changes have been included in another bill already signed, and in a new measure now in course of enactment. Accordingly, the bill is returned herewith without approval.

Respectfully submitted,

C. C. YOUNG, Governor.

## SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 475 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Breed, Carter, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT, Your Committee, on Free Conference concerning Assembly Bill No. 289—An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulations, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors thereon," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation thereof for a court that it has met a like committee of the Assembly, consisting of Assemblymen Byrne, McDonough and Eddy, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 23, of the printed bill, after the word "hundred", insert the word "dollars".

WELLER,  
McKINLEY,  
CARTER.

Senate Committee on Free Conference.

BYRNE,  
McDONOUGH,  
EDDY.

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.



The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Breed, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—26

NOES—None

#### POSTPONEMENT OF RECONSIDERATION.

Senator Hurley asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 198 was refused passage postponed until the next legislative day.

Senator West asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Constitutional Amendment No. 5 was refused adoption postponed until the next legislative day.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Murphy moved to reconsider the vote whereby Assembly Bill No. 657—An act to amend section 73711, relating to salaries of judges of the superior court in and for the city and county of San Francisco, was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 657 was passed carried by the following vote:

AYES—Senators Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagv, Weller, and Young—29.

NOES—None

Assembly Bill No. 657 ordered to unfinished business.

#### CONSIDERATION OF DAILY FILE.

##### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 618—An act to add a new section, to be numbered 8h, to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED EIGHTEEN.

##### AMENDMENT NUMBER ONE.

On page 2, line 4, of the printed bill, as amended in Senate April 3, 1929, after the word "physician", in said line, insert "and surgeon".

##### AMENDMENT NUMBER TWO.

On page 2, line 16, of the printed bill, as amended in Senate April 3, 1929, after the word "physicians" and before the comma in said line, insert "and surgeons".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 618?

The roll was called, and Assembly amendments to Senate Bill No. 618 concurred in by the following vote:

Senate Bill No. 618 ordered to print, and enrollment.

AYES—Senators Breed, Canepa, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagv, and West—25.

NOES—None.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED TWENTY-THREE.

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, as amended, strike out the word "shall", and all of lines 5, 6, 7 and 8, and insert in lieu thereof the following: "adopts and uses as the last word of its corporation name the word "Limited" or its abbreviation "Ltd.," nor to the stockholders or members thereof, but any stockholders liability for debts or liabilities incurred prior to the adoption of this section or prior to the adoption and use of such name shall not be affected."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 323?

The roll was called, and Assembly amendment to Senate Bill No. 323 concurred in by the following vote:

AYES—Senators Breed, Canepa, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, and Young—26.

NOES—None.

Senate Bill No. 323 ordered to print, and enrollment.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following resolution was offered:

By Senator Cassidy: Senate Joint Resolution No. 13—Requesting the Congress of the United States of America to defeat the adoption of that certain amendment offered to the federal farm relief bill, introduced by Senator McNary, relating to growers of fruit and vegetables.

## CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER THIRTEEN.

Senator Cassidy asked for and was granted unanimous consent to consider Senate Joint Resolution No. 13, without reference to committee, for purpose of adoption.

## SENATE JOINT RESOLUTION No. 13.

Requesting the Congress of the United States of America to defeat the adoption of that certain amendment offered to the Federal Farm Relief Bill, introduced by Senator McNary, relating to growers of fruit and vegetables.

WHEREAS, Agriculture generally, including the growing of fruit and vegetables, is one of the most important basic industries of the State of California in which the greater part of the people of this State are vitally interested; and

WHEREAS, There is now pending before Congress a bill introduced by Senator McNary which would give federal aid to the agricultural industries of these United States of America, better known as the Federal Farm Relief Bill; and

WHEREAS, An amendment has been proposed by Senator Copeland to said Federal Farm Relief Bill which if adopted would eliminate the growers of fruit and vegetables from the provisions of said act; now, therefore, be it

*Resolved by the Senate and Assembly jointly.* That the Legislature of the State of California hereby respectfully protests against the adoption of the amendment proposed by Senator Copeland to said Federal Farm Relief Bill introduced by Senator McNary excluding the growers of fruits and vegetables from the provisions of said act, and urges Senators and Representatives in Congress from California to use all honorable means to defeat the adoption of said amendment to said Federal Farm Relief Bill; and, be it further

*Resolved.* That the Secretary of the Senate is hereby directed to transmit copies of this joint resolution by telegram to the President of these United States of America, to the Speaker of the House of Representatives and to each of the members

from California of the Senate and House of Representatives of the United States in Congress assembled.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Breed, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—27.

NOES.—None.

Title read and approved.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—RESUMED.

ASSISTANT SECRETARY FRANCIS E. DALIN AT THE DESK.

Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior colleges to charge tuition to all students nonresident of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 871 passed by the following vote:

AYES.—Senators Breed, Canepa, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—24.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 passed by the following vote:

AYES.—Senators Boggs, Breed, Canepa, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—27.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 581—An act to amend section 363*b* of the Political Code, and to add thereto a new section to be numbered 363*o*, relating to the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 581 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

Senator Fellom moved that Senate Bills Nos. 200, 201, 702 and 538 be made a special order for three o'clock p.m.

Motion carried.

Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728, thereof to relate to the Judicial Council assigning justice of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego County and for the administration thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BOGGS IN THE CHAIR.

At eleven o'clock and forty minutes a.m., Senator Boggs of the Tenth District was called to the chair.

RE-REFERENCE OF BILL.

Senator Mueller asked for and was granted unanimous consent to have Senate Bill No. 571 re-referred to Committee on Commerce and Navigation.

Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fish-

eries, and providing for the government, management and control thereof," approved May 1, 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 574 passed by the following vote:

AYES—Senators Boggs, Canepa, Christian, Cleveland, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 637—An act to amend the title and sections 1 (c), 2 and 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act."

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Canepa moved to refer Senate Bill No. 637 to Senator Edwards, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 3, line 29, of the printed bill, as amended, immediately following the words "it is actually", insert the words: "and lawfully".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 637, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print, and re-engrossment.

Senate Bill No. 460—An act to amend section 251 of the Penal Code, and to add a new chapter to be numbered chapter 11, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to libel and slander.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Edwards, Evans, Fellom, Inman, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Young—23.  
NOES—Senator McCormack—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers.  
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 40.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 8, of article VI thereof, relating to the filling of vacancies in the superior court.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its forty eighth regular session, commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 8 of article VI of the constitution of this State be amended to read as follows:

Sec. 8. The term of office of judges of the superior courts shall be six years from and after the first Monday of January after the first day of January next succeeding their election. A vacancy in such office shall be filled at the next succeeding State election after the first day of April next succeeding the accrual of such vacancy by the election of a judge for a full term to commence on the first Monday in January after the first day of January next succeeding his election, except as hereafter provided. The Governor shall appoint a person to hold such vacant office until the commencement of such term; *provided, however*, when an appointment is made within one year immediately preceding a general State election, such appointment shall be made and the person so appointed shall hold office until the general State election next following the general State election to be held within a year from the time of his appointment.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 40 adopted by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cassidy, Cobb, Duval, Evans, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—27.

NOES—Senators Breed, Christian, Cleveland, Edwards, Fellom, Garrison, and Rochester—7.

Title read and approved.

Senate Constitutional Amendment No. 40 ordered transmitted to the Assembly.

Senate Bill No. 405—An act to amend sections 2168, 2169, 2174, 2179, 2189, 2190 of the Political Code, relating to the Department of Institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 405 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon,



Maloney, McCormack, McKinley, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 873—An act making an appropriation to pay the claim of Baron Pitts against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 873 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—31.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313—An act to amend section 4077 of the Political Code, relating to claims against counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—31.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 874 passed by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, and Weller—27.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474—An act creating an additional District Court of Appeal based at the District Court of Appeal for the Fifth Appellate District, extending the Court's jurisdiction, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 474 passed by the following vote:

Aye—Senators Bagg, Bird, Clegg, Foster, Gough, Thomas, Whelan, Lee, David, Grogan, Brown, Farns, Gorman, Ross, Smith, James, Fane, Ben Huron, McCord, McKim, Norton, Quinn, Quinn, Wilson, Edwards, Gough, Foster, Gough, Tamm, Tamm, and Tamm, 14.  
Nay—None.

Bill read and approved.

Bill referred to the Assembly.

#### MINUTES FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

Assembly Message, Assembly, May 4, 1927.

Re. President: I am directed to inform your honorable body that the Assembly of the State of South Africa, South Africa, No. 17, has been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

ADOPTED IN SENATE, May 4, 1927.  
By C. W. Davis, President, Sen.

#### MESSAGE FROM THE ASSEMBLY TO THE SENATE.

At a meeting held and every day, the Assembly, Hon. Arthur H. Reed, President, presiding, of the Senate, in the House.

#### CONSIDERATION OF SENATE'S JOINT RESOLUTIONS ON THE ASSEMBLY.

Senator Clegg asked for and was granted unanimous consent to consider Assembly Joint Resolution No. 17 at two o'clock without reference to committee for purpose of adoption.

#### SENATE'S JOINT RESOLUTION TO THE ASSEMBLY.

Senate of the State of South Africa, South Africa, No. 17, has been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Resolved, The Senate of the State of South Africa, South Africa, No. 17, has been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Resolved, There is no pending before the Senate of the United States a similar measure to that which has been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Resolved, The provisions of the Senate of the United States, No. 17, have been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Resolved, The provisions of the Senate of the United States, No. 17, have been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Resolved, The provisions of the Senate of the United States, No. 17, have been passed by the Assembly of the State of South Africa, South Africa, No. 17, and is now pending in the Congress of the United States.

Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives, from California, in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 17 adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Felton, Garrison, Gray, Harbo, Jarnet, Jones, Ray, Maloney, McCormack, McKinley, McMath, Mueller, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—31.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 17 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats. 1915, page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

Bill read third time.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 170 to Senator Young, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE

On page 2 of the printed bill, as amended in Assembly March 20, 1929, strike out lines 31 to 53, inclusive, and insert in lieu thereof the following:

"(b) Whenever any lot or parcel of land affected is subdivided, or the ownership of a portion of such parcel of land is transferred to another person, the legislative body which conducted the proceeding may in its discretion order the street superintendent, or other officer charged with the duty of making such assessments, to file with the clerk of said legislative body an amended assessment of the original parcel of land affected by such subdivision or transfer of ownership, segregating and apportioning the unpaid installments of said original assessment in accordance with the benefits to said portions of said original parcel. The person so appointed shall file with the clerk of the legislative body a report and an amended assessment of such parcels of land as have been ordered by said legislative body, together with a map or plat showing how such parcels have been divided. The total amount of the assessments of the several portions of any one original parcel shall be equal to the unpaid assessments upon said original parcel of land. Upon the filing of said report and amended assessment the clerk of said legislative body shall fix a time and place for a hearing upon said amended assessment and shall give notice of said hearing by publication by two insertions in a newspaper. Said notice shall contain a statement of the time fixed for the hearing upon said amended assessment and any objections thereto, which time shall not be less than fifteen days from the first publication of said notice. Said notice shall contain a reference to the original assessment and to the proceedings, and shall refer to the report and map or plat of the amended assessment for particulars and no other description shall be necessary. All persons interested in said original assessment, or in the lands affected thereby or in the bonds secured by issuance thereof, may, at the time of said hearing or at the time to which said hearing may be conducted, appear and protest against the same. At such hearing said legislative body shall have full power to hear and determine all objections as to the division of such assessments and shall confirm



or modify the same. All determinations and decisions of said legislative body upon notice and hearing, as aforesaid, shall be conclusive upon all persons entitled to object under the provisions of this section. Final action of said legislative body upon said report and amended assessment shall be taken on or before the fifteenth day of July of any year. Upon confirmation or modification in accordance with the order of the legislative body the clerk shall file such amended assessment with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed; when collections upon said assessments are made by county officials the clerk shall transmit a copy of said amended assessment to the county auditor.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 170, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 494—An act providing for the establishment and maintenance of 24-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Assembly Bill No. 494 to Senator Pedrotti, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, line 27, of the printed bill, insert a comma after the word "consisting" in said line; also insert a comma after the word "possible" in said line.

##### AMENDMENT NUMBER TWO.

On page 2, line 31, of the printed bill, after the period in said line 31, insert the following: "At least one member of the board of admission shall be a woman."

##### AMENDMENT NUMBER THREE.

On page 2, line 42, of the printed bill, strike out the word "itself", and insert in lieu thereof a comma.

##### AMENDMENT NUMBER FOUR.

On page 2, line 44, of the printed bill, strike out the words "to it".

##### AMENDMENT NUMBER FIVE.

On page 2, line 48, of the printed bill, strike out line 48, and insert in lieu thereof the following: "each child, and shall advise and recommend his release as soon as".

##### AMENDMENT NUMBER SIX.

On page 3, line 1, of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following: "school district whose parent or guardian does not exercise proper".

##### AMENDMENT NUMBER SEVEN.

On page 4, line 26, of the printed bill, strike out lines 26 to 29, inclusive, and insert in lieu thereof the following:

"Sec. 3.679a. If, in the opinion of the principal of any twenty-four-hour school, the further detention therein of any minor is detrimental to said minor, any minor may upon order of the principal be returned to the superintendent."

##### AMENDMENT NUMBER EIGHT.

On page 4, line 38, of the printed bill, strike out the word "deal", and insert in lieu thereof the word "dealt".

##### AMENDMENT NUMBER NINE.

On page 5, line 6, of the printed bill, strike out the word "to", and insert in lieu thereof the word "may".

## AMENDMENT NUMBER TEN.

On page 5, line 20, of the printed bill, strike out the word "all", and insert in lieu thereof the word "the".

## AMENDMENT NUMBER ELEVEN.

On page 5, line 23, of the printed bill, strike out line 23, and insert in lieu thereof the following: "or guardians of said pupils, or from the".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 494, with instructions to amend, respectfully reports the same back, amended as per instructions.

PEDROTTI, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print.

Assembly Bill No. 1118—An act making an appropriation for repairs, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 1118 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the period and insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 6 to 10, inclusive, and insert in lieu thereof the following:

"SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Because of the obsolete and worn out condition of the elevators in the state capitol it is necessary that they be immediately replaced with new elevators. Without such replacement the safety of the public will be seriously imperiled."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1118, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 1076 to Senator Boggs, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the period and insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 9 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Certain items of minor construction, improvements and equipment must be immediately provided at the Norwalk state hospital to properly house inmates at said institution. Without such proper housing the health and safety of these inmates will be seriously imperiled."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1076, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOGGS, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

Assembly Bill No. 945—An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Assembly Bill No. 945 to Senator Inman, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the period and insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 8 to 11, inclusive, and insert in lieu thereof the following:

"SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The water supply at the Preston School of Industry for domestic uses, and the development of electrical power is rapidly becoming inadequate to supply the needs of the Preston school of industry and immediate steps must be taken to provide additional water resources. Unless such additional water supply is immediately developed the health and safety of the inmates will be seriously imperiled."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 945, with instructions to amend, respectfully reports the same back, amended as per instructions.

INMAN, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

Assembly Bill No. 1022—An act to amend section 2322.26 of chapter 46 of part III, title V of the Political Code of the State of California.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cleveland moved to refer Assembly Bill No. 1022 to Senator Garrison, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, strike out the word "four", and insert in lieu thereof the word "one".

## AMENDMENT NUMBER TWO.

On page 1, line 23, of the printed bill, after said line, add the following paragraph: "(e) The salaries herein provided for shall be in full for all services and the commissioner, his deputies and inspectors, shall furnish their own transportation."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1022, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

## REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented: By Senator Cassidy:

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as section 580a, relative to the place for the commencement and trial of actions.

Request referred to Committee on Rules.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Cassidy to introduce a bill entitled—An act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as section 580a, relative to the place for the commencement and trial of actions—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Cassidy: Senate Bill No. 882—An act amending the Code of Civil Procedure of the State of California, by adding a new section

thereto, to be known as section 580a, relative to the place for the commencement and trial of actions.

Bill read first time, and referred to Committee on Judiciary.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Nelson, the President pro tempore declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read :

##### ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—8; committee vote: Ayes—5; absent—3.

CLEVELAND, Chairman.

Senate Bill No. 290 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 252—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article 11k, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs;

Also: Assembly Bill No. 1128—An act to provide for the organization and government of community or memorial hall districts and to provide for the acquisition or construction and maintenance of community or memorial halls for the use of the inhabitants of the district for recreational, educational and related activities: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—8; committee vote: Ayes—5; absent—3.

CLEVELAND, Chairman.

Assembly Bills Nos. 252 and 1128 ordered on file for second reading.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 3, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary and secondary schools of the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—13.

(Signed out)

SLATER, Chairman.

MCCORMACK.

YOUNG.

TUBBS.

HANDY.

GRAY.

ROCHESTER.

Assembly Bill No. 1112 ordered on file for second reading.

##### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 248—An act to provide for the alteration of the boundaries

of and for the annexation of incorporated and/or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

LYON, Chairman.  
CHRISTIAN.  
McKINLEY.  
YOUNG.  
GRAY.  
FELLOM.  
ROCHESTER.

Senate Bill No. 248 ordered on file for second reading.

ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation;

Also: Senate Concurrent Resolution No. 28—Relative to continuing the legislative investigation as to the advisability of establishing a State prison in one of the southern counties of the State of California;

Also: Senate Bill No. 881—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments;

Also: Senate Bill No. 878—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fifth Appellate District, relividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor;

Also: Senate Bill No. 639—An act to provide for the purchase of school supplies for school districts by superintendents of schools of counties;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 27—Providing for the appointment of a committee to investigate the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways;

Also: Assembly Concurrent Resolution No. 41—Providing for the creation of a joint committee of the Senate and Assembly to study Joint Highway District Laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work;

Also: Assembly Joint Resolution No. 11—Relative to restricted immigration.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 27 and 41 read, and referred to Committee on Roads and Highways.

Assembly Joint Resolution No. 11 read, and referred to Committee on Federal Relations.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, May 4, 1929.

To the Senate of the State of California.

Senate Bill No. 172 is herewith returned without my approval.

This bill amends the so-called Pay Check Law in certain particulars. Through inadvertence an expressed proviso, now found in the law, was omitted. The proviso



exempts counties, cities and counties, municipal corporations, quasi municipal corporations and school districts from the law. The chief of the Division of Labor Statistics and Law Enforcement, at whose suggestion the bill was introduced, has advised me that this omission was unintentional. The author of the bill is of the same view.

Accordingly, a new bill has been prepared, identical with the present one, but preserving the proviso which is necessary to school districts and other public agencies. For these reasons, and with the concurrence of the interested parties, I am returning the bill without approval.

Respectfully submitted,

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 172 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Handy, Jones, Ray, Mahoney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Wagy, Weller, and West—21.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, May 4, 1929.

*To the Senate of the State of California.*

Senate Bill No. 743 is returned herewith without my approval.

This bill, which provides for a grant of tidelands to the city of Martinez, was unobjectionable as originally introduced. However, an amendment was incorporated giving to each adjoining upland owner of a 1000 foot frontage or less the right to cross to tide waters over a right of way 100 feet in width, to be selected by each such owner within two years. I am advised by the Attorney General's office and the Legislative Counsel that such a provision, in their opinion, is unconstitutional. If so, the bill should obviously not become a law.

Even should the constitutionality of the provision be upheld, it lays down a policy with which I can not concur. Upland owners have a constitutional right of reasonable access to tide waters whether the lands remain in the State or be granted to a political subdivision. No need arises to give them these novel and definite rights of way because administration of the tidelands is vested in a political subdivision. Indeed, on the face of the bill, the entire tideland frontage might become such that the great percentage would be dedicated to rights of way and but a small percentage to harbor and industrial development.

Senator Sharkey, who introduced the bill upon request, agrees with these views, and states that it is possible that another bill will be introduced without the provision to which I have above referred. The draftsman of the bill admits that, in its present form, it is of doubtful benefit. Accordingly, I am unable to give my approval to the bill.

Respectfully submitted,

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 743 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Breed, Carter, Christian, Cleveland, Cobb, Edwards, Evans, Handy, Jones, Ray, Mahoney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Wagy, Weller, and West—21.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State Teachers College.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Murphy moved to refer Assembly Bill No. 436 to Senator Handy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the period, and insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 9 to 12, inclusive, and insert in lieu thereof the following:

"Sec. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The retaining walls on the property of the San Francisco State Teachers College are rapidly disintegrating and becoming a public menace and must be immediately repaired to protect injury to the public. Without such proper repairs the safety of the public will be seriously imperiled."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 436, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Murphy adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 661—An act to create an additional division of the District Court of Appeal in and for the second appellate district, providing for the maintenance, operation and employees of said court, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Wagy, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469—An act to amend sections 1, 2 and 3 of an act entitled "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney,

McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Slater, Tubbs, Wagy, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RE-REFERENCE OF ASSEMBLY BILLS.

Senator Inman moved that Assembly Bill No. 525 be withdrawn from the third reading file, and re-referred to the Committee on Judiciary.

Motion carried, and such was the order.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED FOURTEEN.

##### AMENDMENT NUMBER ONE.

In line 7 of the title of the printed bill, strike out the words "and provided," the remainder of said line, all of line 8 and the words "of any such map" in line 9.

##### AMENDMENT NUMBER TWO.

In line 11 of the title of the printed bill, after the word "to", insert the words "any map other than".

##### AMENDMENT NUMBER THREE.

On page 1, line 14, of the printed bill, strike out the word "filing", and insert the word "recording".

##### AMENDMENT NUMBER FOUR.

On page 2, line 12, of the printed bill, after the word "thereof", strike out the comma and insert a period. Strike out the remainder of said line and all of line 13.

##### AMENDMENT NUMBER FIVE.

On page 2, line 43, of the printed bill, after the word "recorder", insert the words "of the county".

##### AMENDMENT NUMBER SIX.

On page 3, line 21, of the printed bill, strike out the words "or must cause to be recorded", and insert the words "or until he shall have recorded".

##### AMENDMENT NUMBER SEVEN.

On page 3, line 28, of the printed bill, strike out the period where it appears after the word "bounds", and insert the words "description only." Then insert the word "otherwise", strike out the capital "I" in the word "It", and insert in lieu thereof a small "i".

##### AMENDMENT NUMBER EIGHT.

On page 3, line 29, of the printed bill, strike out the words "any lot or", and in line 30 strike out the words "parcel of land", and insert in lieu thereof the words "subdivision or any part thereof".

##### AMENDMENT NUMBER NINE.

On page 3, line 33, of the printed bill, insert a comma after the word "act", and then strike out the remainder of said line, all of line 34 and the word "recorded" in line 35.

##### AMENDMENT NUMBER TEN.

On page 3, line 38, of the printed bill, strike out the word "act", and insert in lieu thereof the word "sale".



## AMENDMENT NUMBER ELEVEN.

On page 3, line 38, of the printed bill, strike out the word and figure "section 3", and insert in lieu thereof the words and figures "sections 2 and 3".

## AMENDMENT NUMBER TWELVE.

On page 4, line 4, of the printed bill, strike out the word "such", and insert the word "subdivision".

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 33, of the printed bill, strike out the words "if within a city".

## AMENDMENT NUMBER FOURTEEN.

On page 4, line 35, of the printed bill, after the comma, insert the words "or the city engineer".

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 36, of the printed bill, strike out the words "and the city", and on page 4, line 37, of the printed bill, strike out the words "engineer, if within a city,".

## AMENDMENT NUMBER SIXTEEN.

On page 4, line 45, of the printed bill, strike out the words "if within a city".

## AMENDMENT NUMBER SEVENTEEN.

On page 4, line 50, of the printed bill, after the word "thereof", insert a comma.

## AMENDMENT NUMBER EIGHTEEN.

On page 4, line 51, of the printed bill, after the word "respectively", insert a comma.

## AMENDMENT NUMBER NINETEEN.

On page 4, line 52, of the printed bill, after the word "herein", insert a comma.

## AMENDMENT NUMBER TWENTY.

On page 5, line 12, of the printed bill, after the word "taken", insert the words "by said commission, officer or body charged with the duty of approving such tentative maps".

## AMENDMENT NUMBER TWENTY-ONE.

On page 5, line 18, of the printed bill, strike out the words "The foregoing provisions", all of said line, all of lines 19 to 25, inclusive, and insert in lieu thereof the following: "Nothing contained herein shall prevent the governing body from requiring by its subdivision regulations that the tentative map shall be submitted to the city engineer, or county surveyor, or legislative body in addition to being submitted to the planning commission, provided that the total time elapsing between the submission of said map to the planning commission, city engineer, county surveyor or legislative body, unless such time is extended by agreement with the subdivider, or his agent, shall not exceed thirty days".

## AMENDMENT NUMBER TWENTY-TWO.

On page 6, line 13, of the printed bill, strike out the words "a two-thirds", the remainder of said line, and the suffix "ing" in line 14, and insert in lieu thereof "a majority vote of its members".

## AMENDMENT NUMBER TWENTY-THREE.

On page 6, line 17, of the printed bill, after the word "copies", insert the words "of said".

## AMENDMENT NUMBER TWENTY-FOUR.

On page 7, line 3, of the printed bill, after the word "prepared", strike out the period and insert a comma and then insert the words "failure to prepare such final subdivision map within one year, unless by mutual agreement between the planning commission, officer or body charged with approving such map and the subdivider, extending the time of filing, shall automatically terminate all proceedings and the subdivider shall be required to submit a tentative map and recommencement proceedings".

## AMENDMENT NUMBER TWENTY-FIVE.

On page 7, line 31, of the printed bill, strike out the comma where it appears after the word "act", and insert a period. Thereafter strike out the remainder of said line and all of lines 32, 33, 34 and 35.

## AMENDMENT NUMBER TWENTY-SIX.

On page 8, line 16, of the printed bill, apparently the printer has made an error in striking out this line. Said line should remain exactly as it is found in the original bill.

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 8, line 18, of the printed bill, strike out the word "himself", and insert the word "itself".

## AMENDMENT NUMBER TWENTY-EIGHT.

On page 9, line 30, of the printed bill, insert the words "title to property so dedicated shall not pass until the map is recorded in the office of the county recorder".

## AMENDMENT NUMBER TWENTY-NINE.

On page 11, line 14, of the printed bill, after the word "initiative", insert a comma.

## AMENDMENT NUMBER THIRTY.

On page 11, line 36, of the printed bill, place a comma after the word "initiative", and then strike out the words "in absence thereof,".

## AMENDMENT NUMBER THIRTY-ONE.

On page 11, line 43, of the printed bill, strike out the word "regulation", and insert in lieu thereof the word "regulations".

## AMENDMENT NUMBER THIRTY-TWO.

On page 11, line 47, of the printed bill, strike out the word "Such", all the remainder of said line, and all of lines 48 and 49.

## AMENDMENT NUMBER THIRTY-THREE.

On page 12, line 25, of the printed bill, strike out the word "each", and insert in lieu thereof the word "which".

## AMENDMENT NUMBER THIRTY-FOUR.

On page 13, line 8, of the printed bill, strike out the word "sizes", and insert the word "dimensions".

## AMENDMENT NUMBER THIRTY-FIVE.

On page 13, line 37, of the printed bill, strike out the words "Such regulations" and the remainder of said line and lines 38 to 42, inclusive, and insert in lieu thereof the following: "Nothing contained herein shall prevent the governing body from requiring by its subdivision regulations that the tentative map shall be submitted to the city engineer, or county surveyor, in addition to the city planning commission, provided that the total time elapsing between the submission of said map and its return to the planning commission of the county shall not exceed fifteen days."

## AMENDMENT NUMBER THIRTY-SIX.

On page 14, line 3, of the printed bill, strike out the period, and insert in lieu thereof a semicolon, and then insert the words "*provided, however,* that the provisions of this paragraph shall be subject to the right of the city, city and county, or county, to require the dedication of streets by local regulations as provided in subsection (j) of section 30 hereof".

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 15, line 23, of the printed bill, strike out this entire line; then strike out lines 24 to 40, inclusive.

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 15, line 41, of the printed bill, strike out the figures "36", and insert the figures "35".

## AMENDMENT NUMBER THIRTY-NINE.

On page 15, line 49, of the printed bill, strike out the words "in the", and in line 50 of the printed bill strike out the words "absence of actual fraud".

## AMENDMENT NUMBER FORTY.

On page 16, line 1, strike out the figures "37", and insert in lieu thereof the figures "36".

## AMENDMENT NUMBER FORTY-ONE.

On page 16, line 15, of the printed bill, strike out the figures "38", and insert the figures "37".

## AMENDMENT NUMBER FORTY-TWO.

On page 16, line 27, of the printed bill, strike out the figures "39", and insert the figures "38".

## AMENDMENT NUMBER FORTY-THREE.

On page 16, line 46, of the printed bill, strike out the figures "40", and insert the figures "39".

## AMENDMENT NUMBER FORTY-FOUR.

On page 17, line 1, of the printed bill, strike out the figures "41", and insert in lieu thereof the figures "40".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 614?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 614 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Luman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, and West—31.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED FIFTEEN.

##### AMENDMENT NUMBER ONE.

On page 7, line 16, of the printed bill, strike out the words "and or", and insert in lieu thereof the word "or".

##### AMENDMENT NUMBER TWO.

On page 11, line 5, of the printed bill, after the word "record", in said line, insert the following: "with the county recorder of the county in which said street is located".

##### AMENDMENT NUMBER THREE.

On page 13, line 39, of the printed bill, strike out the word "one", in said line, and insert in lieu thereof the word "five".

##### AMENDMENT NUMBER FOUR.

On page 17, line 25, of the printed bill, following the period in said line 25, insert the following: "The petition must be verified by affidavit of at least one of the petitioners, and the text thereof must be published once a week for at least two weeks preceding the hearing thereupon in some newspaper of general circulation published in the proposed district, together with the notice stating the time and place when and where said petition will be considered by the board of supervisors having jurisdiction thereover, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear the petition and may modify the boundaries of the proposed district as set forth in said petition to exclude therefrom any voting precinct, the lands in which, in their judgment, would not be benefited by the formation of such district."

##### AMENDMENT NUMBER FIVE.

On page 17, line 33, of the printed bill, after the words "shall be", insert the word "as".

##### AMENDMENT NUMBER SIX.

On page 17, line 39, of the printed bill, after the words "newspaper or", strike out the word "newspaper", and insert in lieu thereof the word "newspapers".

##### AMENDMENT NUMBER SEVEN.

On page 18, line 10, of the printed bill, after the words "following the", in said line, insert the word "first".



## AMENDMENT NUMBER EIGHT.

On page 18, line 13, of the printed bill, after the words "following the", in said line, insert the word "first".

## AMENDMENT NUMBER NINE.

On page 19, line 21, of the printed bill, strike out lines 21 to 24, inclusive.

## AMENDMENT NUMBER TEN.

On page 19, line 35, of the printed bill, strike out lines 35 and 36, and insert in lieu thereof the following: "them over to the county treasurer of the county in which said regional planning district is situate or to the treasurer of the county embracing the larger part of the district."

## AMENDMENT NUMBER ELEVEN.

On page 20, line 24, of the printed bill, strike out lines 24 to 32, inclusive, and insert in lieu thereof the word "ways."

## AMENDMENT NUMBER TWELVE.

On page 20, line 26, of the printed bill, strike out said line 26, and insert in lieu thereof the following: "divisions of land of one acre or less in area for the purpose".

## AMENDMENT NUMBER THIRTEEN.

On page 8, line 1, of the printed bill, strike out the word "rules" in both places where it appears in said line, and in each place insert in lieu thereof the word "regulations".

## AMENDMENT NUMBER FOURTEEN.

On page 8, line 7, of the printed bill, after the word "street," insert the following words, "or lay or authorize sewers or connections to be laid in any street or right of way".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 615?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 615 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, West, and Young—31.

Senate Bill No. 639—An act to provide for the purchase of school supplies for school districts by superintendents of schools of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 639 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1004—An act to add a new section to the Political Code to be numbered 2524b, relating to the property over which the Board of State Harbor Commissioners have possession and control and relating to the powers of said board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1004 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Slater, Tubbs, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 234—An act to amend section 357½ of the Penal Code, relating to altering or defacing marks or brands on domestic animals and turkeys.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, and Weller—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236—An act to provide for the adoption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 236 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Rochester, Sharkey, Slater, Tubbs, Wagdy, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 691—An act to amend section 2192 of the Political Code, relating to payment of expenses of feeble-minded persons to State hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 691 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagdy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 692—An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific Colony Act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 692 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY JOINT RESOLUTION No. 10.

Relative to memorializing Congress to increase the pension of Eda B. Funston, widow of Major General Frederick Funston.

WHEREAS, The late Frederick Funston as Colonel, as Brigadier General, and as Major General, in the Army of the United States, served his nation with distinction in time of war; and,

WHEREAS, The said Frederick Funston as commanding officer of the Presidio of San Francisco, in April of 1906, rendered signal service to San Francisco in time of hazard and danger; and,

WHEREAS, The late Frederick Funston, having devoted his lifetime to the service of others, accumulated no worldly wealth and his widow, Eda B. Funston, with three minor children, since his death in 1917 has been the recipient of a pension from the government of the United States of \$100 monthly; and,

WHEREAS, It has been brought to the attention of the Legislature of the State of California that this pension has never been increased; now, therefore, be it,

Resolved, That the Legislature of the State of California memorialize the Congress of the United States to take such action as may be legally necessary to increase the said pension of Eda B. Funston, in order that the declining years of the widow of this gallant soldier may be spent in comfort and security comparable in some degree to the security which Frederick Funston devoted his life to securing for others.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wag, Weller, and Young—30.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 10 ordered transmitted to the Assembly.

Assembly Bill No. 284—An act prohibiting the catching of any invertebrate or specimen of marine plant life within a certain described



portion of Fish and Game District No. 19, other than by officers, employees, and students of the University of California, for scientific purposes, making every violation of certain provisions of this act a misdemeanor, providing for the punishment thereof and providing for the disposition of fines imposed or collected on account of said violation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Hendry, Inman, Jones, Ray, Ryan, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Peltz, Sherr, Tamm, Wag, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to annex unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Sharkey moved to refer Assembly Bill No. 1063 to Senator Maloney, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

In line 9 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "and to the jurisdiction of justices of the peace within the townships within which such police districts are situated."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1063, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print.

Assembly Bill No. 337—An act to amend section 637½ of the Penal Code, relating to protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 337 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray,

Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303—An act to amend section 626m of the Penal Code, relating to fishing at night.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1079 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—31.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks and the weight thereof be included as a part of the net weight of grain sold or purchased, providing for the payment of sacks as a part of the purchase price of grain sold or purchased, making it the duty of the Department of Agriculture of the State of California to enforce the provisions thereof and providing a penalty for a violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 97 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432—An act to add a new section, to be numbered 7a, to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein, and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 432 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 806—An act to amend section 4149a of the Political Code, relating to the duties of the live stock inspector.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 806 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1090—An act to amend sections 17 and 18 of an act entitled "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, relating to the packing and sale of avocados and berries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1090 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111—An act relating to the regulation and licensing of dealers in live market poultry and providing penalties for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 111 passed by the following vote:

AYES—Senators Allen, Baker, Beggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Daniel, Edwards, Evans, Feltom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR MURPHY IN THE CHAIR.

At three o'clock and ten minutes p.m., Senator Murphy of the Twenty-fourth District was called to the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bills Nos. 700, 701, 702 and 538, heretofore set as a special order for three o'clock p.m., the same were taken up for consideration.

Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to

acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor, also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act, also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose, also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act, also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated, and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom, also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings, also providing that revenue bonds issued under this act shall be legal investments for trust and other funds and may be used as security for the deposit of public moneys; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act, also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Board of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act, also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Senate Bill No. 700, as amended April 30, 1929, to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 11, line 46, of the printed bill, as amended, strike out lines 46 to 52, inclusive, and on page 12, strike out lines 1 to 12, inclusive.

## AMENDMENT NUMBER TWO.

On page 12, line 13, of the printed bill, as amended, strike out the figures "17", and insert in lieu thereof the figures "16".

## AMENDMENT NUMBER THREE.

On page 12, line 21, of the printed bill, as amended, strike out the figures "18", and insert in lieu thereof the figures "17".

## AMENDMENT NUMBER FOUR.

On page 12, line 45, of the printed bill, as amended, strike out the figures "19", and insert in lieu thereof the figures "18".

## AMENDMENT NUMBER FIVE.

On page 12, line 51, of the printed bill, as amended, strike out the figures "20", and insert in lieu thereof the figures "19".

## AMENDMENT NUMBER SIX.

On page 13, line 16, of the printed bill, as amended, strike out the figures "21", and insert in lieu thereof the figures "20".

## AMENDMENT NUMBER SEVEN.

On page 13, line 29, of the printed bill, as amended, strike out the figures "22", and insert in lieu thereof the figures "21".

## AMENDMENT NUMBER EIGHT.

On page 13, line 33, of the printed bill, as amended, strike out the figures "23", and insert in lieu thereof the figures "22".

## AMENDMENT NUMBER NINE.

On page 13, line 43, of the printed bill, as amended, strike out the figures "24", and insert in lieu thereof the figures "23".

## AMENDMENT NUMBER TEN.

On page 13, line 51, of the printed bill, as amended, strike out the figures "25", and insert in lieu thereof the figures "24".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 700, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Senate Bill No. 700 to Senator McCormack, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 7, line 30, of the printed bill, strike out the period in said line 30, and insert in lieu thereof a semicolon and the following: "provided, however, that where the department of public works acquires any toll bridge or the real or personal property used for such toll bridge that said property and toll bridge shall continue to be subject to taxation by the county, city and county, or municipal corporation wherein the same is located for the period that the original franchise for the construction of said toll bridge extended."

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 700, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCORMACK, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lyon moved to refer Senate Bill No. 700, as amended April 30, 1929, to Senator McKinley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 8, line 41, of the printed bill, strike out all of lines 41 to 52, inclusive, and on page 9, strike out all of lines 1 to 52, inclusive, and on page 10, strike out all of lines 1 to 3, inclusive.

The question being on Senator Lyon's motion to refer Senate Bill No. 700 to Special Committee of One for amendment.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Lyon, Fellom and Tubbs.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Cleveland, Duval, Edwards, Evans, Gray, Lyon, McKinley, Merriam, and Pedrotti—10.

NOES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—22.

Bill ordered to print, and re-engrossment.

## MOTION BY SENATOR CARTER.

Senator Carter moved that the Secretary of the Senate be instructed to request the Assembly to return Senate Bill No. 639 for completion of action.

Motion carried.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 149—An act to amend section 737*a* of the Political Code, relating to the salary of the judge of the superior court of San Benito County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 149 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69—An act to amend section 694 of the Code of Civil Procedure, relating to the conduct of sales of property on execution or under power contained in any trust deed hereafter executed, and designating the county wherein such sales must be held.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 passed by the following vote:

**AYES**—Senators Allen, Christian, Carter, Cassady, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Lyon, McHenry, McQuinn, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Weller, and Young—25.  
**NOTES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 501—An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to the levy of taxes for public cemetery districts and fixing the maximum tax which may be levied therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 passed by the following vote:

**AYES**—Senators Allen, Reed, Christian, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, McHenry, McQuinn, Morrison, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Weller, and Young—29.  
**NOTES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 550—An act to add two new sections, to be numbered 13 and 14, to an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to withdrawal and annexation of territory in public cemetery districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 550 passed by the following vote:

**AYES**—Senators Allen, Boggs, Reed, Cassady, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, McHenry, McKinnis, Morrison, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Weller, and Young—30.  
**NOTES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 737—An act to amend section 13 of the Juvenile Court Law approved June 5, 1915 (Statutes 1915, page 1225), relating to transfers of cases from one county to another.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 737 passed by the following vote:

**AYES**—Senators Allen, Boggs, Reed, Cassady, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Lyon, McHenry, McKinnis, Morrison, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—31.  
**NOTES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 747—An act to amend section 86 of the Code of Civil Procedure, relating to the justices' clerks and their appointees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Follom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tabbs, Waggy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1033—An act to add a new section to the Penal Code to be numbered 1618, relating to county and city jails and medical care of persons therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1033 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weller, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1095—An act to cure defects in maps or plats filed for record prior to March 1, 1929, and in deeds or conveyances referring to such maps.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1095 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Swing, Tabbs, Waggy, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Canepa:

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof:



providing that the State Board of Dietetic Examiners shall become a part of professional and vocational standards, should such a department be established, and in that event defining the powers and duties of that department under this act.

### Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Canepa to introduce a bill entitled—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of professional and vocational standards, should such a department be established, and in that event defining the powers and duties of that department under this act—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted. Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Breed, Canepa, Carter, Christian, Cleveland Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Murphy, Shackey, Slater, Swing, Tabbs, Wagy, and Young—26.

The Secretary announced the absentees.

Time, four o'clock and twenty-eight minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 395—An act to add a new article to chapter 3 of title 1 of part III of the Political Code, to be numbered article X16, embracing sections 378 to 378f, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor;

Also: Assembly Bill No. 741—An act to amend section 363a of the Political Code, relating to the Department of Public Works;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

(Signed out)

MULLER, Chairman.  
MALONEY.  
MCKINLEY.  
NELSON.  
BREED.  
GARRISON.  
TUBBS.  
WELLER.

Assembly Bills Nos. 395 and 741 ordered re-referred to Committee on Finance.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamaulipas Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires, and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor," approved May 24, 1917, as amended, relating to the boundaries of the Tamaulipas Forest Fire District and declaring the same an urgency measure, necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7.

(Signed out)

EVANS, Chairman.  
ALLEN.  
CORB.  
GARRISON.  
McCORMACK.  
MERRIAM.  
WAGY.

Assembly Bill No. 281 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

Assembly Bill No. 882 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 12—Requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—5; committee vote: Ayes—4; noes—1.

EDWARDS, Chairman.

Senate Joint Resolution No. 12 ordered on file.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof;

Also: Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations;

Also: Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace;

Also: Senate Bill No. 727—An act to amend section 103½ of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same;

Also: Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3.

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 862—An act authorizing municipal corporations to acquire, improve and donate real property to the State of California; providing for the use of such property and empowering the Director of Finance to receive in the name of the State of California gifts or donations of such improved real property subject to certain conditions and restrictions—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts—and reports that the same has been correctly engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 878—An act creating an additional district court of appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 878 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and thirty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Breed.

The Secretary was directed to call the roll.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman,



Jones, Ray; Lyon, Maloney, McCormack, McKimby, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, and Young—33.  
 NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
 By Senator Edwards:

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:  
 An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain terms and conditions.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Edwards to introduce a bill entitled—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain terms and conditions—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.  
 Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Beall, Canipe, Carter, Cassady, Christian, Cleveland, Cobb, Cowley, Duval, Edwards, Evans, Fallon, Garrison, Gray, Hardy, Johnson, Jones, Ray, Maloney, McCormack, McKimby, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagz, Weller, and Young—31.

NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
 By Senator Duval:

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith", approved May 20, 1921.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Duval to introduce a bill entitled—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons, by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the

same in a mausoleum or columbarium and repealing all acts in conflict therewith." approved May 20, 1921—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:  
By Senator Slater:

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Slater to introduce a bill entitled—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following bills were introduced:

By Senator Canepa: Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietitians and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 47—An act to amend section 628 of the Penal Code, relating to the protection of fish and game.

Also: Assembly Bill No. 258—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence upon the part of State officers, agents and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law, political subdivisions of the State and State agencies, and authorizing the issuance of a writ of mandamus to enforce such liability.

Also: Assembly Bill No. 268—An act to amend section 1312 of the Political Code, relating to the membership by certain county officers of various county boards and in certain other cities and the duties of such officers and of the boards of supervisors in connection therewith.

Also: Assembly Bill No. 373—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of said city.

Also: Assembly Bill No. 394—An act to add a new section to be numbered 5b to an act entitled "An act to regulate the sale and use of persons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to sale of persons.

Also: Assembly Bill No. 841—An act relating to the powers and duties of the governing boards of school districts.

Also: Assembly Bill No. 1154—An act providing for the membership of public schools in organizations for the promotion and advancement of public education, and for the listing of such organizations by the State Board of Education.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Assembly Bill No. 60 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 258 read first time, and referred to Committee on Insurance.

Assembly Bill No. 268 read first time, and referred to Committee on County Government.

Assembly Bill No. 373 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 394 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 841 and 1154 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 973—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, by adding certain new sections thereto to be numbered 27, 28, 29, and 30, providing for the organization and reorganization of districts to be formed thereunder.

Also: Assembly Bill No. 986—An act providing for the allowance of traveling expenses of members of the State Curriculum Commission.

Also: Assembly Bill No. 1050—An act providing for the dedication of real property for street or highway purposes by governing boards of school districts.

Also: Assembly Bill No. 1138—An act to add new sections to chapter 2 of title 114 of part 1 of the Code of Civil Procedure, to be numbered 261, 261½, relating to superior courts in and for counties and cities and counties having a population of 300,000 or more; providing for the appointment and compensation of court commissioners, stenographers and other attorneys of such court.

Also: Assembly Bill No. 1159—An act to amend section 3336 of the Civil Code, relating to damages for the wrongful conversion of personal property.

Also: Assembly Bill No. 1167—An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.



Assembly Bill No. 973 read first time, and referred to Committee on County Government.

Assembly Bill No. 986 read first time, and referred to Committee on Finance.

Assembly Bill No. 1050 read first time, and referred to Committee on Education.

Assembly Bills Nos. 1138 and 1159 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1167 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 31 Relating to an investigation of the ways and means of the construction of a tube and approaches between San Pedro and Wilmington.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Concurrent Resolution No. 31 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the Division of Exhibits within the Department of Finance—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 397 ordered to unfinished business.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 346—An act to add a new section to the Civil Code, to be numbered 696, providing for the filing of a health certificate before marriage licenses are issued, and making the issuance of false certificates a felony—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—7.

CROWLEY, Chairman.

Assembly Bill No. 346 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 197—An act to provide for the extermination of rats by mosquito abatement districts:

Also: Senate Bill No. 227—An act to amend section 7 of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, relating to mosquito abatement districts;

Also: Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of Professional and Vocational Standards, should such a

department be established, and in that event defining the powers and duties of that department under this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.

Assembly Bills Nos. 197 and 227 ordered on file for second reading.  
Senate Bill No. 883 ordered on file for second reading.

#### ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1097—An act making an appropriation to be used by the Department of Agriculture to carry out the provisions of an act entitled "An act to create a Cattle Protection Board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and that it be re-referred to the Committee on Finance.

Committee membership—13; committee vote: Ayes—9, absent—4.

BOGGS, Chairman.

Assembly Bill No. 1097 ordered re-referred to Committee on Finance.

#### SECOND READING OF SENATE BILL NUMBER EIGHT HUNDRED EIGHTY-THREE.

Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificates of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of Professional and Vocational Standards, should such a department be established and in that event defining the powers and duties of that department under this act.

Bill read second time, ordered engrossed, and on file for third reading.

#### CALL OF THE SENATE.

Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Wagy, and Young—20.

The Secretary announced the absentees.

Time, nine o'clock and thirty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

PROCEEDINGS UNDER CALL OF THE SENATE.  
CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1117—An act to amend section 84 of the Civil Code relating to children of annulled marriages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1117 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 633—An act to amend section 925 of the Penal Code, relative to the grand jury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 633 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1045—An act to amend section 647 of the Penal Code, relating to vagrancy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1045 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Maloney, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1081—An act to amend section 111 of the Penal Code, relating to the expense of trials for escape.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1081 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon,



Merriam, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Wagy, Weller, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 184—An act to amend section 361*c* of the Political Code and to add a new section to said code, to be numbered 361*b*, relating to the Department of Agriculture and the Division of Land Settlement thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132—An act to amend section 653*c* of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An act to add a new section to the Civil Code, to be numbered 2016, defining the liability of the master to his servant when requiring such servant to wear a uniform or special dress in performing the duties of the employment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66—An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 66 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2—An act to amend the Political Code by adding thereto a new section to be numbered 4041m, empowering boards of supervisors of the counties of the State to lease all lands whether dedicated to a public use or not, and under the jurisdiction of the county, for the drilling of oil and gas, and the extraction of other minerals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 533—An act to provide for the payment of actual and necessary traveling expenses of employees of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 533 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 554—An act relating to the exemption of certain children from the requirements of attendance upon a public full time day school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 554 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Jones, Ray; Lyon, Maloney, McCormack,

Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 312—An act relating to elections of trustees in union or joint union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 312 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATOR LYON IN THE CHAIR.

At ten o'clock and five minutes p.m., Senator Lyon of the Thirty-fourth District was called to the chair.

Assembly Bill No. 138—An act relating to the suspension or expulsion of pupils from the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—Senators Jones, Ray; Nelson, and Tubbs—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169—An act to amend section 18b of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909 (Statutes 1909, page 551), as amended, relating to annexation of districts by cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 169 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 172—An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 172 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 630—An act to carry into effect the provisions of subdivisions 6 and 7 of section 8½ of article XI of the constitution of the State of California; and also to provide for the alteration of the boundaries of, for the annexation of territory located in the county of San Mateo to the city and county of San Francisco, for the incorporation of such annexed territory in and as a part of said city and county and for the government of such annexed territory as an integral part of such city and county of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 344—An act to amend section 832 of the Civil Code, relating to excavations, lateral and adjacent support, and establishing standard depth for foundations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 344 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, and West—27.

NOES—Senator Edwards—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 640—An act to amend section 308 of the Civil Code of the State of California, concerning the organization of boards of directors of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 640 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

AMENDMENT TO TITLE.

The following amendment to the title of Assembly Bill No. 640 was offered and its adoption moved by Senator McKinley.

AMENDMENT NUMBER ONE.

Strike out the period and add the following: "and meetings thereof."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 632—An act to add a new section to the Political Code, relating to the Department of Agriculture.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 632 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 897—An act to amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the Director of the Department of Agriculture in relation hereto, including the collection of fees, creating a Board of Appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof," approved May 23, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 897 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 873—An act to amend an act entitled "An act to provide for the registration of brands and earmarks, the licensing

and regulating of cattle slaughterers and sellers of meat; prescribing duties of the Department of Agriculture in relation thereto, and penalties for the violation hereof."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 873 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135—An act to add a new section to the Civil Code, to be numbered 1851a, limiting the liability of keepers of furnished apartment houses and furnished bungalow courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 689—An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1917 (Statutes 1927, p. 149), relating to payment of expenses of persons committed to State Narcotic Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 689 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly



Assembly Bill No. 591—An act to add a new section to the Code of Civil Procedure, to be numbered 1822c, relating to the sale of property of missing persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 591 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 105—An act to amend section 384 of the Penal Code relating to fires.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 105 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 253—An act to provide for the maintenance and establishment of a school for the education and training of pupils from the various counties in the State in the science and practice of navigation, seamanship, steam and electrical engineering.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 253 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386—An act to add a new section, to be numbered 3, to an act entitled "An act to amend section 1 and section 2 of an act entitled 'An act requiring the payment into the State treasury of all moneys, belonging to the State, received by the various State institutions, commissioners and officers and directing the disposition of the same,' approved March 17, 1899, as amended, relating to the payment of State money into the treasury and abolishing certain special funds, as amended," approved May 19, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An act making an appropriation to pay the claim of Harry L. Hopper against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188—An act authorizing the Department of Natural Resources to acquire, purchase, and obtain objects of historical interest, to establish and maintain a museum and purchase a site therefor, and making an appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 188 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 161—An act making an appropriation for portraits of all governors whose portraits have not heretofore been made, and directing the State Department of Finance to carry out the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 161 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 360—An act making appropriation to pay the claim of W. J. Brown against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 360 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503—An act appropriating money for premiums at fairs or exhibitions held by the Thirty-second District Agricultural Association during the eighty-first and eighty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 503 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 546—An act making an appropriation to pay the claim of Arthur B. Eddy against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 546 passed by the following vote:

AYES—Senators Boggs, Breed, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Murphy:

SENATE CHAMBER, SACRAMENTO, April 29, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same



to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued for such purposes, by any county or municipal corporation.

### Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request of Senator Murphy to introduce a bill entitled—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES. Senators Baker, Biggs, Breed, Capper, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Garrison, Hardy, Jones, Ray, Lusk, McIntire, McCormack, McKinley, Morrison, Mueller, Myerick, Nelson, Belmont, Rochester, Sharkey, Slater, Spring, Tubbs, Wagy, Warner, West, and Young, 32.

NOES. None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Murphy: Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condem-

nation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation.

Bill read first time, and referred to Committee on Municipal Corporations.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 724—An act to provide for the organization and government of public water districts, in unincorporated territory—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote, Ayes—5, absent—4.

(Signed out)

LYON, Chairman.  
BAKER  
CROWLEY.  
ROCHESTER.  
YOUNG.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 724—An act to provide for the organization and government of public water districts, in unincorporated territory.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the period following the word "territory", in said line, and insert in lieu thereof a comma and the following: "and authorizing the levy of taxes for the maintenance thereof."

Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of line 2, and insert in lieu thereof the following: "twenty-five citizens who are owners of land located outside of the limits of any municipal corporation and within a proposed public".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3 of the printed bill, strike out all of line 36, and insert in lieu thereof the following: "levied, however, shall not exceed four mills on each dollar".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 49, of the printed bill, strike out the word "oftener", and insert in lieu thereof the words "more often".

Bill read second time, ordered to print, engrossment, and on file for third reading.

## NOTICE OF MOTION TO RECONSIDER.

Senator Nelson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1079 was passed.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Sharkey.

## ADJOURNMENT.

At eleven o'clock and two minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until ten o'clock a.m., Tuesday, May 7, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Tuesday, May 7, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—39.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Monday, May 6, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leland Cutler, trustee Stanford University, San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the senior class of Hughson High School, W. W. Gill, teacher; Rev. Edw. L. Allen, and pupils



as follows: Andrew Barnes, Sam Barnes, Holmes Bates, Eudora Bellocchi, Lois Bigelow, Olive Benito, Alice Durkee, Miriam Herr, Vernon Houghton, Dorothy James, Olive Laranjo, Lena Lindbeck, Elizabeth Malmberg, Bernice Michael, Esther Nelson, Charlie Nelson, Arthur Olsson, Lucille Owens, Vendla Quist, Edna Rager, Eula Smith, Carlos Wood, Hazel Wright, Curtis Wyde and Louise Xavier.

On request of Senator Mueller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Helen Thomas of Los Angeles and Mrs. Walter Little.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Laugenour, librarian of Yolo County Library; Miss Dieh, assistant, and Mrs. J. G. Babcock, librarian, of Bakersfield.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ross T. Hickenox and Mrs. Agnes Ferris of El Centro, Mrs. Jeanette Stern of San Francisco and Mrs. Witter Brawley of Imperial Valley.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Assembly Bill No. 1147—An act making an appropriation for printing and binding copies of the report of the State Park Commission made and prepared pursuant to the provisions of chapter 764, Statutes of 1927, and declaring the urgency of the same—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

JONES, RAY, Chairman.

Assembly Bill No. 1147 ordered re-referred to Committee on Finance.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings:

Also: Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bills Nos. 253 and 885 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 882—An act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as section 580a, relative to the place for the commencement and trial of actions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Senate Bill No. 882 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary to which was referred Assembly Bill No. 181—An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court;

Also: Assembly Bill No. 182—An act to repeal section 274b of the Code of Civil Procedure, relating to compensation of official reporters;

Also: Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens;

Also: Assembly Bill No. 559—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted;

Also: Assembly Bill No. 683—An act to amend section 1763 of the Code of Civil Procedure, relating to guardians of insane and other incompetent persons;

Also: Assembly Bill No. 1013—An act to amend section 8 of an act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907 (Statutes 1907, page 310), relating to duty of surveyors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 181, 182, 525, 559, 683 and 1013 ordered on file for second reading.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following amendment was offered:

Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXV thereto, relating to the construction, maintenance and operation of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses, and for the construction of dams and other works on the Santa Ana River for flood control and water conservation, and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$20,000 for the expense of printing, lithographing and selling of said bonds.

Amendment referred to Committee on Constitutional Amendments.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 78—An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 2, line 7, of the printed bill, after the word "thousand", insert the words "six hundred".

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 2, line 30, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "and said salary to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid."

**Amendment adopted.**

## AMENDMENT NUMBER THREE.

On page 2, line 36, of the printed bill, strike out lines 36 to 42, inclusive, and insert in lieu thereof the following: "dred dollars per annum."

**Amendment adopted.**

## AMENDMENT NUMBER FOUR.

On page 3, lines 35 and 36, of the printed bill, strike out the words "regular session", and insert in lieu thereof the following: "session, regular or special."

**Amendment adopted.**

## AMENDMENT NUMBER FIVE.

On page 3, line 35, of the printed bill, the numbers for each line between 35 and 51, inclusive, should be transposed.

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 107—An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 7, line 15, of the printed bill, as amended in Assembly April 24, 1929, strike out the comma immediately following the word "township", and insert in lieu thereof a semicolon.

**Amendment adopted.**

## AMENDMENT NUMBER TWO.

On page 7, line 16, of the printed bill, as amended in Assembly April 24, 1929, strike out all of lines 16 to 18, inclusive, and insert in lieu thereof the following: "provided, that in townships of this class there is hereby allowed to each justice of the peace two clerks, to be appointed by said justice, and to receive the following salaries: one clerk at a salary of two thousand one hundred dollars per annum; one deputy clerk at a salary of one thousand eight hundred dollars per annum. Said salaries shall be".

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 279—An act to add a new section to the Political Code, to be numbered 4257½, relating to office hours of certain county officers in counties of the twenty-eighth class.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, strike out line 13, and insert in lieu thereof the following:

"SECTION 1. Section 2322½ of the Political Code is hereby amended to read as follows:

2322½. In counties of the twenty-eighth class."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 297—An act to amend section 4244 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 5 of the printed bill, as amended in the Assembly March 27, 1929, strike out line 13, and insert in lieu thereof the following: "two hundred dollars per annum. Neither the district attorney nor any of his assistants or deputies receiving compensation amounting to three thousand six hundred dollars a year or more shall engage in the private practice of law, but each shall devote his entire time to the service of the county. Said deputies, stenographers".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 29, of the printed bill, as amended in the Assembly March 27, 1929, strike out "three", and substitute the word "four".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 298—An act to amend section 19c15 of the Juvenile Court Law, relating to compensation of probation officers in counties of the fifteenth class.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended in Assembly March 22, 1929, strike out all of lines 1 to 24, inclusive, and also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 19c15 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19c15. In counties of the fifteenth class, there shall be one chief probation officer whose salary shall be three thousand three hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand four hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand one hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended in the Assembly March 8, 1929, in line 31, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 871—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks

and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof and creating a night court in the city of Los Angeles.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered :

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, strike out the words "amend section 7 and to add a", and insert in lieu thereof "add two".

Amendment adopted.

AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, as amended, strike out the portion of a word "tion" and insert in lieu thereof "tions".

Amendment adopted.

AMENDMENT NUMBER THREE.

In line 2 of the title of the printed bill, as amended, following the numerals "28a", insert "and 25a to".

Amendment adopted.

AMENDMENT NUMBER FOUR.

In lines 12, 13, 14 and 15 of the title of the printed bill, as amended, strike out the words "the number and compensation of judges, clerks and other officers and attaches of the municipal courts", and insert in lieu thereof "powers and duties of marshals of municipal courts".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 1, line 1, of the printed bill, as amended, strike out all of the printed matter down to and including the colon on page 3, line 21, and insert in lieu thereof the following :

"SECTION 1. An act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended by adding thereto a new section to be designated 28a to read as follows :".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 3, line 27, of the printed bill, as amended, strike out the word "two", and insert in lieu thereof the word "one".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 3, line 28, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof "seven".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 3, line 46, of the printed bill, as amended, following the period, add a new section to read as follows :

"SEC. 2. Said act is hereby amended by adding thereto a new section to be designated 25a, to read as follows :

25a. Powers and duties of marshals:

(a) Marshals must attend all municipal courts held within the city within which they are appointed to act whenever so required, and within their counties must

execute, serve and return all writs, processes and notices directed or delivered to them by municipal courts or by other competent authority.

(b) All provisions of Political Code sections 4319, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170 and 4171, except the fourth and sixth subdivisions of section 4157 apply to marshals and govern their powers, duties and liabilities."

#### Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 997.—An act to amend section 19 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method, procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly March 22, 1929, strike out all of lines 1 to 20, inclusive, and insert in lieu thereof the following:

"An act to amend section 19 of the "Juvenile court law," approved June 5, 1915, as amended, relating to the appointment and compensation of female referees in counties of the first and fifteenth class."

#### Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Assembly March 22, 1929, strike out all of lines 1 to 8, inclusive, and also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 19 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19. In counties of the first class and fifteenth class the judge of the juvenile court may appoint referees in juvenile court matters. Said referees shall have the usual power of referees in chancery cases in all such cases submitted to them by the court; shall hear the testimony of witnesses and certify to the judge of the juvenile court their findings upon the case submitted to them, together with their recommendation as to the judgment or order to be made in the case in question.

The court, after notice of the presentation of such findings and recommendation, to the parents of such person, may make the order recommended by the referee, or any other order in the judgment of the court required by the findings of the referee, or may hear additional testimony, or may set aside said findings and hear the case anew.

In appointing a referee for the trial of females, a female referee shall be appointed where possible. Such referee shall serve without compensation save that in counties of the first class having charters, the boards of supervisors shall fix the compensation for at least two such referees; and in counties of the fifteenth class such referee shall receive compensation at the rate of ten dollars per day to be paid out of the county treasury upon an order of court; *provided, however*, that said referee shall not be compensated for more than two days' services rendered in any one calendar month. Where a case has been submitted to a referee, as herein provided, without any previous order for temporary custody having been made, the referee shall from time to time, recommend to the court such order or orders for temporary



custody as may seem necessary. Thereupon such order shall be made unless the court shall determine otherwise.

In counties of the fifteenth class it shall be the duty of the county clerk to provide one female deputy county clerk who shall attend upon the hearings held by the female referee as clerk and it shall be the duty of the sheriff to provide one female deputy sheriff who shall attend upon hearings held by said referee as bailiff; *provided*, that such clerk and bailiff shall not be required to attend hearings oftener than two days each month."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 7, line 13, of the printed bill, as amended, after the word "filled", strike out the balance of the line and all of lines 14 and 15, and insert in lieu thereof the following: "at the next election."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 257—An act to add a new section to the Political Code, to be numbered 1197*d*, relating to ballots.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the word "ballots", in said line, insert the following: "or upon the ballot label provided for and used in connection with voting machines".

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 317—An act to amend section 1360 of the Political Code, relating to absent voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 40—An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 241—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 243—An act to amend section 4281 of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 269—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 339—An act to amend section 2322x20 of the Political Code, relating to the compensation of the horticultural commissioner in counties of the twentieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 461—An act to amend section 4273 of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 618—An act to amend section 4278 of the Political Code, relating to salaries and fees of officials in counties of the forty-ninth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 686—An act creating a commission to investigate and report upon the subject of home rule for counties, providing for the appointment of the members thereof, the powers and duties of such commission, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 849—An act to amend section 16x15 of the Weights and Measures Act, approved June 16, 1913, as amended, relating to compensation of the sealer of weights and measures in counties of the fifteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 850—An act to amend section 2322 of the Political Code, relating to county horticultural commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 864—An act to amend section 2322x30 of the Political Code, relating to the salary of the horticultural commissioner of counties of the thirtieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 877—An act to amend section 4266 of the Political Code, relating to salaries, fees and expenses of officers in counties of the thirty-seventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 252—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article IIk,

embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1128—An act to provide for the organization and government of community or memorial hall districts and to provide for the acquisition or construction and maintenance of community or memorial halls for the use of the inhabitants of the district for recreational, educational and related activities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein and protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the reorganization of the Tamalpais Forest Fire District.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 10, line 6, of the engrossed bill, strike out the words: "seven thousand two", and insert in lieu thereof the words: "six thousand five".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 10, line 8, of the engrossed bill, strike out the words: "six thousand", and insert in lieu thereof the words: "four thousand eight hundred".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 10, line 10, of the engrossed bill, strike out the words: "four thousand", and insert in lieu thereof the following: "three thousand six hundred".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 10, line 14, of the engrossed bill, strike out the words: "three thousand", and insert in lieu thereof the following: "two thousand one hundred".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 10 of the engrossed bill, strike out all of lines 27 to 52, both inclusive, and insert in lieu thereof the following: "And provided, further, that in townships having a population of more than one hundred thousand, there shall be one justice's clerk, whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum, five deputy justice's clerks whose salaries are hereby fixed at the sum of two thousand two hundred eighty dollars per annum each. Said clerk and deputy clerks shall be appointed by the justice of the peace of such township, or justices if more than one, and shall serve during the pleasure of such justice, or justices, and shall perform such duties as are required of them by law or the justice, or justices, of such township; the salaries of said clerk and deputy clerks shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid."



*Provided, further, that in townships having a population of more than seventy-five thousand and less than one hundred thousand, there shall be one justice's clerk whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum, and one deputy justice's clerk whose salary is hereby fixed at the sum of two thousand two hundred eighty dollars per annum; said clerk and deputy clerk shall be appointed by the justice of the peace of said township, or justices, if more than one, and shall serve during the pleasure of such justice, or justices, and shall perform such duties as are required of them by law or the justice or justices of said township; the salaries of said clerk and deputy clerk shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid."*

**Amendment adopted.**

AMENDMENT NUMBER SIX.

On page 10, line 14, of the engrossed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "*provided, however, that after the first day of January, 1931, in townships having a population of over one hundred thousand in counties of this class, no justice of the peace shall engage in the practice of law in any court in this state during his term of office.*"

**Amendment adopted.**

AMENDMENT NUMBER SEVEN.

On page 11 of the engrossed bill, strike out all of lines 1 to 10, both inclusive.

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 346—An act to add a new section to the Civil Code, to be numbered 69b, providing for the filing of a health certificate before marriage licenses are issued, and making the issuance of false certificates a felony.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 197—An act to provide for the extermination of rats by mosquito abatement districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 227—An act to amend section 7 of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, relating to mosquito abatement districts.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF SENATE BILLS.

Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 882—An act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as section 580a, relative to the place for the commencement and trial of actions.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, strike out the words "or from affidavits filed therein".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, after the period following the word "plaintiff", insert the following: "If the residence of the defendant is unknown to plaintiff and it appears from the affidavit of defendant that the action is not commenced in the proper county, the court shall transfer the action to the proper county for trial as provided by law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing the providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921.

Bill read second time, ordered engrossed, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED TWENTY-SEVEN.

## AMENDMENT NUMBER ONE.

Amend the title to the printed bill, as amended, by striking out the period and inserting in lieu thereof the following: "payment of judgments thereon, and refusal of the principal sum thereof under certain circumstances to the judgment debtor."

## AMENDMENT NUMBER TWO.

On page 1, line 26, of the printed bill, as amended, insert after the word "attorney", the following: "or other civil legal advisor of the board of supervisors".

## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, as amended, insert the following as a separate paragraph:

"Payments made to a city, city and county, or county, by reason of a summary judgment shall be paid into a bail bond trust fund in the treasury of such city, city and county, or county, and properly designated with the title and number of the criminal action out of which such judgment arose. If at any time within one year after entry of such judgment the defendant in the criminal action is returned into custody and is subsequently convicted at any time of the highest offense charged in the complaint, information or indictment upon which such defendant was admitted to bail, the principal amount of such judgment, less all charges resulting from the pursuit, capture and return of the defendant, including rewards paid, shall be repaid, in the same manner as are all other payments to such surety, provided that the surety file with his application for refund under the provisions of

this section an affidavit that the absence of the defendant was not with his connivance. Such payment is hereby made a proper charge against such trust fund account in the treasury of any city, city and county, or county. The board of supervisors or other legislative body of the city, city and county, or county shall provide by resolution for the maintenance of records in the appropriate offices, showing the amount of disbursements by said city, city and county, or county, resulting from the pursuit, capture and return of the defendant, including payment of rewards, and shall provide for a report thereon to the treasurer of the city, city and county, or county, within thirty days after the return to custody of such defendant.

If the defendant is not so returned within one year after the entry of the summary judgment, the amount of said judgment shall thereupon be deposited in the general fund of the city, city and county, or county, and all liability for the return thereof shall terminate."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 127?

The roll was called, and Assembly amendments to Senate Bill No. 127 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 127 ordered to print, and enrollment.

#### POSTPONEMENT OF RECONSIDERATION.

Senator Hurley asked for and was granted unanimous consent to have the reconsideration of the vote by which Senate Bill No. 198 was refused passage postponed until the next legislative day.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator West moved to reconsider the vote whereby Senate Constitutional Amendment No. 5 was refused adoption.

The question being on the motion to reconsider.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator West moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

The Secretary announced the absentees.

Time, ten o'clock and forty-five minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Nelson moved to reconsider the vote whereby Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county



agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner—was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 1079 was passed, carried by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, West, and Young—32.

NOES—None.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Assembly Bill No. 1079 to Senator Evans, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, after the second word "to", insert the following: "Chapter 4b of part three, title five of".

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, after the word "to", insert the following: "Chapter 4b of part three, title five of".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1079, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 862—An act authorizing municipal corporations to acquire and donate real property to the State of California and also authorizing the Director of Finance to receive in the name of the State of California gifts or donations of real property or improved real property subject to certain conditions and restrictions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 862 passed by the following vote:

AYES—Senators Baker, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—31.

NOES—Senators Allen, Boggs, Breed, and Tubbs—4.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Inman gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 862 was passed.

#### SENATOR CROWLEY IN THE CHAIR.

At eleven o'clock and twelve minutes a.m., Senator Crowley of the Twenty-second District was called to the chair.

Senate Bill No. 200—An act to prohibit any person or common carrier by railroad moving any fixed signal, switch or switch light for the

purpose of what is commonly known as test of employees, to define fixed signals, and providing penalties for the violation of the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 refused passage by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Crowley, Fellom, Garrison, Inman, Maloney, Murphy, Pedrotti, Slater, Swing, Tubbs, and Wagy—15.

NOES—Senators Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Gray, Handy, Jones, Ray, Lyon, McKinley, Merriam, Nelson, Rochester, Sharkey, Weller, West, and Young—21.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Sharkey gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 200 was refused passage.

Senate Bill No. 642—An act to add three new sections to article III of title I of part III of the Political Code to be numbered 372*h*, 372*i*, and 372*j*, creating a Division of Weights and Measures in the Department of Public Health and providing for the administration thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 642 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Sharkey:

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Sharkey to introduce a bill entitled—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Sharkey: Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 547—An act to amend section 3480*a* of the Political Code providing a method of refunding reclamation district bonds now or hereafter issued or outstanding and to add a new section to the Political Code to be designated section 3457*a* thereof providing for the cancellation of warrants or reclamation districts and for the issuance of warrants in lesser denominations in lieu thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 547 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and West—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 24.

A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California amending sections 1 and 7, and repealing sections 2, 3, 9, 11, 12 and 14 of that article.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its forty-eighth regular session commencing January 7, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that article XII of the constitution of the State of California be amended as follows:

Section 1 of article XII of the constitution of the State of California is hereby amended to read as follows:

Section 1. The Legislature shall have power, by general laws and not otherwise, to provide for the formation, organization and regulation of corporations and to prescribe their powers, rights, duties and liabilities and the powers, rights, duties and liabilities of their officers and stockholders or members. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.

For the purpose of removing existing limitations upon the power granted by section 1 of article XII of the constitution amended as herein proposed, sections 2, 3, 9, 11, 12 and 14 of article XII of the constitution are hereby repealed, and section 7 of article XII of the constitution is hereby amended to read as follows:

Sec. 7. The Legislature shall not extend any franchise, nor remit the forfeiture of any franchise, of any quasi-public corporation, but may provide by general laws,



applicable to all corporations formed for a limited period, for the extension of the term of existence of any corporation.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 24 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—32.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 24 ordered transmitted to the Assembly.

Senate Bill No. 712—An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 passed by the following vote:

AYES—Senators Baker, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Weller, and Young—25.

NOES—Senators Allen, Breed, Carter, Crowley, McCormack, Murphy, Rochester, Waggy, and West—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator West.

The Secretary was directed to call the roll.

The roll was called, and the motion to reconsider the vote whereby Senate Constitutional Amendment No. 5 was refused adoption carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—28.

NOES—Senators Canepa, Christian, Cleveland, Crowley, Fellom, Garrison, Gray, Maloney, Murphy, Rochester, and Tubbs—11.

#### SENATE CONSTITUTIONAL AMENDMENT No. 5.

A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section 2 of

article XVIII of the constitution of the State of California be amended to read as follows, to wit:

Sec. 2. Within ten months after the adoption hereof, a special election shall be held throughout the State, on a day to be fixed by proclamation of the Governor, whereat 120 delegates, one from each assembly district and one from each senatorial district who may or may not be members of the Legislature, shall be elected, having the same qualifications and being chosen in the same manner as members of the Legislature, to form a convention, to meet in the State Capitol, for the purpose of framing a new constitution for the State of California. Such convention shall assemble and organize for the transaction of its business within three months after said election of delegates, on a day to be fixed by proclamation of the Governor, and shall thereafter continue in session in the State Capitol until it shall have completed its business of framing a new constitution and provided for submitting the same to the vote of the people of the State for adoption or rejection. The compensation of each member of said convention in full payment for all services rendered, shall be fixed by the Legislature, but each delegate shall be entitled to the same mileage as is allowed to a member of the Legislature, and the convention shall have authority to employ such clerks and other attaches as may be reasonably necessary for the transaction of its business and the accomplishment of its purpose, in addition to such experts as the convention shall deem necessary, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of said election of delegates and their compensation and mileage and other expenses of said convention herein authorized. Within six months after the adjournment of said convention, on a day to be fixed by proclamation of the Governor, a special election shall be held throughout the State, whereat the new constitution framed and proposed by said convention shall be submitted to the people for adoption or rejection, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of such special election. At such special election the ballot shall contain the phrases "For the new constitution" and "Against the new constitution," printed thereon in a suitable place, with an appropriate space for each elector to designate his intention with reference to the adoption or rejection of the proposed new constitution. The election officers in each and every voting precinct in the State shall ascertain and make returns of the number of votes cast in favor of the new constitution and the number of votes cast against the new constitution, as aforesaid, in like manner and with the same particularity as other votes are by law required to be counted and returned, and an abstract thereof shall be transmitted by the several county clerks and registrars of voters throughout the State to the Secretary of State, in the same manner and within the same time as votes for State officers are by law required to be transmitted. The Secretary of State shall have authority and it shall be his duty to compel the making and transmission of such returns, and, when the same have been received by him, he shall forthwith prepare and present to the Governor a complete abstract of the whole number of votes cast in favor of the new constitution and of the whole number of votes cast against the new constitution. If it shall appear from such returns that a majority of the electors voting at such special election on the question of the adoption or rejection of such proposed new constitution shall have voted in favor of its adoption, the Governor shall forthwith issue his proclamation declaring the result of said election and proclaiming such new constitution, thus ratified by the people as aforesaid, to be the constitution of the State of California, and the same shall thereupon become and be, subject only to the constitution of the United States of America, the supreme law and constitution of the State of California.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 5 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cobb, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—27.

NOES—Senators Canepa, Christian, Cleveland, Crowley, Fellom, Garrison, Gray, Maloney, Murphy, Rochester, and Tubbs—11.

Title read and approved.

Senate Constitutional Amendment No. 5 ordered transmitted to the Assembly.

## SPECIAL ORDER.

Senator Carter moved that Senate Constitutional Amendment No. 34 be made a special order for two o'clock and thirty minutes p.m.

Motion carried.

## RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of California, including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

(Signed out)

FELLOM, Chairman.  
HURLEY.  
McCORMACK.  
CASSIDY.  
BOGGS.  
CHRISTIAN.  
EDWARDS.  
CARTER.  
INMAN.

Senate Bill No. 888 ordered on file for second reading.

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXV thereto, relating to the construction, maintenance and operation of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses, and for the construction of dams and other works on the Santa Ana River for flood control and water conservation, and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and making an appropriation of \$20,000 for the expense of printing, lithographing and selling of said bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10.

(Signed out)

SWING, Chairman.  
MURPHY.  
CANEPA.  
FELLOM.  
CHRISTIAN.  
WELLER.  
YOUNG.

Senate Constitutional Amendment No. 44 ordered on file.



## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 502—An act to provide for the payment of pensions to Veterans of the War with the Philippines and providing an appropriation therefor;

Also: Senate Bill No. 576—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor;

Also: Senate Bill No. 886—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 131 relating to a cash revolving fund.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership 17; committee vote: Ayes—10; absent—7.

INMAN, Chairman.

Senate Bills Nos. 502, 576 and 886 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 228. An act to amend section 737<sup>b</sup> of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings;

Also: Assembly Bill No. 350—An act making an appropriation to pay the claim of John R. Huberty against the State of California;

Also: Assembly Bill No. 375—An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of fute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of state goods and not needed for the "revolving fund" provided for in said act," approved March 24, 1911, as amended, approved May 23, 1925, as amended,";

Also: Assembly Bill No. 456—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State;

Also: Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof;

Also: Assembly Bill No. 741—An act to amend section 363<sup>a</sup> of the Political Code, relating to the Department of Public Works;

Also: Assembly Bill No. 848—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor;

Also: Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Also: Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor;

Also: Assembly Bill No. 948—An act creating the California Crime Commission, defining its duties and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act;

Also: Assembly Bill No. 1091—An act to amend section 737<sup>a</sup> of the Political Code, relating to the salary of the superior judge in and for the county of Marin;

Also: Assembly Bill No. 1097—An act making an appropriation to be used by the Department of Agriculture to carry out the provisions of an act entitled "An act to create a Cattle Protection Board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917;

Also: Assembly Bill No. 1171—An act to provide for the transferring of moneys in the contingent fund of the State Fire Marshal to the clothes cleaning establishment fund; abolishing the contingent fund of the State Fire Marshal; and providing for support of the Division of Industrial Fire Safety, in the Department of Industrial Relations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—10; absent—7.

INMAN, Chairman.

Assembly Bills Nos. 228, 350, 375, 456, 498, 741, 848, 888, 940, 948, 1091, 1097 and 1171 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 124—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor;

Also: Assembly Bill No. 395—An act to add a new article to chapter 3 of title I of part III of the Political Code to be numbered article XIa, embracing sections 378 to 378f, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—10; absent—7.

INMAN, Chairman.

Assembly Bills Nos. 124 and 395 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 388—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act, approved May 3, 1923—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

MERRIAM, Chairman.

Assembly Bill No. 388 ordered on file for second reading.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—7; noes—3; absent—5.

SHARKEY, Chairman.

Assembly Bill No. 485 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 779—An act to add a new section to the "California Vehicle Act," approved May 30, 1923, as amended, to be known as section 152a, relating to the

transportation of animals on motor vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

SHARKEY, Chairman.

Assembly Bill No. 779 ordered on file for second reading.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 420—An act to amend sections 1044, 1083*b*, 1096, 1096*a*, 1125, 1151, 1195*b*, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MERRIAM, Chairman.

CROWLEY.

YOUNG.

BOGGS.

JONES, RAY.

HANDY.

SHARKEY.

FELLOM.

Senate Bill No. 420 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 203—An act to promote the better education of social service workers; to provide for and regulate the examination of social service workers; to provide for the issuance of licenses as social service workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions hereof; to provide penalties for the violations of any of the provisions hereof.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Breed moved to refer Assembly Bill No. 203 to Senator Weller, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, as amended, strike out the words "on salary".

##### AMENDMENT NUMBER TWO.

On page 2, line 26, of the printed bill, as amended, strike out the word "Upon", and insert in lieu thereof the following: "After a consideration of".

##### AMENDMENT NUMBER THREE.

On page 2, line 27, of the printed bill, as amended, strike out the word "finally".

##### AMENDMENT NUMBER FOUR.

On page 2, line 28, of the printed bill, as amended, after the word "cents", insert a period and strike out the balance of said line 28.

##### AMENDMENT NUMBER FIVE.

On page 2, line 35, of the printed bill, as amended, strike out the words "prescribed reading list", and insert in lieu thereof the following: "reading list prescribed by the social welfare board".

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 203, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print.

Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Slater moved to refer Assembly Bill No. 190 to Senator Young, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, strike out the following: "beans,".

## AMENDMENT NUMBER TWO.

On page 1, line 22, of the printed bill, strike out the following: "beans,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 190, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Slater adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 420—An act to amend sections 1044, 1083*b*, 1096, 1096*a*, 1125, 1151, 1195*b*, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 502—An act to provide for the payment of pensions to Veterans of the War with the Philippines and providing an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 576—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 886—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund.

Bill read second time, ordered engrossed, and on file for third reading.

SENATOR GARRISON IN THE CHAIR.

At two o'clock and ten minutes p.m., Senator Garrison of the Twelfth District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 251—An act to amend section 628f of the Penal Code, relating to the protection of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 251 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Cleveland, Cobb, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered by Senator McCormack:

SENATE JOINT RESOLUTION No. 14.

WHEREAS, More than two-fifths of area of the State of California still remains with the federal government as unreserved or unappropriated public land, nontaxable Indian lands and other federal reservations; and

WHEREAS, These lands are not subject to taxation and whereas the construction and maintenance of highways through and across these areas should be an obligation of the federal government requiring no financial cooperation on the part of the State or its subdivisions; now, therefore, be it

*Resolved by the Senate and the Assembly, jointly,* That the California Representatives in the Congress of the United States be and are hereby requested to actively support legislation which will provide for appropriations by the federal government with which to build and maintain highways through and across unappropriated or unreserved public lands and other federal reservations; and be it therefore

*Resolved,* That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and to each member of the Seventy fifth Congress from the State of California.

CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER FOURTEEN.

Senator McCormack asked for and was granted unanimous consent to consider Senate Joint Resolution No. 14 at this time, without reference to committee, for purposes of adoption.

SENATE JOINT RESOLUTION No. 14.

WHEREAS, More than two-fifths of area of the State of California still remains with the federal government as unreserved or unappropriated public land, nontaxable Indian lands and other federal reservations; and

WHEREAS, These lands are not subject to taxation and whereas the construction and maintenance of highways through and across these areas should be an obligation of the federal government requiring no financial cooperation on the part of the State or its subdivisions; now, therefore, be it

*Resolved by the Senate and the Assembly, jointly,* That the California Representatives in the Congress of the United States be and are hereby requested to

actively support legislation which will provide for appropriations by the federal government with which to build and maintain highways through and across unappropriated or unreserved public lands and other federal reservations; and be it therefore

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and to each member of the Seventy-fifth Congress from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Senate Joint Resolution No. 14 ordered transmitted to the Assembly.

#### SENATE CONSTITUTIONAL AMENDMENT No. 41.

A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article IX thereof a new section to be numbered 6½, relative to the payment of retirement salaries to teachers who have qualified therefor by service in the public school system as provided by law.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California at its regular session, commencing on the seventh day of January, 1929, two-thirds of all the members of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said State be amended by adding to article IX thereof a new section to be numbered 6½, reading as follows:

Sec. 6½. For the promotion of the efficiency of public education and the retention of the services of successful teachers, the Legislature shall provide for the payment of retirement salaries to teachers who shall have qualified therefor by service in the public school system as provided by law.

The Legislature shall have power to fix and from time to time change the requirements and conditions for such retirement, which shall include a minimum period of service, a minimum attained age, a minimum contribution of funds, and such other conditions as the Legislature may prescribe: *provided, however*, that no person shall be eligible for retirement on the basis of service who shall not have served 30 years or more, as the Legislature may direct, as a teacher in the public schools of the United States, not less than 20 years of which time shall have been served in California public schools; and *provided, further*, that the Legislature may prescribe lesser requirements for retirement for reasons of disability.

The Legislature shall provide a basis for adequate contributions for the support of the retirement system, which contributions shall as far as practicable be derived equally from the public school teachers and from public funds.

The Legislature shall have power to modify the amount and manner of payment of retirement salaries heretofore granted to public school teachers under any law of this State.

The rate of contribution and periods and conditions of service and amount of retirement salaries fixed in pursuance of this section shall not be changed except by the vote of two-thirds of the members elected to each house of the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 41 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray;



Maloney, McCormack, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—29.

NOES—Senators Carter, Christian, Evans, Hurley, Lyon, McKinley, Merriam, and Pedrotti—8.

Title read and approved.

Senate Constitutional Amendment No. 41 ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 34, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California, an amendment to section 6, of article IV, of the constitution of the State, relating to the apportionment of the State into Assembly and Senatorial Districts.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 34 refused adoption by the following vote:

AYES—Senators Canepa, Carter, Crowley, Evans, Fellom, Gray, Hurley, Jones, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Tubbs, Walker, and West—17.

NOES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Garrison, Handy, Inman, Jones, Ray, McCormack, Mueller, Nelson, Sharkey, Slater, Swing, Wagy, and Young—22.

#### RESOLUTION.

The following resolution was offered:

By Senator Merriam:

*Resolved*, That Senate Bill No. 831 be recalled from the Senate Committee on Finance and placed on the Senate third reading file.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Merriam moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—36.

The Secretary announced the absentees.

Time, four o'clock and fifty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## COMMUNICATION.

The following communication was received and ordered printed in the Journal:

By Senator Young:

SAN FRANCISCO, CALIFORNIA, May 6, 1929.

To the Honorable Members of the  
Senate Committee on Fish and Game.

GENTLEMEN: In compliance with the requirements of a resolution offered by Senator Carter directing the Fish and Game Commission to render a report on its receipts and expenditures under the provisions of an act of the Legislature, approved May 28, 1917, Statutes 1917, page 1275, the following report is submitted:

Since the adoption of the above mentioned act a total of \$654,894.34 had been received up to June 30, 1928. During this same period a total of \$1,194,253.53 had been expended for conservation work in connection with the commercial fisheries of the State. The provisions of the act require that the money collected "shall be expended in conservation work for the benefit of commercial fishing industries within the districts from which the revenues are derived."

The records of the Division of Fish and Game show that in the Northern California district during the period ending June 30, 1928, \$28,873.89 were received under the provisions of the act, and \$361,722.62 were expended in conservation work for the benefit of the commercial fishing industries in this district.

In the Monterey district \$274,435.09 were received, and \$282,021.10 were expended in conservation work for the benefit of the commercial fisheries industries in this district.

In the Southern California district \$354,085.36 were collected and \$550,508.87 were expended in conservation work for the benefit of commercial fishing industries within this district.

These figures reveal that \$539,358.25 more money was expended in conservation work for the benefit of the commercial fishing industries than was received during the period under consideration, and that the expenditures in each of the three districts into which the State has been divided for the administration of the commercial fishing laws, has exceeded the amounts received from the license and tax provided by the act of the Legislature, approved May 28, 1917, Statutes 1917, page 1275.

A detailed statement of the receipts and expenditures since July 27, 1917, to June 30, 1928, is attached. The method of accounting in use during a part of this period, and the destruction of certain records by direction of the Department of Finance for the period prior to June 30, 1922, has made it necessary to estimate certain of the items involved in this report, but the estimates used are based upon other records on file with the Bureau of Commercial Fisheries of this division, and accurately reveal the information desired by your committee.

During the present fiscal year approximately \$150,000 will have been received from the license and privilege tax provided by the above mentioned act, and during this year approximately \$230,000 will have been expended for conservation purposes for the benefit of the commercial fishing industries of the State.

The budget for the ensuing fiscal year provides for an expenditure of approximately \$163,000, to which should be added an expenditure of \$10,000, as approved by the Fish and Game Commission, for continuation of the botulism project, which was to have been completed at the close of the present fiscal year and for which work the division has already contributed \$45,000. It is expected that the revenue which will be received and which the commission is directed to expend for conservation purposes for the benefit of the commercial fishing industries in the district where it is collected, will total approximately \$150,000 during the ensuing year.

Respectfully submitted,

FISH AND GAME COMMISSION.  
By JOHN L. FARLEY, Executive Officer.

**FISH AND GAME COMMISSION COMMERCIAL FISHERIES**  
**Statement of Revenue and Expenditures, Sixty-ninth to Seventy-ninth Fiscal**  
**Years, Inclusive.**

	Receipts	Expenditures	Surplus	Deficit
<b>Northern California area—</b>				
69th fiscal year.....	\$1,567 28	\$11,007 00		\$9,520 71
70th fiscal year.....	2,583 46	16,620 07		14,036 61
71st fiscal year.....	3,090 93	45,014 28		41,914 35
72d fiscal year.....	3,733 28	50,043 40		46,310 12
73d fiscal year.....	2,985 45	52,060 61		49,075 16
74th fiscal year.....	2,372 07	48,800 08		46,428 02
75th fiscal year.....	1,687 73	42,800 22		41,112 49
76th fiscal year.....	2,486 44	39,715 77		37,229 33
77th fiscal year.....	3,766 59	39,314 05		35,547 46
78th fiscal year.....	2,556 41	13,640 91		11,084 50
79th fiscal year.....	3,034 16	14,114 14		11,079 98
<b>Totals.....</b>	<b>\$28,873 89</b>	<b>\$361,722 62</b>		<b>\$332,948 73</b>
<b>Monterey area—</b>				
69th fiscal year.....	\$7,970 08	\$8,848 66		\$867 58
70th fiscal year.....	16,870 41	12,567 60	\$4,302 81	
71st fiscal year.....	21,646 73	22,071 05	2,435 68	
72d fiscal year.....	12,455 50	26,827 91		13,882 41
73d fiscal year.....	9,263 42	32,570 51		23,307 09
74th fiscal year.....	19,317 03	20,208 47		9,691 44
75th fiscal year.....	21,211 36	19,324 54	4,918 82	
76th fiscal year.....	36,772 75	26,252 41	10,520 34	
77th fiscal year.....	36,740 84	33,496 78	3,244 06	
78th fiscal year.....	40,376 48	38,300 28	2,076 20	
79th fiscal year.....	52,069 49	41,800 80	10,268 69	
<b>Totals.....</b>	<b>\$271,935 09</b>	<b>\$282,021 10</b>	<b>\$37,673 51</b>	<b>\$47,759 52</b>
<b>Net deficit.....</b>				<b>\$10,086 01</b>
<b>Southern California area—</b>				
69th fiscal year.....	\$16,358 14	\$33,033 97		\$16,675 83
70th fiscal year.....	27,567 55	32,410 74		4,843 19
71st fiscal year.....	30,658 13	39,956 95		9,298 82
72d fiscal year.....	17,094 22	51,598 68		34,474 46
73d fiscal year.....	16,307 79	58,156 01		41,848 22
74th fiscal year.....	26,413 35	39,245 24		12,831 89
75th fiscal year.....	26,234 92	37,827 30		11,592 38
76th fiscal year.....	68,036 60	45,381 23	\$22,655 37	
77th fiscal year.....	44,057 72	59,305 76		15,248 04
78th fiscal year.....	41,778 90	70,418 97		28,640 07
79th fiscal year.....	39,578 04	83,204 02		43,625 98
<b>Totals.....</b>	<b>\$354,085 36</b>	<b>\$550,508 87</b>	<b>\$22,655 37</b>	<b>\$210,728 88</b>
<b>Net deficit.....</b>				<b>\$196,423 51</b>
<b>Summary—</b>				
Northern California.....	\$28,873 89	\$361,722 62		\$332,948 73
Monterey.....	271,935 09	282,021 10		10,086 01
Southern California.....	354,085 36	550,508 87		196,423 51
<b>Totals.....</b>	<b>\$654,894 34</b>	<b>\$1,194,252 59</b>		<b>\$539,358 25</b>

Note.—The figures for the sixty-ninth to seventy-third fiscal years, inclusive, were taken from our financial reports and, in some cases, are estimates from old records in the Bureau of Commercial Fisheries. On taking these matter up with the Accounting Department of this Division at Sacramento, we were advised that as matters concerned were destroyed by direction of the Department of Finance and they were unable to make up detailed statements for the period from July 1, 1917, to June 30, 1922.

**NOTES.**

Expenditures July 1, 1922, to December 31, 1925, taken direct from issued reports with the exception of "printing," seventy-fourth and seventy-fifth fiscal years, which has been prorated as follows: Southern California area 55 per cent, Monterey 35 per cent.

General commission overhead, for the entire period, prorated as follows: Thirty per cent charged to commercial fisheries and, of this 30 per cent southern California area proportion 55 per cent and Monterey 35 per cent.

Commercial fisheries overhead, last half seventy-seventh fiscal year, prorated as follows: Fifty-five per cent to southern California area and 35 per cent Monterey.

Deputies, last half seventy-seventh fiscal year, prorated as follows: Salaries and wages charge based on territory in which duties were performed. Materials and supplies, service and expense, and property and equipment charges for Southern California area and Monterey bear the same relation, to total charge, as salaries and wages.



Patrol launches 100 per cent to southern California area. These expenditures cover only the "Albacore," which operates in southern California waters.

Salmon tagging 30 per cent to southern California and 70 per cent to Monterey.

Propagation and distribution of salmon 30 per cent to Monterey and no charge to southern California.

### FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.

Statement of Revenue and Expenditures—Northern California Area.

Sixty-ninth Fiscal Year, 1917-1918.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					\$997 38
Fish packers' tax.....					*570 00
Wholesale fish packers' licenses.....					
Total revenues.....					\$1,567 38
Expenditures:					
Superintendence and research.....	\$262 25	\$1,044 54	\$453 98		\$1,760 77
Prorate general administration.....	115 13	466 32	96 15		677 60
Patrol launches.....	3,590 34	3,302 94	1,266 68	\$408 94	8,568 90
Prorate general printing.....	89 82				89 82
Total expenditures.....					\$11,097 09
Deficit.....					\$9,529 71

Seventieth Fiscal Year, 1918-1919.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					\$1,883 46
Fish packers' tax.....					*700 00
Wholesale fish packers' licenses.....					
Total revenues.....					\$2,583 46
Expenditures:					
Superintendence and research.....	\$286 81	\$1,168 84	\$259 07	\$86 57	\$1,801 29
Inspection and patrol.....	24 54	2,741 67	358 77	291 80	3,416 78
Prorate general administration.....	121 09	505 45	71 76	2 49	700 79
Prorate general printing.....	84 63				84 63
Patrol launches.....	1,412 08	3,003 00	3,886 44	2,315 06	10,616 58
Total expenditures.....					\$16,620 07
Deficit.....					\$14,036 61

Seventy-first Fiscal Year, 1919-1920.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					\$2,390 93
Fish packers' tax.....					*700 00
Wholesale fish packers' licenses.....					
Total revenues.....					\$3,090 93
Expenditures:					
Superintendence.....					\$6,394 60
Inspection and patrol.....					3,687 21
Research.....					4,786 48
Statistics.....					2,219 07
Patrol launches.....					10,767 61
Salmon distribution.....					15,892 34
Prorate general administration.....					1,185 32
Printing.....					81 65
Total expenditures.....					\$45,014 28
Deficit.....					\$41,914 35

\*Estimated.

**FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.**  
**Statement of Revenue and Expenditures—Northern California Area.**  
 Seventy-second Fiscal Year, 1920-1921.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenue:					
Fish packers' tax					\$2,823 28
Wholesale fish packers' licenses					940 00
Total revenue					\$3,763 28
Expenditures:					
Superintendence	\$9 23	\$5,406 00	\$1,904 34	\$6 33	\$7,525 90
Inspection and patrol	407 15	4,086 25	825 75		5,353 15
Research	181 25	4,340 86	1,232 73	265 00	6,019 84
Statistics	125 52	1,335 36	68 12	100 00	2,229 00
Patrol launches	1,912 84	5,100 00	2,288 08	38 00	7,446 52
Propagation and distribution of salmon	6,261 87	9,942 74	1,533 97	575 89	18,125 45
Administration pro rata					1,500 82
Printing	155 46				155 46
Total expenditures					\$50,043 40
Deficit					\$46,310 12

Seventy-third Fiscal Year, 1921-1922

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenue:					
Fish packers' tax					\$1,190 45
Wholesale fish packers' licenses					995 00
Total revenue					\$2,085 45
Expenditures:					
Superintendence	\$23 11	\$5,530 27	\$1,649 66	\$3 22	\$7,206 26
Inspection and patrol	253 70	3,970 00	672 53		4,896 23
Research	81 51	5,469 77	1,224 90	47 19	6,823 37
Statistics	102 76	1,880 58	140 42	9 15	2,150 91
Patrol launches	1,460 27	5,195 00	1,617 26	43 64	8,325 17
Propagation and distribution of salmon	5,218 02	11,573 16	1,525 52	685 73	19,002 43
Administration pro rata					1,171 27
Fish exhibits	23 54	25 75	53 78	17 24	120 31
Laboratory construction	1,280 10	1,004 14	37 57		2,321 81
Printing	42 85				42 85
Total expenditures					\$52,060 61
Deficit					\$49,975 16

**FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.**  
**Statement of Revenue and Expenditures—Monterey Area.**  
**Sixty-ninth Fiscal Year, 1917-1918.**

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenues:</b>					
Fish packers' tax ..					\$7,979 08
Wholesale fish packers' licenses ..					
<b>Total revenues</b>					\$7,979 08
<b>Expenditures:</b>					
Superintendent and research ..	\$917 88	\$3,655 88	\$1,588 92		\$6,162 68
Prorate general administration ..	402 96	1,632 12	336 52		2,371 60
Prorate general printing ..	314 38				314 38
<b>Total expenditures.</b>					\$8,848 66
<b>Deficit</b> .....					\$869 58

**Seventieth Fiscal Year, 1918-1919.**

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenues:</b>					
Fish packers' tax ..					\$16,770 41
Wholesale fish packers' licenses ..					*100 00
<b>Total revenues</b>					\$16,870 41
<b>Expenditures:</b>					
Superintendent and research ..	\$1,003 84	\$4,090 94	\$906 75	\$303 00	\$6,304 53
Inspection and patrol ..	514 13	2,021 00	893 17	85 75	3,514 05
Prorate general administration ..	423 82	1,769 09	251 18	8 72	2,452 81
Prorate general printing ..	296 21				296 21
<b>Total expenditures</b>					\$12,567 60
<b>Surplus</b> .....					\$4,302 81

**Seventy-first Fiscal Year, 1919-1920.**

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenues:</b>					
Fish packers' tax ..					\$24,546 73
Wholesale fish packers' licenses ..					*100 00
<b>Total revenues</b>					\$24,646 73
<b>Expenditures:</b>					
Superintendent ..					\$1,088 94
Inspection and patrol ..					2,419 70
Research ..					3,572 27
Statistics ..					2,688 30
Patrol launches ..					1,196 40
Salmon distribution ..					6,811 00
Prorate general administration ..					4,148 64
Printing ..					285 80
<b>Total expenditures</b>					\$22,211 05
<b>Surplus</b> .....					\$2,435 68

\*Estimated.



## FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.

## Statement of Revenue and Expenditures—Monterey Area.

Seventy-second Fiscal Year, 1920-1921.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$12,455.59
Expenditures:					
Superintendence	\$14.16	\$651.00	\$525.88	\$56.00	\$1,277.04
Inspection and patrol	230.00	2,008.75	909.25		3,208.00
Research	183.68	5,046.71	1,015.08	119.88	6,358.35
Statistics	195.90	2,247.46	93.11	31.07	2,537.54
Propagation and distribution of salmon	2,683.66	4,261.59	657.41	246.81	7,849.47
Printing	544.12				544.12
Administration, pro rata					4,563.39
Total expenditures					\$22,039.91
Deficit					\$9,582.41

Seventy-third Fiscal Year, 1921-1922.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$9,263.42
Expenditures:					
Superintendence	\$17.20	\$672.00	\$553.15	\$20.21	\$1,262.56
Inspection and patrol	129.14	2,400.00	660.28		3,189.42
Research	24.95	4,406.88	561.40	11.76	5,004.99
Statistics	67.69	2,185.24	53.95	175.00	2,481.88
Propagation and distribution of salmon	2,206.29	4,959.92	653.79	293.89	8,143.89
Printing	149.95				149.95
Administration, pro rata					4,099.43
Fish exhibits	82.38	90.13	188.22	60.32	421.05
Laboratory construction	4,480.37	3,514.49	131.48		8,126.34
Total expenditures					\$32,579.31
Deficit					\$23,316.09

**FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.**  
**Statement of Revenue and Expenditures—Southern California Area.**  
 Sixty-ninth Fiscal Year, 1917-1918.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenue:</b>					
Fish packers' tax.....					\$15,958 14
Wholesale fish packers' licenses.....					400 00
Total revenue.....					\$16,358 14
<b>Expenditures:</b>					
Superintendence and research.....	\$1,442 38	\$5,744 96	\$2,496 87		\$9,684 21
Prorate general administration.....	633 23	2,564 77	528 82		3,726 82
Patrol launches.....	1,196 78	1,100 98	422 22	\$16,408 94	19,128 92
Prorate general printing.....	494 02				494 02
Total expenditures.....					\$33,033 97
<b>Deficit.....</b>					\$16,675 83

Seventieth Fiscal Year, 1918-1919.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenue:</b>					
Fish packers' tax.....					\$27,117 55
Wholesale fish packers' licenses.....					450 00
Total revenue.....					\$27,567 55
<b>Expenditures:</b>					
Superintendence and research.....	\$1,577 46	\$6,428 62	\$1,424 89	\$476 14	\$9,907 11
Inspection and patrol.....	968 63	5,693 49	1,411 07	602 00	8,675 19
Prorate general administration.....	666 01	2,779 99	394 71	13 69	3,854 40
Prorate general printing.....	465 48				465 48
Patrol launches.....	3,140 67	3,235 25	2,707 40	425 24	9,508 56
Total expenditures.....					\$32,410 74
<b>Deficit.....</b>					\$4,843 19

Seventy-first Fiscal Year, 1919-1920.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
<b>Revenue:</b>					
Fish packers' tax.....					\$30,208 13
Wholesale fish packers' licenses.....					450 00
Total revenue.....					\$30,658 13
<b>Expenditures:</b>					
Superintendence.....					\$5,240 48
Inspection and patrol.....					4,392 85
Research.....					9,753 93
Statistics.....					4,763 38
Patrol launches.....					8,837 92
Prorate general administration.....					6,519 29
Printing.....					449 10
Total expenditures.....					\$39,956 95
<b>Deficit.....</b>					\$9,298 82

\*Estimated.

**FISH AND GAME COMMISSION—COMMERCIAL FISHERIES.**  
**Statement of Revenue and Expenditures—Southern California Area.**  
 Seventy-second Fiscal Year, 1920-1921.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenue:					
Fish packers' tax					\$16,599 22
Wholesale fish packers' licenses					495 00
Total revenue					\$17,094 22
Expenditures:					
Superintendence	\$139 92	\$3,423 00	\$1,980 15	\$30 50	\$5,573 57
Inspection and patrol	706 33	5,290 00	741 91		6,738 29
Research	1,160 97	13,411 18	3,347 28	960 26	18,879 69
Statistics	350 82	4,850 36	231 71	70 00	5,502 89
Patrol launches	3,504 35	2,754 46	589 38		6,848 19
Printing	855 04				855 04
Administration, pro rata					7,171 01
Total expenditures					\$51,568 68
Deficit					\$34,474 46

Seventy-third Fiscal Year, 1921-1922.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenue:					
Fish packers' tax					\$15,892 79
Wholesale fish packers' licenses					415 00
Total revenue					\$16,307 79
Expenditures:					
Superintendence	\$52 61	\$3,456 00	\$1,699 54	\$207 55	\$5,415 70
Inspection and patrol	320 65	6,029 83	1,096 89		7,447 37
Research	616 50	8,956 71	1,907 80	4,008 91	15,489 92
Statistics	181 84	4,210 73	131 93		4,574 50
Patrol launches	1,936 45	2,637 25	540 21	5 40	5,119 31
Administration, pro rata					6,441 97
Fish exhibits	129 46	141 62	295 76	94 79	661 63
Printing	235 65				235 65
Laboratory construction	7,040 57	5,522 77	206 62		12,769 96
Total expenditures					\$58,156 01
Deficit					\$41,848 22



## FISH AND GAME COMMISSION.

Statement of Revenues and Expenditures Seventy-fourth to Seventy-sixth  
Fiscal Years, Inclusive, Northern California Area.

Seventy-fourth Fiscal Year, 1922-1923.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$1,485 00
Wholesale fish packers' licenses.....					785 00
Total revenues.....					\$2,270 00
Expenditures:					
Superintendence.....	\$25 12	\$7,420 00	\$2,501 97	\$23 70	\$9,970 79
Inspection and patrol.....	1,155 05	4,020 00	753 89	8 10	5,937 04
Research.....	42 58	4,914 67	1,006 79	10 39	5,983 43
Statistics.....	219 17	1,184 96	111 34	5 25	1,820 72
Prorate distribution of salmon.....	4,671 00	9,823 74	692 16	416 15	15,604 04
Prorate patrol launches.....	1,055 65	5,224 25	1,945 97	71 49	8,297 36
Prorate general commission overhead.....	17 19	615 78	414 92	58 21	1,085 70
Total expenditures.....	\$7,186 75	\$33,503 00	\$7,427 04	\$582 20	\$48,699 08
Surplus.....					\$46,426 02

Seventy-fifth Fiscal Year, 1923-1924.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$852 73
Wholesale fish packers' licenses.....					815 00
Total revenues.....					\$1,667 73
Expenditures:					
Superintendence.....	\$51 00	\$2,118 00	\$1,213 29		\$3,382 29
Inspection and patrol.....	2 45	2,919 65	516 65		3,488 75
Research.....	80 20	2,288 03	469 00	\$12 97	2,849 10
Statistics.....	184 85	1,524 18	41 62		1,750 65
Prorate distribution of salmon.....	15,346 68	7,007 37	801 53	20 39	13,175 97
Prorate patrol launches.....	868 80	4,050 00	1,185 98	5 48	6,110 26
Prorate general commission overhead.....	230 05	565 95	227 08	1 02	1,024 10
Total expenditures.....	\$5,952 01	\$21,513 58	\$1,488 57	\$51 86	\$22,005 22
Surplus.....					\$20,342 51

Seventy-sixth Fiscal Year, 1924-1925.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$1,701 44
Wholesale fish packers' licenses.....					785 00
Total revenues.....					\$2,486 44
Expenditures:					
Superintendence.....	\$408 41	\$3,841 18	\$1,675 93		\$5,925 52
Inspection and patrol.....	320 00		48 92		368 92
Research.....	495 75	2,706 48	1,791 58	\$12 00	5,005 81
Statistics.....	132 55	1,894 57	120 23		2,147 35
Prorate distribution of salmon.....	7,526 97	10,355 76	839 91	374 61	19,097 25
Prorate patrol launches.....	1,244 44	3,470 06	1,081 95	24 41	5,820 86
Prorate general commission overhead.....	274 73	690 09	366 64	18 90	1,350 36
Total expenditures.....	\$10,402 85	\$22,958 14	\$5,924 86	\$429 92	\$39,715 77
Surplus.....					\$37,229 83

## FISH AND GAME COMMISSION.

## Statement of Revenues and Expenditures, Sixty-sixth to Sixty-ninth Fiscal Years, Inclusive, Northern California Area.

Sixty-sixth Fiscal Year, 1925-1926.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					
Fish packers' tax					\$2,880.50
Wholesale fish packers' licenses					300.00
Total revenues					\$3,180.50
Expenditures					
Supplies	\$46.99	\$2,106.40		\$3.00	\$2,156.39
Inspection and patrol	88.88		74.75		163.63
Research	167.88		739.19		907.07
Salaries	5.10	1,125.42	200.41		1,330.93
Prorate general commission overhead	50.31	800.46	168.00	163.12	1,521.89
Commonwealth expense account*	100.00	1,100.00			1,200.00
Depot	5.71	1,075.75	20.78		1,081.24
Salmon tagging	500.00		50.00		550.00
Salmon distribution	13,353.37	4,880.00	301.00	20.00	18,554.37
Total expenditures	\$14,068.33	\$9,097.03	\$3,426.23	\$213.12	\$26,794.69
Surplus					\$3,585.81

\*Includes chief and assistant fish inspectors' salaries.

Sixty-seventh Fiscal Year, 1926-1927.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					
Fish packers' tax					\$1,000.11
Wholesale fish packers' licenses					945.00
Total revenues					\$1,945.11
Expenditures					
Chief and assistants	\$71.35	\$3,206.15	\$283.00	\$17.76	\$3,578.26
Depot	5.57	1,911.81			1,917.38
Laboratory	93.93	2,628.00	508.20		3,230.13
Stationed	0.79	463.35	36.01		500.15
Salmon tagging	561.12		80.00		641.12
Botulism			1,000.00		1,000.00
Prorate general commission overhead	22.45	74.20	712.40	113.70	1,122.75
Total expenditures	\$1,071.71	\$7,282.96	\$4,312.96	\$203.46	\$12,871.09
Surplus					\$3,585.81

Sixty-eighth Fiscal Year, 1927-1928.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					
Fish packers' tax					\$2,071.11
Wholesale fish packers' licenses					\$30.00
Total revenues					\$2,101.11
Expenditures					
Chief and assistants	\$24.01	\$904.84	\$256.93	\$28.29	\$1,214.07
Depot		3,701.87			3,701.87
Laboratory	147.96	3,203.58	585.15	107.61	4,134.30
Stationed	40.72	567.00	29.83	15.00	652.55
Salmon tagging			166.60		166.60
Botulism			1,500.00		1,500.00
Automobiles	63.05		28.00		91.05
Prorate general commission overhead	579.38	1,049.73	861.10	70.73	2,560.94
Total expenditures	\$857.12	\$9,517.02	\$3,428.37	\$214.63	\$14,017.14
Surplus					\$11,079.98

## FISH AND GAME COMMISSION.

Statement of Revenues and Expenditures Seventy-fourth to Seventy-sixth  
Fiscal Years, Inclusive, Southern California Area.

Seventy-fourth Fiscal Year, 1922-1923.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$26,028 35
Wholesale fish packers' licenses.....					385 00
Total revenues.....					\$26,413 35
Expenditures:					
Superintendence.....	\$94 07	\$2,961 58	\$1,212 16	\$142 40	\$4,410 21
Inspection and patrol.....	1,158 18	7,813 95	1,423 46		10,395 59
Research.....	139 30	8,285 26	806 49	290 97	9,522 02
Statistics.....	321 21	2,568 28	29 72		2,919 21
Prorate general commission overhead.....	94 55	3,384 56	2,282 06	210 17	5,971 34
Prorate printing.....			823 58		823 58
Prorate "Albacore".....	816 17	2,639 99	1,631 98	115 15	5,203 29
Total expenditures.....	\$2,623 48	\$27,653 62	\$8,209 45	\$758 69	\$39,245 24
Surplus.....					\$12,831 89

Seventy-fifth Fiscal Year, 1923-1924.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$25,824 92
Wholesale fish packers' licenses.....					410 00
Total revenues.....					\$26,234 92
Expenditures:					
Superintendence.....	\$44 35	\$4,318 00	\$1,140 40		\$5,502 75
Inspection and patrol.....	18 77	9,080 92	1,832 31		10,932 00
Research.....	472 27	6,104 83	1,172 26	\$82 89	7,832 25
Statistics.....	300 62	3,032 69	39 21		3,372 52
Prorate general commission overhead.....	1,265 16	3,277 72	1,248 94	22 11	5,813 93
Prorate printing.....	85 95				85 95
Prorate "Albacore".....	1,326 79	2,513 96	439 26	7 89	4,287 90
Total expenditures.....	\$3,513 91	\$28,328 12	\$5,872 38	\$112 89	\$37,827 30
Surplus.....					\$11,592 38

Seventy-sixth Fiscal Year, 1924-1925.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax.....					\$67,626 60
Wholesale fish packers' licenses.....					410 00
Total revenues.....					\$68,036 60
Expenditures:					
Superintendence.....	\$356 50	\$3,796 18	\$1,182 71	\$6 75	\$5,342 14
Inspection and patrol.....	375 69	9,023 10	1,964 76	8 80	11,372 35
Research.....	1,415 71	8,088 91	938 63	585 10	11,028 35
Statistics.....	295 79	3,518 86	59 86		3,874 51
Prorate general commission overhead.....	1,510 99	3,795 49	2,016 32	103 96	7,426 96
Prorate printing.....					
Prorate "Albacore".....	3,180 69	2,620 81	438 40	97 02	6,336 92
Total expenditures.....	\$7,135 37	\$30,843 35	\$6,600 88	\$703 73	\$45,383 23
Surplus.....					\$22,653 37



## FISH AND GAME COMMISSION.

Statement of Revenues and Expenditures Seventy-seventh to Seventy-ninth  
Fiscal Years, Inclusive, Southern California Area.  
Seventy-seventh Fiscal Year, 1925-1926.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$43,592 72
Wholesale fish packers' licenses					465 00
Total revenues					\$44,057 72
Expenditures:					
Superintendence	\$184 95	\$2,064 00	\$670 50		\$2,919 45
Inspection and patrol	167 03	7,669 68	1,564 87		9,401 58
Research	476 84	3,071 37	369 76	\$97 11	4,015 08
Statistics	179 19	2,004 98	70 68		2,254 85
Prorate general commission overhead	1,498 48	4,507 02	4,179 49	897 15	11,082 14
Commercial fisheries overhead*	596 04	6,841 06	774 00	318 68	8,029 78
Deputies	45 14	8,456 31	1,710 93	52	10,212 90
Patrol launches	2,566 91	2,422 26	495 36	5,905 45	11,389 98
Total expenditures	\$5,714 58	\$36,536 68	\$9,845 59	\$7,218 91	\$59,305 76
Surplus					\$15,248 04

\*Includes "chief and assistants," laboratory and statistical

Seventy-eighth Fiscal Year, 1926-1927.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$41,413 90
Wholesale fish packers' licenses					365 00
Total revenues					\$41,778 90
Expenditures:					
Chief and assistants	\$408 89	\$7,128 81	\$996 54	\$97 69	\$8,631 93
Deputies	8 98	11,721 94	2,777 08	118 77	14,626 77
Laboratory	516 60	13,908 96	2,852 18	1,218 81	18,496 55
Statistical	53 84	2,548 44	198 23	4 02	2,804 53
Patrol launches	2,311 01	2,260 00	1,162 01	142 86	5,875 88
Botulism			8,250 00		8,250 00
Prorate general commission overhead	1,814 72	5,386 63	3,918 20	613 76	11,733 31
Total expenditures	\$5,114 04	\$42,954 78	\$20,154 24	\$2,195 91	\$70,418 97
Surplus					\$28,640 07

Seventy-ninth Fiscal Year, 1927-1928.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$39,163 04
Wholesale fish packers' licenses					415 00
Total revenues					\$39,578 04
Expenditures:					
Chief and assistants	\$132 07	\$5,471 59	\$1,413 18	\$155 63	\$7,172 47
Deputies		18,556 27			18,556 27
Laboratory	813 77	17,619 68	3,218 34	1,066 86	22,718 65
Statistical	223 95	3,118 50	164 06	82 50	3,589 01
Patrol launches	2,123 16	4,763 17	1,254 21	156 02	8,296 56
Botulism			8,250 00		8,250 00
Automobiles	357 76		158 14		515 90
Prorate general commission overhead	3,186 57	5,773 51	4,736 08	389 00	14,085 16
Total expenditures	\$6,837 28	\$55,302 72	\$19,194 01	\$1,870 01	\$83,204 02
Surplus					\$43,625 98

## FISH AND GAME COMMISSION.

Statement of Revenues and Expenditures Seventy-fourth to Seventy-sixth Fiscal Years, Inclusive, Monterey Area.

Seventy-fourth Fiscal Year, 1922-1923.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					\$10,517 03
Fish-parkers' tax					\$10,517 03
Total revenues					
Expenditures					\$107 56
Salaries and wages	\$18 05		\$336 24	\$53 27	\$3610 74
Inspection and patrol	500 20	\$2,166 00	1,000 54		1,379 06
Research	18 77	4,063 45	254 07	4 77	768 72
Supplies	156 04	855 03	17 45		3,790 94
Prorate general commission overhead	99 17	2,145 80	1,452 22	133 75	6,687 45
Prorate commission distribution	2,092 28	4,210 18	296 64	178 35	524 10
Prorate printing			524 10		
Total expenditures	\$2,714 11	\$13,113 96	\$4,481 26	\$369 14	\$20,208 47
Surplus					\$9,684 44

Seventy-fifth Fiscal Year, 1923-1924.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					\$24,243 36
Fish-parkers' tax					\$24,243 36
Total revenues					
Expenditures					\$1,435 44
Salaries and wages	\$1 00	\$1,050 00	\$375 44		\$3,408 37
Inspection and patrol	1 79	2,378 70	973 66		6,12 49
Research	55 75	1,887 95	160 34	\$4 63	3,909 77
Supplies	169 88	511 51			5,727 02
Prorate general commission overhead	895 10	2,085 82	794 78	14 07	12 59
Prorate commission distribution	1,943 43	3,427 49	345 51		
Prorate printing	54 69				
Total expenditures	\$2,695 45	\$13,550 17	\$2,667 70	\$31 20	\$19,324 54
Surplus					\$4,918 82

Seventy-sixth Fiscal Year, 1924-1925.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues					\$36,772 75
Fish-parkers' tax					\$36,772 75
Total revenues					
Expenditures					\$2,727 03
Salaries and wages	\$251 60	\$1,868 09	\$577 34		\$3,363 69
Inspection and patrol	160 64	2,175 00	1,027 75		6,555 71
Research	298 55	1,856 42	1,259 26	\$154 48	692 86
Supplies	135 57	535 27	22 00		1,726 24
Prorate general commission overhead	961 52	2,415 31	1,283 24	66 17	160 54
Prorate commission distribution	2,226 65	4,438 19	362 10		
Prorate printing					
Total expenditures	\$5,924 45	\$10,315 28	\$4,551 00	\$381 19	\$20,524 41
Surplus					\$10,520 34

## FISH AND GAME COMMISSION.

Statement of Revenues and Expenditures Seventy-seventh to Seventy-ninth  
Fiscal Years, Inclusive, Monterey Area.

Seventy-seventh Fiscal Year, 1925-1926

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$36,740 84
Total revenues					\$36,740 84
Expenditures:					
Superintendence		\$1,032 00	\$481 18		\$1,513 18
Inspection and patrol	\$64 57	2,452 25	862 67		3,379 49
Research	94 62	1,775 00	446 82		2,324 34
Statistics	72 87	574 86	66 97		715 70
Prorate general commission overhead	951 58	2,868 11	2,659 66	\$570 92	7,052 27
Commercial fisheries overhead*	379 31	4,035 23	198 00	196 11	5,109 55
Deputies	6 29	1,230 00	238 23	67	1,474 39
Salmon tagging	240 00		22 10		262 10
Salmon distribution	5,722 87	5,527 37	320 26	95 06	11,665 56
Total expenditures	\$7,535 11	\$19,499 72	\$5,599 79	\$862 16	\$33,496 78
Surplus					\$3,244 06

\*Includes "chief and assistants," laboratory and statistical.

Seventy-eighth Fiscal Year, 1926-1927

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$40,376 48
Total revenues					\$40,376 48
Expenditures:					
Chief and assistants	\$260 21	\$4,536 52	\$634 16	\$62 17	\$5,493 06
Deputies	14 11	4,026 48	1,767 23	75 58	5,883 40
Laboratory	328 74	8,851 16	1,815 02	775 60	11,770 52
Statistical	34 26	1,621 73	126 15	2 55	1,784 69
Salmon tagging	240 48	43 00	368 49		651 97
Botulism			5,250 00		5,250 00
Prorate general commission overhead	1,154 82	3,427 85	2,493 40	390 57	7,466 64
Total expenditures	\$2,032 62	\$22,506 74	\$12,454 45	\$1,306 47	\$38,300 28
Surplus					\$2,076 26

Seventy-ninth Fiscal Year, 1927-1928.

	Materials and Supplies	Salaries and Wages	Service and Expense	Property and Equipment	Total
Revenues:					
Fish packers' tax					\$52,069 49
Total revenues					\$52,069 49
Expenditures:					
Chief and assistants	\$84 05	\$3,181 92	\$899 29	\$99 04	\$4,564 30
Deputies		5,962 66			5,962 66
Laboratory	517 85	11,212 52	2,048 04	691 64	14,470 05
Statistical	142 52	1,984 50	104 40	52 50	2,283 92
Salmon tagging			71 40		71 40
Botulism			5,250 00		5,250 00
Automobiles	227 66		109 63		328 29
Prorate general commission overhead	2,027 82	3,674 05	3,013 86	247 54	8,963 27
Total expenditures	\$2,999 90	\$26,315 65	\$11,487 62	\$1,090 72	\$41,893 89
Surplus					\$10,175 60



## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 657—An act to amend section 73711, relating to salaries of judges of the superior court in and for the city and county of San Francisco.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Murphy moved to refer Assembly Bill No. 657 to Senator Crowley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "ten".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 657, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Murphy adopted.

Bill ordered to print.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following amendment was offered:

By Senator Sharkey: Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article XIII of the constitution of the State, relating to property exempt from taxation.

Amendment referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 45—Proposed amendment to article XIII of the constitution, relating to property exempt from taxation—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

SWING, Chairman.  
CANEPA.  
MURPHY.  
YOUNG.  
WELLER.  
MUELLER.  
FELLOM.  
CHRISTIAN.

Senate Constitutional Amendment No. 45 ordered on file.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays,

arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in connection with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter, also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefore; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto;

Also: Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmueller against the State of California;

Also: Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California;

Also: Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—10; absent 7.

INMAN, Chairman.

Senate Bills Nos. 237, 239 and 242 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmiller against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

FURTHER PROCEEDING UNDER CALL OF THE SENATE—DISPENSED WITH.

At five o'clock and three minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Merriam.

The Secretary was directed to call the roll.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Canepa, Caster, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Gray, Hurley, Lyon, Madoney, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Weller, and West—21.

NOES—Senators Allen, Boggs, Breed, Cassidy, Cobb, Fellom, Garrison, Handy, Inman, Jones, Ray, McCormack, Murphy, Nelson, Slater, Swing, Tubbs, Wagdy, and Young—18.

Title read and approved.

Senate Constitutional Amendment No. 34 ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### ON UNIVERSITIES AND TEACHERS' COLLEGES.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Assembly Bill No. 994—An act to provide for the investigation of the economic problems of agriculture, by the University of California—has had the same under consideration, and respectfully reports the same back with recommendation that it do pass, and be re-referred to Committee on Finance.

Committee membership—9.

(Signed out)

WEST, Chairman.  
JONES, RAY.  
DUVAL.  
PEDROTTI.  
McKINLEY.  
LYON.  
BREED.  
HANDY.  
MURPHY.

Assembly Bill No. 994 ordered re-referred to Committee on Finance



## RECESS.

At five o'clock and five minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate at recess until the hour of eight o'clock p.m.

## RECONVENED.

At eight o'clock p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9.

(Signed out)

FELLOM, Chairman  
CHRISTIAN.  
HURLEY.  
CASSIDY.  
CARTER.  
McCORMACK.  
BOGGS.

Senate Bill No. 884 ordered on file for second reading.

## ON CIVIL SERVICE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State Civil Service employees, and in furtherance thereof providing a fund for pension and death benefits for such employees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—5.

MALONEY, Chairman.

Senate Bill No. 178 ordered on file for second reading.

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 887—An act to amend section 1 of an act of the Legislature of the State of California entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued,

for such purposes, by any county or municipal corporation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

LYON, Chairman.  
YOUNG.  
ROCHESTER.  
CROWLEY.  
BAKER.

Senate Bill No. 887 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace;

Also: Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered 412a, relating to the service of summons on nonresident persons in certain actions;

Also: Assembly Bill No. 1138—An act to add new sections to chapter 2 of title III of part I of the Code of Civil Procedure, to be numbered 261, 261a, relating to superior courts in and for counties and cities and counties having a population of 900,000 or more; providing for the appointment and compensation of court commissioners, stenographers and other attaches of such court;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership 15; committee vote: Ayes 13; absent—2.

INMAN, Vice Chairman.

Assembly Bills Nos. 446, 654 and 1138 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 178—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Handy moved to refer Assembly Bill No. 178 to Senator Slater, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 3, line 20, of the printed bill, strike out lines 20 to 32, inclusive, and insert in lieu thereof the following: "voluntary leaving of the member. The commandant or officer in charge may make a monthly charge for the safe-keeping of the personal effects of members of the home left and unclaimed. If said charge is not paid a lien to secure the payment of said charge shall accrue to the state. Said lien may be foreclosed at the time and in the manner as follows:

If the amount due is not paid within three years then such lien may be foreclosed and the commandant or officer in charge may proceed to sell any property or so much thereof as may be necessary to satisfy said lien and costs of sale by public or private sale. Notice of said sale shall be posted at least ten days previous to the date thereof by posting notice of sale in a public place at the home where said sale is to take place. The proceeds of any sale held under the provisions of this section must be immediately credited to the post fund. All inter-".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 178, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print.

Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15 and 16 of the General Dairy Law of California, approved June 15, 1923, as amended.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Assembly Bill No. 304 to Senator Sharkey, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 14, line 25, of the printed bill, following the word "hospitals", in said line, insert the words "and sanitariums".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 304, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

Assembly Bill No. 1025—An act to amend section 737*r* of the Political Code, relating to salaries of superior court judges in the county of Los Angeles.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weller moved to refer Assembly Bill No. 1025 to Senator Evans, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 4 of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "ten".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1025, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 374*b*, and relating to the depositing of garbage, swill and refuse on public highways.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator West moved to refer Assembly Bill No. 816 to Senator McKinley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out all of lines 8, 9 and 10 of the printed bill, and insert in lieu thereof the following: "or who places, deposits or causes to be placed or deposited, in any manner, any offensive matter or thing, or any gas, fluid or substance injurious to life or property, or any noxious or offensive gas, fluid or substance in or adjacent to any theater or place of public assemblage".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 816, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKINLEY, Special Committee.

Report read, and on motion of Senator West adopted.  
Bill ordered to print.

## CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER TWELVE.

Senate Joint Resolution No. 12—Requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications.

## COMMITTEE AMENDMENT.

During the reading of the resolution, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 1 to 27, inclusive; also strike out all of pages 2 and 3 of the printed bill, and insert in lieu thereof the following:

"WHEREAS, It seems to the best interests of the people of California that an investigation be made by the United States government of all corporations supplying telephone communications, with a view of securing facts and information which will assist the California state railroad commission in determining and fixing just and equitable rates for telephone service; now, therefore, be it

*Resolved by the Senate and Assembly, jointly.* That the Legislature of the State of California hereby respectfully requests that congress cause a federal investigation to be conducted into the affairs and operations of telephone companies, including controlled, affiliated and subsidiary companies and organizations for the purpose of ascertaining if the relations between these companies and their subsidiaries constitute a monopoly in the production or selling of telephone service and telephone equipment and supplies throughout the United States and that the said investigation also be directed towards ascertaining the cost of production and fair price of telephone apparatus, equipment and supplies, the nature and value of the services rendered any and all subsidiary, controlled or affiliated companies and that the investigation determine if a fair division of revenues derived from toll service between connecting lines of different telephone companies throughout the United States is made; and be it further

*Resolved.* That the Legislature urges the senators and representatives in congress from California to use all honorable means in furtherance of the adoption of such legislation and means as will secure the investigation and information herein requested; and be it further

*Resolved.* That the secretary of the Senate is hereby directed to transmit copies of this resolution to the president of the senate of the United States, to the speaker of the house of representatives and each of the members from California of the senate and house of representatives of the United States."

Amendment adopted.

Senate Joint Resolution No. 12 read, ordered to print, engrossment, and on third reading file.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 875—An act to authorize the director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of noxious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 875 ordered to enrollment.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State civil service employees, and in furtherance thereof providing a fund for pension and death benefits for such employees.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1 in the title of the printed bill, as amended in the Senate May 1, 1929, beginning at line 1, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"An act to add a new section to be numbered 14a to an act entitled 'An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a state civil service commission, to prescribe its powers, and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor,' approved June 16, 1913, as amended, relating to the placing of incapacitated state employees upon the retired list and providing compensation therefor."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, as amended in Senate May 1, 1929, strike out lines 1 to 25, inclusive.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2 of the printed bill, as amended in the Senate May 1, 1929, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 14a is hereby added to an act entitled 'An act to provide for a general system based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under state authority, and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of

this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and to read as follows:

Sec. 14a. Whenever any employee of the State of Cali—

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 2, line 21, of the printed bill, as amended in the Senate May 1, 1929, strike out the word "which", and insert in lieu thereof the words "or more shall".

Amendment adopted.

AMENDMENT NUMBER FIVE.

On page 2, line 22, of the printed bill, as amended in Senate May 1, 1929, strike out the word "his".

Amendment adopted.

AMENDMENT NUMBER SIX.

On page 2, line 29, of the printed bill, as amended in Senate May 1, 1929, strike out the word "such", and insert in lieu thereof the word "an".

Amendment adopted.

AMENDMENT NUMBER SEVEN.

On page 2, line 32, of the printed bill, as amended in Senate May 1, 1929, strike out the word "may", and insert in lieu thereof the word "shall".

Amendment adopted.

AMENDMENT NUMBER EIGHT.

On page 2, line 33, of the printed bill, as amended in Senate May 1, 1929, strike out the word "such".

Amendment adopted.

AMENDMENT NUMBER NINE.

On page 2, line 34, of the printed bill, as amended in Senate May 1, 1929, strike out all of said line and insert in lieu thereof the following: "the time of incapacitation. Any employee so retired from service shall receive as sick leave the sum of".

Amendment adopted.

AMENDMENT NUMBER TEN.

On page 2, line 36, of the printed bill, as amended in Senate May 1, 1929, strike out the words "during such", and insert in lieu thereof the words "prior to the".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such



purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation.

Bill read second time, ordered engrossed, and on file for third reading.

SENATOR RAY JONES IN THE CHAIR.

At eight o'clock and thirty minutes p.m., Senator Ray Jones of the Sixth District was called to the chair.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or

casements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, West, and Young—28.

NOES—Senators Baker, Duval, Lyon, and Weller—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California, vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads, also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 701 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canipe, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Gray, Harbo, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, R. Foster, Shattuck, Slater, Swing, Wagy, Weller, and Young—29.

NOES—Senators Lyon, Merriam, and West—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 702 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canipe, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Gray, Harbo, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Pedraza, Rochester, Shattuck, Slater, Swing, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 538—An act authorizing the Department of Public Works of the State of California to lay out, acquire and construct a highway from the city of San Francisco across the bay of San Francisco to the county of Alameda, and providing for the payment of the cost thereof.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagay, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 658—An act to regulate the handling and sale of eggs and the manufacture of egg products; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Agriculture of the State of California; defining its powers and duties hereunder; and repealing chapter 425, Statutes of 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagay, Weller, and West—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, May 7, 1929.

*To the Senate of the State of California.*

I am herewith returning Senate Bill No. 188 without my approval.

This bill permits the State, counties, and cities in their purchases to pay 5 per cent more for California manufactured articles than for those manufactured elsewhere. At first thought this proposition seems attractive, and I can fully realize that the author and sponsors of the measure put it forward because they believed it would be of value to the State.

However, there are reasons which lead me to believe that a departure of this kind and at this time would be unwise. Following are some of the reasons which convince me that this bill should not be signed:

1. In the first place I would have grave doubts as to its constitutionality. It would almost seem like a California protective tariff as far as this class of goods and this class of purchasers are concerned—a relation between states which would of course be an impossible one.

2. Even if the question of constitutionality be waived it would seem especially unwise for California, with its vast export of agricultural and other products into other states, to discriminate against those states as regards their products, except for such unavoidable reasons as protective quarantines. Once started on such a course we would inevitably invite a disastrous retaliation. One of the finest endeavors in which the Legislature and our State officers are now united is the seeking of means for expanding markets for California products. To announce such a policy as this bill contemplates could easily undo much of the constructive work already done in the interest of marketing our own products.

3. I am doubtful, much as we might like to aid our manufacturing industries, whether we have a right to add to the burdens of all taxpayers by a differential in favor of one class of taxpayers. Five per cent added to the cost of this class of purchases by the State and its political subdivisions would involve a very large sum of money.

4. By reason of ambiguities in the text of the bill, it would be difficult to determine whether certain frequent situations present proper cases for the granting of such a preference. The bill is directed to the "letting of contracts for public

work" as well as to the purchase of materials and supplies and in either case purports to accord a preference to persons and concerns "manufacturing same in the State." The meaning of the latter expression is not at all clear in relation to a contract for public work and might lead to costly uncertainties in the letting of such contracts.

5. A preference is now accorded to California products by provisions of existing law. If price, fitness and quality are equal, materials and supplies produced in this State must be preferred when purchases are made for public use. This indicates a policy which it would appear unwise to disturb. With our abundance of fuel oil and of power, I do not believe that many California manufacturers need this additional aid. Our State is destined for a great industrial development, and I believe our industries are capable of standing on their own feet in competition with other states whose products must be shipped here.

Therefore, considering the position of California as one of the largest and richest states of the Union, and the relations which as a selling State she must maintain with her sister states, I feel that our people as a whole would not now wish to enter upon a new policy of this kind. For this reason I am withholding approval of the bill.

Respectfully submitted.

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

Message from the Governor announcing his objections to Senate Bill No. 188 read.

The question being: Shall Senate Bill No. 188 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

**AYES**—Senators Christian, Hurley, and Murphy—3.

**NOES**—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At nine o'clock and forty-seven minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### RESOLUTION.

The following resolution was offered:

By Senator Rochester:

*Resolved*, That Senate Bills Nos. 669 and 672 be recalled from the Senate Committee on Revision of Criminal Law and Procedure, and placed upon the file for second reading.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

**AYES**—Senators Canepa, Crowley, Fellom, Gray, Maloney, Mueller, Murphy, Pedrotti, Rochester, Swing, and Tubbs—11.

**NOES**—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Waggy, Weller, West, and Young—27.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 382—An act prescribing limitations on the amount of indebtedness which may be placed upon lands or real property for

street improvements or street acquisitions; providing procedure therefor; the effect thereof, and the conditions under which said limitations shall apply.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Weller moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—35.

The Secretary announced the absentees.

Time, nine o'clock and fifty-eight minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

##### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Rochester:

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill, the title of which is set forth below:

An act authorizing the Director of Finance to sell and convey certain lands of the State of California, situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Rochester to introduce a bill entitled: An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—33.

NOES—None.



## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Rochester: Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District.

Bill read first time, and referred to Committee on Governmental Efficiency.

## SENATOR NELSON IN THE CHAIR.

At ten o'clock and three minutes p.m., Senator Nelson of the First District was called to the chair.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are herein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20<sub>a</sub> providing for appraisers and the creation of an appraisal fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333—An act relating to pupils in the elementary schools.

Bill read third time.

The question being on the passage of the bill.

## DEMAND FOR PREVIOUS QUESTION.

Senator Breed demanded the previous question.

The question being put: Shall the main question be now put?

Demand sustained.

The roll was called, and Senate Bill No. 333 refused adoption by the following vote:

AYES—Senators Baker, Evans, Sharkey, and Young—4.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—35.

## QUESTION OF PERSONAL PRIVILEGE.

Senator Sharkey arose to a question of personal privilege and addressed the Senate in objection to members of the Senate moving the previous question before the debate on a bill is concluded.

Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes.

On motion of Senator Baker Senate Bill No. 334 was ordered re-referred to Committee on Education.

Senate Bill No. 335—An act relating to pupils in public high schools.

On motion of Senator Baker Senate Bill No. 335 was ordered re-referred to Committee on Education.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Weller.

The Secretary was directed to call the roll on the final passage of Senate Bill No. 382.

The roll was called, and Senate Bill No. 382 refused passage by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Duval, Edwards, Evans, McKinley, Merriam, Mueller, Rochester, Swing, Wagy, Weller, and Young—17.

NOES—Senators Canepa, Carter, Cassidy, Christian, Crowley, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, and West—22.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MUELLER, Chairman.  
GARRISON.  
MALONEY.  
COBB.  
WELLER.  
TUBBS.  
MURPHY.  
NELSON.  
BREED.

Senate Bill No. 889 ordered on file for second reading.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 576—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor:

Also: Senate Bill No. 831—An act making an appropriation from the fish and game preservation fund for conservation work for the benefit of the commercial fishing industry of the State of California;

Also: Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions;

Also: Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 14, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation;

Also: Senate Bill No. 420—An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections;

Also: Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921;

Also: Senate Bill No. 886—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 431, relating to a cash revolving fund;

Also: Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of Professional and Vocational Standards, should such a department be established, and in that event defining the powers and duties of that department under this act;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings;

Also: Senate Bill No. 519—An act to amend section 1188 of the Political Code, relating to elections;

Also: Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmueller against the State of California;

Also: Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California;

Also: Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California;

Also: Senate Bill No. 248—An act validating certain leases of city properties, by the legislative authorities of certain municipalities operating under freeholders' charters;

And reports that the same have been correctly engrossed.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 402—An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California—and reports that the same has been correctly enrolled,



and presented to the Governor on the seventh day of May, 1929, at three o'clock and thirty minutes p.m.

EDWARDS, Acting Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund;

Also: Senate Bill No. 637—An act to amend the title and sections 1 (c), 2 and 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act;

And reports that the same have been correctly re-engrossed.

EDWARDS, Acting Chairman.

#### ADJOURNMENT.

At eleven o'clock and thirty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate adjourned until ten o'clock a.m., Wednesday, May 8, 1929.

HAROLD J. POWERS, Minute Clerk.

#### IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Wednesday, May 8, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

#### ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

Quorum present.

#### PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

#### READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, May 7, 1929, the further reading was dispensed with, on motion of Senator Slater.

#### PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Elizabeth Calmon, librarian, Anaheim Public Library; Olive Bailey, librarian, Placentia, California, and E. Kate Rea, trustee, Anaheim Public Library.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to pupils of Elk Grove Union High School, as follows: Charles Ackeret, Jack Bitzer, June Bowman, Arthur Brown, Ernest Brinkerhoff, Alfred Buscher, Inez Cadjew, Doris Camp, Hilda Carlisle, Harold Carlson, Lois Coons, Marion Dannals, Reinhold Derheim, Phyllis Fiddymont, George Foulks, Lillian Fry, Bernice Fukushima, Irene Grant, Joseph Grant, Donna Green, Evan Green, June Grover, Cecil Haek, Takeyoshi Hamatani, Kiyohiko Hamatani, Leonard Hastie, Frank Hirohata, Paul Hirohata, Victor Ito, Barbara Kammerer, Howard Kerby, George King, Alfred Krull, Herbert Kurima, Carma Latson, Dick Ledwith, Helen Lucinski, Harry Mailey, Harry Mezza, George Mivao, Thelma Moore, Dorothy Matsumoto, Mary Mieponski, Rosie Nabuso, Ben Oda, Samuel Okamoto, Wendell Penrose, Gladys Robbins, Lloyd Robbins, Vernon Rogers, Sylvia Santich, Harold Sassman, Lorraine Schaeffer, Hilda Schanzenbach, Caroline Simunich, Ivy Strong, Evelyn Stumbo, Frank Stewart, Thomas Tanabe, William Tanson, Ruth Taylor, Edith Tegen, Leslie Thomas, Mary Vargus, Mary Veach, Mabel Waring, Norman Warren, Virginia Yori, Norma Yoshinaga, Roy Yoshinaga, Alma Core, Leonard Dymeck, Raymond Jamison, Dave Jones, Harold Jordan, Lester Koster, Tom Lillieo, Eleanor Markofer and Francis Scott.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor Carol M. Powers and Professor Wm. D. Fuller of Modesto Junior College.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff R. R. Veale of Contra Costa County.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. D. Boring and D. F. Campbell of Orange County.

On request of Senator Boggs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jas. F. Campbell of Stockton.

#### PRESENTATION OF PETITION.

The following petition was presented, and ordered printed in the Journal.

By Senator Inman:

#### RESOLUTION.

WHEREAS, Senate Joint Resolution No. 12 is now pending before the Federal Relations Committee of the State Senate at Sacramento; and

WHEREAS, Said resolution urges the passage by Congress of the resolution introduced by Senator Hiram W. Johnson, providing for appointment of a federal commission to investigate the organization and operation of public utility corporations supplying telephone communications; and

WHEREAS, The increased rates now being paid by the telephone users of Los Angeles result in excessive rates to the local telephone company, as revealed by testimony before the State Railway Commission in the San Francisco rate hearing now pending; now, therefore, be it

*Resolved*, That the council of the city of Los Angeles hereby recommends and urges the adoption of Senate Joint Resolution No. 12 introduced by Senator Inman and now pending before the Legislature of the State of California.

I hereby certify that the foregoing resolution was adopted by the council of the city of Los Angeles at its meeting held May 3, 1929.

ROBT. DOMINGUEZ, City Clerk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 45—Relative to leaves of absence of the Governor, Lieutenant Governor and the members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California:

Also: Assembly Concurrent Resolution No. 46—Relative to the creation of a committee for the making of a comprehensive study of legislative organization and procedure and related matters.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 45 and 46 read first time, and referred to Committee on Rules.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1011—An act to amend sections 3820, 3821 and 3831 of the Political Code, relating to seizure and sale of personal property for unpaid taxes:

Also: Assembly Bill No. 1168—An act to amend section 16r6 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the salaries of the sealer of weights and measures and his deputies in counties of the sixth class;

Also: Assembly Bill No. 1172—An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929;

Also: Assembly Bill No. 1173—An act to amend section 4246 of the Political Code, relating to the salaries, fees, and expenses, of officers and their deputies and assistants in counties of the seventeenth class;

Also: Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties, and making an appropriation therefor;

Also: Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions of terms used therein and to rear yards of apartment houses;

Also: Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by others to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the Department of Industrial Relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 1011 and 1172 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 1168 and 1173 read first time, and referred to Committee on County Government.

Assembly Bill No. 1174 read first time, and referred to Committee on Finance.

Assembly Bill No. 1177 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1179 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 217—An act to amend section 4241 of the Political Code, relating to salaries of officers and employees of counties of the twelfth class:

Also: Assembly Bill No. 425—An act to amend section 14 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction



thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913 (Statutes 1913, page 1049), as amended; duties of officers of board;

Also: Assembly Bill No. 567—An act providing for the creation of a commission to be known as the Olympiad State-wide Cooperative Commission, and prescribing the duties thereof;

Also: Assembly Bill No. 695—An act to repeal section 3898a of the Political Code, added by chapter 349 of the Statutes of 1921, and to add a new section thereto to be numbered section 3898b, both relating to the disposition of proceeds of funds from the sale of land deeded to the State for delinquent taxes for the purpose of vocational education of dependents of veterans;

Also: Assembly Bill No. 817—An act to amend sections 4 and 5 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended;

Also: Assembly Bill No. 852—An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts, and providing for their salaries and the payments thereof," approved May 31, 1927, relating to stenographers for judges of the superior court in and for the counties of the fifteenth class.

ARTHUR A. OHNIMUS, Chief Clerk  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 217 and 852 read first time, and referred to Committee on County Government.

Assembly Bill No. 425 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 567 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 695 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 817 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 320—An act to amend section 634 of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district;

Also: Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; providing for the collection and rates of tolls for the use thereof by the public, and providing penalties for charging or demanding unlawful tolls;

Also: Assembly Bill No. 1169—An act to amend section 1 of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913, as amended.

ARTHUR A. OHNIMUS, Chief Clerk  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 320 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1055 read first time, and referred to Committee on Conservation.

Assembly Bill No. 1149 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1169 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9 of article VI, relating to absence of judicial officers from the State;

Also: Assembly Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article IV thereof a new section to be numbered section 22a, relating to retirement salaries for State employees;

Also: Assembly Joint Resolution No. 16—Relating to resurvey of north boundary of Hoopa Indian Reservation and modification of Klamath River Fish and Game District Initiative Act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Constitutional Amendments Nos. 27 and 37 referred to Committee on Constitutional Amendments.

Assembly Joint Resolution No. 16 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 19—Relative to federal legislation for the building and maintenance of highways over public lands and federal reservations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 19 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 3 of article IV thereof, relating to the election and term of office of members of the Assembly;

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation;

Also: Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to section 17 of article VI of the constitution of the State of California, relating to the compensation of judicial officers;

Also: Assembly Joint Resolution No. 14—Relative to memorializing Congress to give favorable consideration to Senate Bill No. 121;

Also: Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of procedure therewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Constitutional Amendments Nos. 1, 21 and 36 read first time, and referred to Committee on Constitutional Amendments.

Assembly Joint Resolution No. 14 read first time, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 38 read first time, and referred to Committee on Conservation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1020—An act to amend sections 409 and 410

of the Political Code, relating, respectively, to the fees to be collected by the Secretary of State and to the distribution by the Secretary of State of the laws, resolutions and journals of the Legislature and of decisions of the Supreme Court and of the District Courts of Appeal:

Also: Assembly Bill No. 1150—An act to amend the "Water Commission Act," approved June 16, 1913, as amended, by adding thereto a new section, to be numbered 20b, relating to a reservation of a portion of the waters of a cutting within a county for use within said county of origin and providing for the appropriation and use of such water, declaring all portions of said "Water Commission Act" not inconsistent with this amendment to be applicable thereto, and declaring the provisions of section 46 of said "Water Commission Act" to be applicable to this amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1020 read first time, and referred to Committee on Engrossment, Enrollment and Printing.

Assembly Bill No. 1150 read first time, and referred to Committee on Conservation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1033—An act to add a new section to the Penal Code to be numbered 1618, relating to county and city jails and medical care of persons therein.

Also: Assembly Bill No. 1049—An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies:

Also: Assembly Bill No. 1095—An act to cure defects in maps or plats filed for record prior to April 1, 1929, and in deeds or conveyances referring to such maps.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 13—An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee districts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts.

Also: Assembly Bill No. 69—An act to amend section 694 of the Code of Civil Procedure, relating to the conduct of sales of property execution or under power contained in any trust deed hereafter executed, and designating the county wherein such sales must be held:

Also: Assembly Bill No. 97—An act regulating the sale of grain in sacks, defining the term grain, providing that the sacks shall be sold and purchased as part of the same transaction:

Also: Assembly Bill No. 114—An act relating to the regulation and licensing of dealers in live market poultry and providing penalties for the violation of the provisions thereof.

Also: Assembly Bill No. 171—An act to amend section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, and to add a new section thereto to be numbered 9, relating to disposition of human bodies and to the powers and duties of the State Department of Health in relation thereto.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 233—An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class:

Also: Assembly Bill No. 236—An act to provide for the adoption and registration of turkey marks or brands, regulating the sale of turkeys marked or branded and providing penalties for the violation of the provisions thereof:



Also: Assembly Bill No. 690—An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the State Dairy Bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk;

Also: Assembly Bill No. 697—An act to amend section 2322c of the Political Code, relating to county horticultural commissioners;

Also: Assembly Bill No. 787—An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens;

Also: Assembly Bill No. 789—An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens;

Also: Assembly Bill No. 901—An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended, relating to zones.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 23—Providing for the creation of a joint committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 44—An act to add a new section to the Penal Code, to be numbered 634½, relating to the protection of fish and game;

Also: Assembly Bill No. 61—An act to amend section 636 of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 646—An act to create a fish and game refuge; relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership 15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Assembly Bills Nos. 44, 61 and 646 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 181—An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 182—An act to repeal section 274*b* of the Code of Civil Procedure, relating to compensation of official reporters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 559—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 683—An act to amend section 1763 of the Code of Civil Procedure, relating to guardians of insane and other incompetent persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1013—An act to amend section 8 of an act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907 (Statutes 1907, page 310), relating to duty of surveyors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 228—An act to amend section 737*p* of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 350—An act making an appropriation to pay the claim of Lew A. Norton against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 375—An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act,' approved March 24, 1911, as amended, approved May 23, 1925, as amended."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 456—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the

greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 741—An act to amend section 363*a* of the Political Code, relating to the Department of Public Works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 848—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property; defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 948—An act creating the California Crime Commission, defining its duties, and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1091—An act to amend section 737*a* of the Political Code, relating to the salary of the superior judge in and for the county of Marin.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1097—An act making an appropriation to be used by the Department of Agriculture to carry out the provisions of an act entitled "An act to create a Cattle Protection Board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1171—An act to provide for the transferring of moneys in the contingent fund of the State Fire Marshal to the clothes cleaning establishment fund; abolishing the contingent fund of the



State Fire Marshal; and providing for support of the Division of Industrial Fire Safety, in the Department of Industrial Relations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 124. An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended, after the comma following the numerals "1907", insert the following: "for an act entitled 'An act to regulate the sale, purchase, distribution and use of habit-forming narcotics and other dangerous drugs and substances, and providing penalties for the violation thereof,' enacted at the forty-eighth session of the Legislature."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 3, line 16, of the printed bill, as amended, strike out all of lines 16 to 48, inclusive, and insert in lieu thereof the following: "said industrial company, provided, however, no inmate shall be confined longer than the term of his confinement."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 395. An act to add a new article to chapter 3 of title 1 of part III of the Political Code to be numbered article XIc, embracing sections 378 to 378f, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly April 24, 1929, at line 7, strike out "378f", and insert in lieu thereof "378g".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 4, line 22, of the printed bill, as amended in Assembly April 24, 1929, strike out "378f", and insert in lieu thereof "378g".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 5, line 1, of the printed bill, as amended in Assembly April 24, 1929, strike out the word "director", and insert in lieu thereof the word "chief".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 5, line 26, of the printed bill, as amended in Assembly April 24, 1929, after the word "their", and preceding the word "records", insert the word "state".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 6, between lines 4 and 5, of the printed bill, as amended in Assembly April 24, 1929, insert the following paragraph:

"378g. The bureau of commerce is hereby authorized to receive funds from counties or municipalities or other political or quasi-political corporations or any person,

firm, corporation, or association in this state and any funds so received shall be paid into the state treasury to the credit of the appropriation for the support of said bureau and such funds are hereby appropriated for carrying out the purposes of the bureau as defined and set forth in this article."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 388—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act, approved May 3, 1923.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the title and insert in lieu thereof the following:

"An act relating to the compensation of election officers in school elections."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out all of the printed matter down to and including page 2, line 20, and insert in lieu thereof the following:

"SECTION 1. The provisions of section 2,876 of this act shall supersede the provisions of section 2,876 of the School Code as adopted at the forty-eighth session of the Legislature, and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one of chapter two of 1923 two of division two of said School Code.

Sec. 2,876. In all school bond elections, in all school elections in districts having boards of education, and in all other school elections held in districts having an average daily attendance for the preceding school year of six hundred or over, each inspector and judge of election may be paid, out of the funds of the district, as compensation for his services as such election officer, such sum as the governing board of such district may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Elections.

Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 3, line 23, of the printed bill, strike out the words "twenty-five", and insert in lieu thereof "one hundred".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 3, line 26, of the printed bill, strike out the words "twenty-five", and insert in lieu thereof "one hundred".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 38, of the printed bill, after the word "commissioner", insert a semicolon and strike out "as provided for in this act."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 3, line 44, of the printed bill, after the syllables "messenger", insert a period and strike out the balance of said line.

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 4 of the printed bill, strike out lines 1 and 2.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 4, line 3, of the printed bill, strike out the numeral "4", and insert the numeral "3".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 4, of the printed bill, after the word "a", insert the word "non-profit".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 4, line 6, of the printed bill, after the word "state", strike out the period, and insert in lieu thereof a semicolon and add the following: "in the event it be a corporation the stock of which has been or is being sold to the general public, a certificate from the corporation commissioner that it has complied with the requirements of the corporate securities act of this state."

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 4, line 9, of the printed bill, after the word "fee", strike out the comma, and insert in lieu thereof a period, and strike out the balance of the paragraph.

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 4, line 39, of the printed bill, insert: "(c) A provision that the contract may be canceled at any time by either the company or the holder, and that the holder shall, if he has actually paid the consideration, thereupon be entitled to the unused portion of the consideration paid for such contract, calculated on a pro rata basis without any deductions;".

Amendment adopted.

## AMENDMENT NUMBER ELEVEN.

On page 4, line 45, of the printed bill, strike out the letter "c", and insert in lieu thereof the letter "d".

Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 4, line 51, of the printed bill, strike out the letter "d", and insert in lieu thereof the letter "e".

Amendment adopted.



## AMENDMENT NUMBER THIRTEEN.

On page 3, line 23, of the printed bill, after the word "cash", insert the following: "or securities approved by insurance commissioner".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 24, of the printed bill, after the word "thousand", insert the words "five hundred".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 25, of the printed bill, strike out the word "eight", and insert in lieu thereof the word "two".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 21, of the printed bill, after the word "annum", change the period to a semicolon and add the following: "*provided, however,* that in cities of this class wherein no provision is made by city charter for a police or other inferior court, such city justice shall receive a salary of his office."

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 26, of the printed bill, after the word "annum", insert a semicolon instead of a period, and add the following: "*provided, however,* that in cities of this class wherein no provision is made by city charter for a police or other inferior court, such city justice shall receive a salary of four thousand eight hundred dollars per annum."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 30, of the printed bill, after the word "thousand", insert the following words: "six hundred".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 412*1*, relating to the service of summons on nonresident persons in certain actions.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 23, of the printed bill, strike out all of line 23, and insert in lieu thereof the following: "the action is pending; or provided that notice of such service and a copy of the summons are forthwith personally caused by the plaintiff to be delivered to the defendant by a peace officer, and the affidavit of such peace officer that such delivery has been made, the plaintiff's affidavit of compliance herewith, and a copy of the summons and complaint are filed with the clerk of the court in which the action is pending. The court in which the action is pend-"

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1138.—An act to add new sections to chapter 2 of title III of part I of the Code of Civil Procedure, to be numbered 261, 261a, relating to superior courts in and for counties and cities and counties having a population of 900,000 or more; providing for the appointment and compensation of court commissioners, stenographers and other attaches of such court.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 16, of the printed bill, as amended, following the word "appoint", insert the word "six".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, as amended, beginning with the word "two", strike out all the printed matter down to and including the period on page 2, line 1, and insert in lieu thereof the following: "who shall receive a salary of four thousand eight hundred dollars each per annum."

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 3, line 33, of the printed bill, strike out the word "nine", and insert in lieu thereof the word "ten".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in the sum of nine hundred seventy-five dollars and thirty-five cents (\$975.35) in favor of the Secretary of the Senate, to pay the items set forth below, and the Treasurer is hereby directed to pay the same:

State Supply Department—Stationery, supplies and typewriter rentals	\$953 89
Western Union Telegraph Company	21 46
Total	\$975 35

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—29.

NOES—None.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 59—An act to amend section 628 of the Penal Code, relating to fish and game;

Also: Assembly Bill No. 60—An act to amend section 628f of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 1119—An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish,

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by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, by adding thereto a new section, to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

YOUNG, Chairman.

Assembly Bills Nos. 59, 60 and 1119 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

##### SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXV thereto, relating to the construction, maintenance and operation of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses, and for the construction of dams and other works on the Santa Ana River for flood control and water conservation, and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and making an appropriation of \$20,000 for the expense of printing, lithographing and selling of said bonds:

Also: Senate Bill No. 502—An act to provide for the payment of pensions to Veterans of the War with the Philippines and providing an appropriation therefor;

Also: Senate Bill No. 882—An act to add a new section to be numbered 580a to the Code of Civil Procedure, relative to the place for the commencement and trial of actions;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

##### ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the Department of Finance, Surveyor General, State Land Office and the officers, agents and employees thereof and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 293?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 293 by the following vote:

AYES—None.

NOES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Pedrotti, Slater, Tubbs, Wag, Weller, and West—26.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Inman, Boggs and Cassidy, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly Bill No. 293.



The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1028?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1028 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Handy, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—29.

#### COMMITTEE ON FREE CONFERENCE APPOINTED

The President announced the appointment of Senators Slater, Handy and Allen, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly Bill No. 1028.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 70—An act to amend section 67 of the Code of Civil Procedure, relating to the superior court of the city and county of San Francisco, increasing the number of judges thereof and providing for their compensation:

Also: Assembly Bill No. 830—An act to amend section 19231 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the thirty-first class:

Also: Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class:

Also: Assembly Bill No. 1170—An act authorizing and empowering any municipal corporation to which tidelands, and submerged lands, situated within the limits thereof, have been, or may hereafter be, granted by the State of California, to grant all or any portion of such lands to the United States for public or governmental (including military or naval) purposes and validating and confirming grants of such lands made by such municipal corporations to the United States:

Also: Assembly Bill No. 1184—An act to authorize the State Board of Agriculture to acquire property by gift, devise or bequest:

Also: Assembly Bill No. 1185—An act relating to certain funds and property of inmates of State reformatories, hospitals and prisons and the expenditure thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 70 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 830 and 853 read first time, and referred to Committee on County Government.

Assembly Bill No. 1170 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1184 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1185 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 370—An act to amend section 628a of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 229—An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class;

Also: Assembly Bill No. 477—An act to amend sections 24, 28, 43 and 46 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California";

Also: Assembly Bill No. 668—An act to amend section 50 of the Acquisition and Improvement Act of 1925, approved May 23, 1925, as amended, relating to what work may be done;

Also: Assembly Bill No. 833—An act relating to the election of teachers in the public schools;

Also: Assembly Bill No. 855—An act to add a new section to the Code of Civil Procedure, to be known as section 1238a, relating to the exercise of the right of eminent domain by an individual for his own use of water notwithstanding other persons do not participate in the benefit therefrom;

Also: Assembly Bill No. 1183—An act to validate bonds of school districts, high school districts, union high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of the same, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 370 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 229 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 477 and 855 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 668 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 833 and 1183 read first time, and referred to Committee on Education.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED TWENTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, before the semicolon following the word "copy", insert the following: "and that said certificate or certificates (was) were secured by (issued to) said applicant without fraud or misrepresentation".

##### AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out the word "was" following the word "afflicted", and insert in lieu thereof the word "were".

##### AMENDMENT NUMBER THREE.

On page 2, line 40, of the printed bill, strike out the letter (d) in parentheses and the balance of the line, all of line 41 and the word "representation" and the semicolon following it on line 42.

##### AMENDMENT NUMBER FOUR.

On page 2, line 44, of the printed bill, after the word "board", strike out the words "of medical".

## AMENDMENT NUMBER FIVE.

On page 2, line 45, of the printed bill, strike out the words "examiners of the State of California", and insert in lieu thereof the words "for a summer certificate, as provided in this act or any prior medical practice act of the State of California".

## AMENDMENT NUMBER SIX.

On page 4, line 9, of the printed bill, after the word "have", insert the following "complied with all the provisions in this section following the letters (a), (b), (c), (d), (e), (f) and (g), and must have".

## AMENDMENT NUMBER SEVEN.

On page 4, line 29, of the printed bill, following the word "of", strike out the word "medical".

## AMENDMENT NUMBER EIGHT.

On page 4, line 29, of the printed bill, following the word "examiners", insert the following: "as provided in this or any prior medical practice acts".

## AMENDMENT NUMBER NINE.

On page 4, line 31, of the printed bill, strike out the word "certificate" and all of lines 32, 33, 34 and the words "application hereunder" and the period in line 35, and insert in lieu thereof "physician and surgeon certificate."

## AMENDMENT NUMBER TEN.

On page 4, line 49, of the printed bill, after the semicolon, strike out the balance of the line, all of lines 50, 51, 52, and insert in lieu thereof the following: "provided that the board of osteopathic examiners of the State of California, in the event that an applicant files a verified application on a form adopted by said board and based on a reciprocity certificate to practice osteopathy issued under the provisions of the medical practice act of California, may in its discretion admit such applicant to a general, practical, clinical examination for a physician's and surgeon's certificate in the event that such applicant in said application presents satisfactory proof that he has fulfilled all the requirements of section 10 of the medical practice act for a physician's and surgeon's certificate and in addition has fulfilled all the provisions of this section following the letters (a), (b), (c), (d), (e), (f) and (g)."

## AMENDMENT NUMBER ELEVEN.

On page 5 of the printed bill, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and in line 14 the words "of such certificate" followed by the period.

## AMENDMENT NUMBER TWELVE.

On page 5, line 14, of the printed bill, following the comma after the word "practical", strike out the word "or", and insert in lieu thereof the word "and".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 523?

The roll was called, and Assembly amendments to Senate Bill No. 523 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carner, Carter, Cassidy, Christen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Felson, Garrison, Gray, Hardy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, and Young—32.

NOES—None.

Senate Bill No. 523 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED NINETEEN.

## AMENDMENT NUMBER ONE.

On page 2, line 32, of the printed bill, as amended in Assembly April 17, 1929, strike out lines 32 to 35, inclusive, and insert in lieu thereof the following: "duty of the auditor to compile, and he is hereby allowed one deputy, to be appointed by him, to receive one thousand five hundred dollars per annum, said salary shall be paid".



## AMENDMENT NUMBER TWO.

On page 3, line 18, of the printed bill, as amended in Assembly April 17, 1929, strike out lines 18 and 19, and insert in lieu thereof the following: "hundred dollars per annum."

## AMENDMENT NUMBER THREE.

On page 3, line 38, of the printed bill, as amended in Assembly April 17, 1929, strike out lines 38 to 41, inclusive, and insert in lieu thereof the following: "annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; *provided, however, that the surveyor shall be*".

## AMENDMENT NUMBER FOUR.

On page 3, line 26, of the printed bill, strike out the words "per annum", and insert in lieu thereof the words "dollars per annum".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 219?

The roll was called, and Assembly amendments to Senate Bill No. 219 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 219 ordered to print, and enrollment.

## POINT OF ORDER.

Senator Lyon raised the point of order that Senator Inman's motion to reconsider the vote whereby Senate Bill No. 862 was passed, given on May seventh, was out of order, as Senate Rule 51 states that notice of reconsideration of the vote by which a Senate bill was passed shall not be in order on or after the eighth day preceding the last day of the session.

## DECISION ON POINT OF ORDER.

The President announced his decision and declared the point of order well taken.

## POINT OF ORDER.

Senator McKinley raised the point of order that Senator Sharkey's motion to reconsider the vote whereby Senate Bill No. 200 was refused passage, given on May seventh, was out of order, as Senate Rule 51 states that reconsideration of the vote by which a Senate bill was refused passage shall not be in order on or after the eighth day preceding the last day of the session.

## DECISION ON POINT OF ORDER.

The President announced his decision and declared the point of order well taken.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors.

On motion of Senator Cleveland Senate Bill No. 729 was ordered re-referred to Committee on Roads and Highways.

Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its mem-

bers to fill any vacancy which occurs in any office under such board or commission.

On motion of Senator Cleveland Senate Bill No. 301 was ordered re-referred to Committee on Governmental Efficiency.

Senate Bill No. 290—An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this State.

On motion of Senator Cleveland Senate Bill No. 290 was ordered re-referred to Committee on Military Affairs.

Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon.

On motion of Senator Cleveland Senate Bill No. 374 was ordered re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to fees and costs in justices' courts.

On motion of Senator Carter, Senate Bill No. 54 was ordered re-referred to Committee on Judiciary.

#### SPECIAL ORDER RESET.

On motion of Senator Swing, Senate Bill No. 146, heretofore made a special order for eleven o'clock a.m., was reset as a special order for two o'clock p.m.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII $\frac{1}{2}$ , relating to revenue and taxation.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 32 refused adoption by the following vote:

AYES—Senators Canepa, Cassidy, Crowley, Edwards, Fellom, Gray, Hurley, Inman, Lyon, Maloney, Merriam, Murphy, Nelson, Sharkey, Swing, Tubbs, Wagy, and Young—18.

NOES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Duval, Evans, Garrison, Handy, Jones, Ray, McCormack, McKinley, Pedrotti, Slater, Weller, and West—18.

Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—Senator Swing—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2—An act to amend section 1180 of the Penal Code, relating to the effect of an order granting a new trial in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Hurley moved to reconsider the vote whereby Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees—was refused passage.

The question being on the motion to reconsider.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurley moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, West, and Young—35.

The Secretary announced the absentees.

Time, eleven o'clock and forty minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-two minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurley.

The Secretary was directed to call the roll.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 198 was refused passage, carried by the following vote:

AYES—Senators Canepa, Carter, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Gray, Hurley, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Weller, and West—22.

NOES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Edwards, Garrison, Handy, McCormack, McKinley, Nelson, Slater, Wagv, and Young—15.

Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals, and to provide compensation therefor.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Senate Bill No. 393 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harney, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swag, Tubbs, Wagy, Weller, and West—31.

**NOES**—Senator Young—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SENATE CONCURRENT RESOLUTION No. 28

Relative to continuing the legislative investigation as to the advisability of establishing a State prison in one of the southern counties of the State of California.

**WHEREAS**, The present State prisons located at San Quentin and Folsom are insufficient in size and inadequate in equipment to properly care for the large influx of prisoners; and

**WHEREAS**, Said influx of prisoners is annually increasing; and

**WHEREAS**, The transportation of such prisoners sentenced from the southern counties of this State to and from said prisons is a difficult and hazardous task; and

**WHEREAS**, The transportation of prisoners sentenced from the southern counties in this State is expensive and imposes an undue burden upon the taxpayers of this State; and

**WHEREAS**, A committee of the Legislature was appointed at the forty-seventh session thereof to investigate the aforementioned matters; and

**WHEREAS**, The work of said committee is as yet unfinished and it is necessary and proper that its work should be continued to completion and a report of their findings in full be submitted to the forty-ninth session of the Legislature, and, therefore, be it

*Resolved by the Senate, the Assembly concurring*: That the committee of the Legislature appointed at the forty-seventh session thereof for the purpose of investigating the advisability of locating a State prison in one of the southern counties of this State and recommending to the Legislature a suitable location, therefore, had the estimated cost of construction thereof and the costness of all of the members of said committee be continued in full force and effect for the purpose of completing the work of said committee and reporting their findings in full to the forty-ninth session of the Legislature and to collaborate with State officers in their reports, and be it further

*Resolved*, That the expenses incurred in the completion of such investigation, not to exceed the sum of \$1,000, shall be paid equally by the Senate and Assembly out of their respective contingent funds.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 28 adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harney, Harney, Jones, Ray; Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Tubbs, Wagy, Weller, West, and Young—30.

**NOES**—None.

Title read and approved.

Senate Concurrent Resolution No. 28 ordered transmitted to the Assembly.

Senate Bill No. 576—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 576 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 808—An act to amend section 626*a* of the Penal Code, relating to the retention of fish and game after the open season.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 808 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 136 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 880 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray;

Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248—An act to provide for the alteration of the boundaries of and for the annexation of incorporated and or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canapa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

#### SENATE CONSTITUTIONAL AMENDMENT No. 42.

A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its forty-eighth regular session, commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the constitution of said State be amended by adding a new section to article XIII thereof, to be known as section 17, to read as follows:

Sec. 17. The loss in revenue sustained by any county or by a city and county by the withdrawal from local taxation of the property taxed for State purposes under the provisions of this constitution, shall be ascertained and determined by the Department of Finance, and said department shall report to the Legislature the loss sustained by each such county and city and county from such cause, during the biennium next preceding the making of such report: *provided*, that loss to a city and county shall be based on removal of such property from taxation for county purposes and shall not include loss for removal of such property from taxation for municipal purposes. The Legislature shall, immediately after the adoption and approval of the Budget Bill, provide for the reimbursement of such loss from any unappropriated money in the general fund in the State treasury; *and provided, further*, that no such reimbursement shall reduce the unappropriated money in the general fund in the State treasury to a sum less than \$10,000,000.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.



The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wag, Weller, West, and Young—35.

The Secretary announced the absentees.

Time, twelve o'clock and twenty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll.

The roll was called, and Senate Constitutional Amendment No. 42 adopted by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Sharkey, Swing, Tubbs, Wag, West, and Young—29.

NOES—Senators Baker, Breed, Duval, Garrison, Nelson, Rochester, and Weller—7.

Title read and approved.

Senate Constitutional Amendment No. 42 ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 457—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Edwards moved to refer Assembly Bill No. 457 to Senator Canepa, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended, beginning in line 2, strike out the following: "union or joint union".

AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended, strike out all of lines 1 to 23 inclusive, and also strike out all of page 2, and insert in lieu thereof the following: "SECTION 1. The provisions of article eight *a* of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as

would be the case if they were a part of chapter six of part one of division two of the School Code as adopted at the forty-eighth session of the Legislature.

As used in this act the term "this part" means part one of division two of said School Code.

Article eight *a* of this act embracing sections 2,440*a* to 2,451*a*, inclusive, reads as follows:

**Article VIII*a*.—Exclusion of Elementary School Districts from High School Districts and Subsequent Formation into High School Districts.**

**Sec. 2,440*a*.** Whenever a majority of the heads of families or of the electors residing in an elementary school district or union elementary school district having six hundred or more units of average daily attendance in the elementary or union elementary schools thereof as shown by the last reports of the teachers in the district and a total assessed valuation of at least eight million dollars qualified thousand owners and lying less than two and one-half miles from any public high school building by the nearest traveled road, which elementary or union elementary school district is a part of any high school district, as shown by the affidavits of one or more of the petitioners, shall present to the superintendent of schools having jurisdiction over such elementary or union elementary school district, a petition asking for the organization of a high school district to be composed of the elementary or union elementary school district represented in the petition, specifying in the petition the name of the proposed high school district, the county superintendent of schools shall within twenty days after receiving the petition verify the signatures thereto and if he finds them sufficient submit the petition to the state board of education for approval.

**Sec. 2,441*a*.** The petition shall not be approved by the state board of education unless it appears from a certified statement of the county assessor of the county or counties within which the high school district from which said elementary or union elementary school district is withdrawing is situated, that the assessed valuation of the territory remaining in the said high school district after the withdrawal of the said elementary or union elementary school district will be in excess of twenty million dollars, and unless it appears from a certified statement of the county superintendent of schools having jurisdiction over the said high school district that the average daily attendance in the high schools of the said high school district after the withdrawal of the said elementary or union elementary school district will be in excess of one thousand.

**Sec. 2,442*a*.** Should the state board of education approve the petition the superintendent of schools shall within twenty days after receipt of such approval call an election for the determination of the question, and shall appoint three qualified electors in such elementary district or in such elementary district comprising said union elementary district petitioning to conduct the election therein as in this article provided.

**Sec. 2,443*a*.** The election shall be called by posting notices thereof at three public places in the district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published within the proposed high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election.

**Sec. 2,444*a*.** The election shall be held at a public schoolhouse in the district petitioning.

**Sec. 2,445*a*.** The election shall be conducted by the officers appointed for that purpose in the manner provided by law for conducting elections of school trustees.

**Sec. 2,446*a*.** The ballots used in the election shall contain the words "High School District—Yes" and "High School District—No", and electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give.

**Sec. 2,447*a*.** It shall be the duty of the election officers to canvass the vote of the election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of the election.

**Sec. 2,448*a*.** Within ten days after receiving the returns of the election, the superintendent of schools shall declare and record the result, with the details of the vote, in a book kept by him for that purpose.

**Sec. 2,449*a*.** If a majority of the votes cast at the election are in favor of the formation of the high school district, he shall also file with the county clerk of the county, or of each county in which any part of the elementary or union elementary school district is situated, a certificate showing the total number of votes cast in the district in favor of the high school district, the total number of votes cast in the district against the high school district, the aggregate result of the election and the boundaries of the proposed district.

**Sec. 2,450*a*.** If it shall appear from the certificate filed by the superintendent of schools that a majority of the votes cast at the election were cast in favor of the formation of the district, the board of supervisors having jurisdiction shall make an order excluding the elementary or union elementary school district from the high school district of which it was a part.

**Sec. 2,451*a*.** No order excluding territory from any high school district under the provisions of this article shall be made if the exclusion of the territory would

reduce the assessed valuation of the high school district to twenty million dollars or less.

Sec. 2.452a. Any elementary or union elementary school district electing to withdraw from a high school district at an election petitioned for and called under the provisions of this article shall continue to remain liable for such proportion of the bonded indebtedness, incurred before such withdrawal, of the said high school district, as it would have been liable for had it not withdrawn.

Sec. 2.453a. The order of the board of supervisors excluding the elementary or union elementary school district from the high school district shall be entered by the clerk of the board of supervisors in his record of high school districts, and he shall also send a copy thereof to the county clerk of each county in which any part of the high school district is situated, which county clerk shall enter it in his record of high school districts.

Sec. 2.454a. The board of supervisors, after making the order of exclusion, shall make an order establishing the high school district asked for in the petition, and the county clerk shall record the certificate of the county superintendent of schools and the orders of the board of supervisors in full in his record of high school districts."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 457, with instructions to amend, respectfully reports the same back, amended as per instructions.

CANEPA, Special Committee.

Report read, and on motion of Senator Edwards adopted.  
Bill ordered to print.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 875—An act to authorize the Director of the California State Department of Agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds; making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure—and reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of May, 1929, at eleven o'clock and fifteen minutes a.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 724—An act to provide for the organization and government of public water districts, in unincorporated territory, and authorizing the levy of taxes for the maintenance thereof;

Also: Senate Bill No. 866—An act to amend section 42361 of the Political Code, relating to the compensation of county and township officers in counties of the seventh class;

Also: Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.

##### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 287—An act to amend section 2528 and to repeal sections 2529, 2530, 2533 and 2535 of the Political Code, all relating to moneys received or collected or coming into the possession of the Board of State Harbor Commissioners and the disposition and expenditure thereof;



Also: Assembly Bill No. 372—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of said city: Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes—5; absent—4.

FELLOM, Chairman.

Assembly Bills Nos. 287 and 373 ordered on file for second reading

ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, May 7, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure to which was referred Assembly Bill No. 475—An act to add a new section to the Penal Code to be numbered 530½, relating to false impersonation of peace officers; Also: Assembly Bill No. 1023—An act to amend section 1557 of the Penal Code, relating to extradition;

Also: Assembly Bill No. 140—An act to add new sections to the Penal Code to be numbered sections 526 and 527, relating to the making, distribution, or use of matter resembling any process of a court; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

BAKER, Chairman.

Assembly Bills Nos. 475, 1023 and 140 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure to which was referred Assembly Bill No. 8—An act to amend section 1026a of the Penal Code, relating to release of defendant committed to a State institution for the insane, in criminal cases—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

BAKER, Chairman.

Assembly Bill No. 8 ordered on file for second reading

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to section 22 of article VI of the constitution, relating to practice of law and the acceptance of remuneration other than salary by judges;

Also: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to section 18 of article VI of the constitution, relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary;

Also: Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by amending sections 2, 3, 15, 23 and 23a of article IV thereof, relating to the Legislative Department.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Constitutional Amendments Nos. 16, 17 and 35 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1182—An act to amend section 737g of the Political Code, relating to the salaries of superior court judges in and for the county of Contra Costa;

Also: Assembly Bill No. 1188—An act to amend the California Vehicle Act approved May 30, 1923, as amended by adding a new section thereto to be numbered 159½, relating to the motor vehicle fund;

Also: Assembly Bill No. 1189—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand, approved March 1, 1911," as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act;

Also: Assembly Bill No. 1196—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1182 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 1188 and 1196 read first time, and referred to Committee on Finance.

Assembly Bill No. 1189 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1176—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1178—An act to amend section 9a31 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of the county librarian in counties of the thirty-first class;

Also: Assembly Bill No. 1181—An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School;

Also: Assembly Bill No. 1194—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 1176, 1181 and 1194 read first time, and referred to Committee on Finance.

Assembly Bill No. 1178 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 3—An act to amend section 2 of an act entitled "An act to provide for the organization, incorporation and government of

municipal corporations," approved March 13, 1883, as amended, relating to proceedings for the incorporation of unincorporated territory;

Also: Assembly Bill No. 240—An act to amend section 2 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to the State park system;

Also: Assembly Bill No. 898—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a, authorizing the inclusion in one proceeding for the separation of grades under the provisions of said act the separation or elimination of two or more grade crossings;

Also: Assembly Bill No. 1032—An act to prescribe a procedure for the acquisition of property by the State, counties and municipalities of property under the provisions of section 14½ of the constitution of California and the reservation of rights therein and the sale or other disposition and conveyance thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 3 and 1032 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 240 read first time, and referred to Committee on Conservation.

Assembly Bill No. 898 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating and licensing the distribution or sale of such products; prescribing penalties for violation of the provisions hereof and repealing acts and parts of acts inconsistent therewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1130 read first time, and referred to Committee on Oil Industries.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 2, 1929, passed Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 392 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 293—An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the Department of Finance, Surveyor General, State Land Office and the officers, agents and employees thereof and to repeal an act entitled "An act



to authorize suits against the State and regulating the procedure therein," approved February 28, 1893—Assemblymen West, Reindollar and Young to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 1028—An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class—Assemblymen Seudder, Luttrell and Fry—to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

##### ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section numbered 549a, providing for the release from attachment of real property owned by any person not a party to the action—reports that it has met a like committee of the Assembly, consisting of Assemblymen Brock, Hoffman and Meeker, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, after the word "attachment", insert "and execution".

##### AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, after the period following the word "provided", add the following: "The provisions of this section shall extend and apply to real property levied upon by execution."

SWING,  
BAKER,  
ALLEN,

Senate Committee on Free Conference.

BROCK,  
MEEKER,  
HOFFMAN,

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—30.

NOES—None.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

##### ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions of terms

used therein and to rear yards of apartment houses—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7.

(Signed out)

CROWLEY, Chairman.  
PIEDROTTI.  
CANEPA.  
EVANS.  
GRAY.  
MURPHY.

Assembly Bill No. 1177 ordered on file for second reading.

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 514—An act to amend section 5 of the Direct Primary Law, approved June 16, 1912, as amended, relating to nomination of candidates for public office—and reports that the same has been correctly engrossed.

EDWARDS, Acting Chairman.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolution was offered:

By Senators Murphy and Canepa: Senate Joint Resolution No. 15—Relating to immigration.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER FIFTEEN.

Senator Murphy asked for and was granted unanimous consent to take up Senate Joint Resolution No. 15 without reference to committee for the purpose of adoption.

#### SENATE JOINT RESOLUTION No. 15.

##### Relating to immigration.

WHEREAS, Inhabitants of southern, eastern and western Europe in their efforts to achieve residence and citizenship in the United States are unduly restricted by the provisions of the Federal Immigration Act of 1924; and

WHEREAS, Many desirable immigrants are denied admission to this country due to the fact that the basis of apportionment of immigrants from the various countries is made under the census of 1890; and

WHEREAS, The latest federal census taken in 1920 would provide a fairer basis for the allowance of the entry of immigrants and would provide more equitable restrictions for maximum allowance from the various countries; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of the State of California hereby respectfully urges and petitions the Senators and Representatives of this State in Congress to use their best endeavors to secure an amendment to the Federal Immigration Act of 1924 to provide that the basis of apportionment and restrictive quotas from the various countries be made under the 1920 census; and be it further

*Resolved,* That the Secretary of the Senate be and he is hereby directed to forward copies of these resolutions to the Speaker of the House of Representatives, President of the Senate of the United States and the members of the Senate and House of Representatives from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Murphy moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and six minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Murphy.

The Secretary was directed to call the roll.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Caneppa, Cassidy, Cleveland, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Inman, Lyon, Maloney, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Waggy—21.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cobb, Duval, Evans, Garrison, Jones, Ray; McCormack, McKinley, Merriam, Nelson, Weller, West, and Young—18.

Title read and approved.

Senate Joint Resolution No. 15 ordered transmitted to the Assembly.

Assembly Bill No. 363—An act to amend the Street Opening Bond Act of 1911 as amended, by striking out sections 15, 16, 17, 18 and 19 thereof and by amending sections 4, 10, 11, 12, 13 and 14 thereof, relating to default, delinquency and foreclosure of bonds.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Lyon moved to refer Assembly Bill No. 363, as amended May 6, 1929, to Senator West, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, immediately preceding the word "under", insert the word "or".

AMENDMENT NUMBER TWO.

On page 2, line 37, of the printed bill, strike out the semicolon and the word "the" immediately following, and insert in lieu thereof a period and the word "The".

AMENDMENT NUMBER THREE.

On page 2, line 49, of the printed bill, strike out the following: "principal sum thereof", and insert in lieu thereof the following: "assessment represented by said bond".

AMENDMENT NUMBER FOUR.

On page 5, line 23, of the printed bill, beginning with the word "together", strike out all printed matter down to and including the comma following the word "bond" in line 24.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 363, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Bill ordered to print.



Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article XVI thereof a new section to be numbered 6, relative to the issuance of bonds to the amount of \$7,500,000 to be used to aid counties in defraying the counties' share of costs in the acquisition of rights of way for, and construction of railroad crossing eliminations on the county roads within the counties of the State of California, and for the construction of said railroad crossing eliminations by the California Highway Commission, and providing that the cost of crossing elimination on county roads be divided between the county, the railroad involved, any other party to costs, in such proportions as may be determined by the State Railroad Commission.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 16 refused adoption by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurlay, Inman, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedroni, Sharkey, Slater, Swing, and Tabbis. 25.  
NOES—Senators Breed, Cassidy, Christian, Cobb, Duval, Evans, Jones, Ray, McKinley, Nelson, Rochester, Wagy, Weller, West, and Young. 14.

#### RESOLUTION.

The following resolution was offered, and on motion of Senator Inman ordered printed in the Journal:

By Senators Inman, Boggs, Wagy and Carter:

WHEREAS, The Senate of the State of California has undertaken to investigate as to the existence or nonexistence of a reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California, for the control of the market price in cement and the suppression of free competition; and

WHEREAS, On January 18, 1929, the President of the Senate, pursuant to the resolution of said Senate adopted on January 17, 1929, appointed Senators Boggs, Carter, Inman, Herbert C. Jones, and Wagy, as a committee to investigate as to the existence or nonexistence of such reputed illegal combination or conspiracy, with full power to issue subpoenas and bring witnesses before it and examine them as to the facts or purported facts as to such reputed illegal combination or conspiracy and to compel the production for examination by such committee of all necessary books, papers, documents and records material thereto, and did by said resolution of January 17, 1929, set aside from the contingent fund of the Senate and make available for the use of said committee in said investigation the sum of \$5,000; and

WHEREAS, Said committee so appointed has met, held hearings and undertaken to discharge its said duty of investigating as to the existence or nonexistence of such reputed illegal combination or conspiracy; and

WHEREAS, Subpoenas duces tecum were duly and regularly issued and duly and regularly served upon: Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Bartelle, and A. Emery Wishon, requiring each of the said persons to appear before said committee to testify, and requiring each of them to bring with him certain books, papers, documents, and records in his possession or under his control, and designated and described in the subpoenas; and

WHEREAS, In pursuance of said subpoenas duly and regularly issued and served said persons appeared before said committee of investigation of this Senate, and refused and declined to answer certain questions material to the issues and refused to produce proper books, papers, documents, and records required of them, such being in their possession or under their control and material to said issues, all as more particularly appears from the report of said committee presented to and filed with this Senate, on March 8, 1929, and from the supplemental report of said committee presented to and filed with this Senate on March 11, 1929, said questions being also set forth in the "Excerpts from the transcript of testimony" submitted to the Senate, March 8, 1929, to which reference is hereby made; and

WHEREAS, The truth as to the existence or nonexistence of such reputed illegal combination or conspiracy is alleged to rest largely within the knowledge of those said witnesses, or in the proper books, papers, documents, and records required of them such being in their possession or under their control; and

WHEREAS, This honorable Senate did on March 14, 1929, adopt a resolution declaring the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Washon to be guilty of contempt of this Senate and ordering that said persons and each of them be committed to the county jail in the county of Sacramento, State of California, until they purged themselves of this contempt by answering the questions which were propounded to them by said committee and by producing the proper books, papers, documents and records required of them by the said subpoenas duces tecum; and

WHEREAS, Said persons did thereafter institute certain legal proceedings for the purpose of determining the legality of the said order of this Senate that they be committed to the said county jail in the county of Sacramento, State of California, which said legal proceedings have not been finally determined; now, therefore, be it

*Resolved*, That the special committee of five members of the Senate consisting of Senators Boggs, Carter, Inman, Herbert C. Jones, and Wagz, shall continue to have and exercise all powers, duties and responsibilities conferred by the said resolution of the Senate adopted on January 17, 1929, and shall continue to meet and function at such times and places as it may determine during the session of the present Legislature and during the interim between sessions and until the convening of the forty-ninth session of the Legislature of the State of California; and said committee shall, upon the convening of the forty-ninth session of the Legislature, report its findings and submit its recommendations to said Legislature, based upon the result of the committee's study and investigation made and conducted in the manner hereinafter directed; and, be it further

*Resolved*, That in case any vacancy occurs in the membership of said committee due to death, inability to act or other cause, such vacancy shall, upon request of a majority of the remaining members of the committee, be filled by appointment by the President of the Senate from the membership of the Senate; and, be it further

*Resolved*, That said special committee, heretofore appointed and hereby continued in existence, is a committee of the Senate of the State of California and as such is hereby authorized and empowered to sit at such places and times as the committee may determine, and in the manner prescribed in article VIII of chapter 2 of title I of part III of the Political Code, to take all steps necessary to carry out all proceedings instituted and any and all lawful orders of this Senate made at its forty-eighth regular session, and to take all steps necessary to compel attendance upon the committee of witnesses and to procure evidence and testimony and to subpoena, summon and examine all witnesses and to require the production of all proper books, documents, records, papers of every kind and accounts which the said committee deems necessary in order to fully inform itself of the manufacture or sale of cement in the State of California, and to allow the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle, and A. Emery Washon to purge themselves of the said contempt of this Senate, as fully as this Senate could do if then in session, by answering before this committee all the questions which were heretofore propounded to them by or before said committee and by producing before this committee all the books, papers, documents and records required of them by said subpoenas duces tecum, and every member of the committee is hereby authorized to administer unto and the committee is hereby fully empowered to do all things to fully accomplish all the purposes of this resolution; and, be it further

*Resolved*, That any and all moneys remaining and unexpended from said sum of \$3,000 heretofore made available from the contingent fund of the Senate for the use of said committee be and the same is hereby appropriated and made available for the purpose of defraying the expenses of said committee in said investigation and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 866—An act to amend section 42361 of the Political Code, relating to the compensation of county and township officers in counties of the seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 866 passed by the following vote.

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Glavin, Goodrich, Inman, Edwards, Evans, Fillion, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam,

Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 724—An act to provide for the organization and government of public water districts, in unincorporated territory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 724 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 587—An act to amend an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding a new section thereto to be known as section 11a, relating to the issuance and sale of bonds for improvements, and the contracts for such improvements and payment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 refused passage by the following vote:

AYES—Senators Baker, Boggs, Christian, Cobb, Duval, Evans, Garrison, McKinley, Merriam, Rochester, Wagy, Weller, and Young—13.

NOES—Senators Allen, Breed, Canepa, Carter, Cassidy, Crowley, Edwards, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, and West—23.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District;

Also: Senate Joint Resolution No. 12—Requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications;

Also: Senate Bill No. 178—An act to add a new section to be numbered 14a to an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, relating to the placing of incapacitated State employees upon the retired list and providing compensation therefor;

And reports that the same have been correctly engrossed.

JONES, RAY, Chairman.



## CONSIDERATION OF DAILY FILE.

## THIRD READING OF SENATE BILLS—(RESUMED).

## SENATE JOINT RESOLUTION No. 12.

Requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications.

WHEREAS, There was pending before the United States Senate during the seventieth Congress a resolution introduced by United States Senator Hiram W. Johnson of California, known as Senate Resolution No. 126, which resolution read as follows: "*Resolved*, That a committee of five members of the Senate be appointed by the President thereof, and be hereby empowered and directed to inquire into and report upon: (1) The growth of the capital assets and capital liabilities of public utility corporations supplying telephone communications, however such telephone communications may be accomplished and or produced, of corporations holding the stocks of such public utility corporations, and of nonpublic utility corporations owned or controlled by or affiliated with such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which holding companies or their stockholders control or are financially interested in financial, engineering, construction, and or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public utility corporations; (4) the services furnished to public utility corporations by holding companies and/or their associated, affiliated, and or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of holding companies owning the stock or otherwise controlling such public utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

"The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which telephone communication is accomplished and/or produced, or to influence or control elections.

"That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers and documents; and to employ counsel, experts and other assistants, and stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the committee to audit and control the contingent expenses of the Senate.

"The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate."

AND WHEREAS, Many cities of California are interested in and opposing the application of The Pacific Telephone and Telegraph Company for an increase in telephone rates, which application is now pending before the Railroad Commission of California, and that said The Pacific Telephone and Telegraph Company is a subsidiary of and controlled by the American Telephone and Telegraph Company of New York, which latter company refuses to submit itself to the jurisdiction of the Railroad Commission of California, and that the State Legislature of Oregon has unanimously adopted a memorial to the Senate of the United States, petitioning the Senate to adopt the United States Senate Resolution No. 126 and to conduct the investigations in accordance with the terms thereof; and

WHEREAS, It seems to the best interests of the people of all cities in California that an investigation be made by the United States government of all corporations supplying telephone communications, with a view to determining and fixing just and equitable rates for telephone service; now, therefore, be it

*Resolved, by the Senate and Assembly, jointly*, That the Legislature of the State of California hereby respectfully requests the United States Senate to adopt a resolution similar to said resolution No. 126 and urges the Senators and Representatives in

Congress from California to use all honorable means in furtherance of the adoption of said resolution; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives and to each of the members from California of the Senate and House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—32.

NOES—Senators Gray, Jones, Ray, and West—3.

Title read and approved.

Senate Joint Resolution No. 12 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 162—An act to amend sections 61 and 131 of the Civil Code and to repeal section 132 of the Civil Code, relating to interlocutory decrees for divorce.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 162 refused passage by the following vote:

AYES—Senators Allen, Carter, Christian, Evans, Gray, Inman, Lyon, Mueller, Rochester, Sharkey, and West—11.

NOES—Senators Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

Senate Bill No. 163—An act to amend section 963 of the Code of Civil Procedure, relative to interlocutory decrees of divorce.

On motion of Senator Mueller, Senate Bill No. 163 was ordered re-referred to Committee on Judiciary.

Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to section 15, article XIII, of the constitution of the State of California, relative to taxation.

On motion of Senator Lyon, Senate Constitutional Amendment No. 39 was ordered re-referred to Committee on Constitutional Amendments.

Senate Bill No. 46—An act to amend section 190 of the Penal Code, relating to punishment of persons found guilty of murder.

On motion of Senator Fellom, Senate Bill No. 46 was ordered re-referred to Committee on Judiciary.

Senate Bill No. 18—An act to amend section 190 of the Penal Code, relating to the punishment for the crime of murder, and to repeal section 246 of the Penal Code, relating to punishment of persons undergoing life sentence.

On motion of Senator West, Senate Bill No. 18 was ordered re-referred to Committee on Judiciary.

Senate Bill No. 831—An act making an appropriation from the fish and game preservation fund for conservation work for the benefit of the commercial fishing industry of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Merriam moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—37.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

PROCEEDINGS UNDER CALL OF THE SENATE.

Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—34.

NOES—Senator Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than one hundred thousand persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 885 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley,



Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, and Young—31.

NOES—Senators Garrison, Mueller, Rochester, and Tubbs—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and eleven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Merriam.

The Secretary was directed to call the roll.

The roll was called, and Senate Bill No. 831 passed by the following vote:

AYES—Senators Baker, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Jones, Ray; Lyon, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Swing, Weller, and West—22.

NOES—Senators Allen, Boggs, Breed, Cassidy, Duval, Garrison, Handy, Inman, Maloney, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, and Young—17.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 882—An act to add a new section to be numbered 580a, to the Code of Civil Procedure, relative to the place for the commencement and trial of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 882 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF SENATE BILL.

Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County, and commonly known as the Tahoe Hatchery Camp, to the Tahoe Lake Elementary School District.

Bill read second time, ordered engrossed, and on file for third reading.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF SENATE BILLS—(RESUMED).

#### SENATE CONSTITUTIONAL AMENDMENT No. 44.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXV thereto, relating to the construction, maintenance and operation of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses, and for the construction of dams and other works on the Santa Ana River for flood control and water conservation, and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an

interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and making an appropriation of \$20,000 for the expense of printing, lithographing and selling of said bonds.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting therefor, hereby proposes to the people of the State of California that the constitution of said State be amended by adding a new article thereto, to be numbered XXIV and to read as follows:

#### ARTICLE XXIV.

##### DEVELOPMENT AND UTILIZATION OF WATER RESOURCES.

SECTION 1. (a) The public convenience, interest and necessity require and demand a full and complete development and conservation of the water resources of the State in the interest and for the use and benefit of the entire State and the people thereof, and requires and demands that the State assume charge and control of excess and unappropriated surface water within the State and embark upon a policy of such conservation by the construction of such dams, reservoirs, aqueducts and other structures as shall or may be necessary or convenient to carry out such policy, for the purpose and to the end that there shall be a fair and equitable distribution of such waters, so far as possible, throughout the State, and it shall be and is hereby declared the policy of the State to carry out such purposes.

SEC. 2. The projects to be constructed under this article shall include the following:

(a) The Santa Ana River Project, situated in the counties of San Bernardino, Riverside and Orange, comprising units consisting of dams, aqueducts, barriers, structures and such other works and combinations thereof as may be necessary or proper for the conservation of the flood and other waters of the Santa Ana River and its tributaries and the protection from storm damage by said river and its tributaries and by the water thereof. Except as otherwise herein provided, one-half of the cost of each unit of said project, but not exceeding in the aggregate \$15,000,000, shall be borne and paid by the State as herein provided.

Bonds, not exceeding in the aggregate \$15,000,000 for said Santa Ana River Project, shall be issued and sold when and as plans for and estimates of costs of units of said project have been prepared and approved by the Department of Public Works in amounts equal to one-half of the cost of such unit or units. Units of said project may be constructed by said counties of San Bernardino, Riverside and Orange, or either or any of them, or any district or districts now or that may hereafter be formed or organized for such purpose. The proceeds derived from the sale of bonds for said Santa Ana River Project shall, when and as plans and estimates of cost for units thereof are prepared and approved as herein provided, be paid to the county or counties, or either or any of them, or to the district or districts, or either or any of them (a) undertaking and agreeing with the Department of Public Works to construct such units in accordance with such approved plans, and (b) undertaking and agreeing with the Department of Public Works to assume and pay not less than one-half of the cost of such unit or units for which plans have been so prepared and approved.

Subject to the approval of the Department of Public Works, any county or district or districts complying with the conditions and requirements hereof, may be reimbursed from the proceeds of such bond issue for not to exceed one-half of the cost of the construction of any unit or units of such project incurred or paid prior to the issuance and sale of bonds hereunder. Not exceeding one-third of the bond issue for said Santa Ana River Project shall be available for construction of a unit or units of said Santa Ana River Project within the county of Orange.

When and as such counties or districts, or either or any of them, shall have complied with the conditions and requirements hereof, the Department of Public Works shall certify such fact to the Water Finance Committee, together with the name and location of the unit to be then constructed, the estimate of the cost thereof and the portion of such cost to be borne and paid by the State, and thereupon said Water Finance Committee shall authorize and direct bonds for said Santa Ana River Project to be issued and sold under this article in amounts sufficient to meet the State's share of such cost, and the proceeds shall be paid to the county or district entitled thereto in accordance with the provisions hereof.

(b) The Camquinez barrier unit, consisting of a salt water barrier, or a combination of a salt water barrier and hedge or other works and structures as may be desirable or necessary thereto at a point in or near the Camquinez Straits to be determined by the Department of Public Works with the approval of the Water Finance Committee as hereinafter provided for the primary purpose of controlling and regulating the salinity of water above such barrier, and for the secondary purpose of the distribution and use of water for flood control, navigation, domestic use and irrigation. One-third of the entire cost of said project in this subsection referred to, not to exceed the sum of \$15,000,000, shall be assumed by the State. Bonds not

to exceed in amount the sum of \$15,000,000 for such salt water barrier shall be issued, sold and disposed of in such amounts and at such times as shall be necessary to carry out the development of such project as herein provided and said salt water barrier shall be constructed, operated and maintained by the State under the provisions and conditions herein specified relating thereto have been complied with.

SEC. 3. For the purpose of meeting the cost of the project contained in this article, the State of California shall incur, in the manner hereinafter provided, and subject to the conditions hereinafter contained, an indebtedness in the sum of \$30,000,000, which sum is the estimated estimated cost of said project.

SEC. 4. The State Department of Public Works shall administer and enforce the provisions of this article, except as herein otherwise provided, and shall cause plans and specifications to be prepared for the construction of the California barrier, when and if the conditions in subdivision (1) of section 2 herein shall have been complied with. The construction of said barrier shall be under the direction of the Department of Public Works. The Legislature shall enact such legislation and laws as shall be necessary or proper to carry out the purposes of this article and to provide for the construction, operation and maintenance of the project authorized under the provisions of this article, and until such time as the project shall have been constructed to any and all of and projects as shall be necessary or proper to carry out the construction, completion and operation thereof in accordance with the provisions hereof, and shall prescribe and define the powers and duties of the Department of Public Works relative to said project, provided however that the Legislature may provide by law for the administration of the project in any manner, then the Department of Public Works and all the powers and duties provided by this article or that may be imposed by law upon the Department of Public Works shall be exercised and performed by such other agency.

SEC. 5. The State Treasurer, when and as directed by the Water Finance Committee, shall prepare the requisite number of interest coupons of the denomination of \$1,000. The aggregate par value of all bonds issued under this article shall not exceed the sum of \$30,000,000 and the bonds issued under the provisions hereof shall bear interest from the date of issuance of such bonds, at the rate of interest thereof at a rate to be determined by the Water Finance Committee, but in no case exceeding six per cent per annum. Such principal and interest shall be payable in gold coin of the United States or the present standard or value at the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the time determined by said Water Finance Committee.

All bonds issued under the provisions of this article must bear the facsimile signature of the Governor and the President of the Senate, and the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp adopted for each bond issue under this article, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office at the date of the issuance thereof, and each of said bonds shall bear the impress of the Great Seal of the State of California. The said bonds, when signed, countersigned, endorsed and sealed, shall be and constitute a valid and binding obligation upon the State of California, although the said bonds shall not be countersigned by the officers having signed, countersigned and sealed said said bonds shall not be countersigned or endorsing said bonds. Each bond issued under this article shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and shall refer to this article and to the order of the Water Finance Committee by virtue of which said bond was issued.

SEC. 6. The requisite number of interest coupons approximately numbered shall be attached to each bond issued under this article. Said interest coupons shall bear the facsimile signature of the State Treasurer who is in office on the date of signing of said bond to which said coupons pertain.

SEC. 7. All bonds issued under this article and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in this article and perform the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also on the said respective dates of maturity cancel all bonds bearing said dates of maturity and cancelling unsold bonds by perforating with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable to the interest coupons pertaining to the bonds authorized by this article to be issued and shall be applicable to any duly authorized agent of the State Treasurer.

SEC. 8. There is hereby appropriated from the general fund in the State Treasury such sum annually as will be necessary to pay the principal of and interest on the bonds issued and sold pursuant to the provisions of this article as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other State revenue is collected such a sum, in addition to the ordinary revenues



of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited by the State Controller, according to law, and the moneys to be returned into the general fund in the State Treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the State Board of Control.

SEC. 9. When the bonds authorized to be issued under this article shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the Water Finance Committee and approved by the Governor of the State, but said Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Water Finance Committee he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

SEC. 10. Due notice of the time and place of sale of all bonds must be given by said Treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of \$500 for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasury into the water bond fund, which fund is hereby created in the State treasury, and must be used exclusively for the accomplishment of the objects and purposes for which such bonds were issued and sold; *provided*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

SEC. 11. There is hereby created a Water Finance Committee composed of the Governor, State Controller, State Treasurer, Director of Finance and Director of Public Works, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee for the purpose of performing the duties imposed by law upon the committee. It shall have the power and is authorized to elect its own officers and to appoint and employ a secretary, executive officer and such other technical assistants or persons as it may deem necessary and fix their compensation. All officers and employees so appointed shall hold office at the pleasure of the committee and all salaries of employees shall be payable out of the water fund upon proper warrants drawn therefor.

The Attorney General of the State shall be the legal adviser of the Water Finance Committee.

SEC. 12. The Water Finance Committee shall determine and authorize the sale of bonds authorized to be issued and sold under the provisions of this article, upon the following conditions, to wit:

(a) Bonds, not exceeding, in the aggregate \$15,000,000, for the development, construction and maintenance of the Santa Ana River Project, in the amounts, at the times and in the manner provided in subdivision (a) of section 2 hereof shall be authorized and be sold when the Director of Public Works shall certify to said Water Finance Committee that the conditions prescribed in said subdivision (a) of section 2 hereof have been complied with.

(b) Bonds in an amount not to exceed \$15,000,000 for the development, construction and maintenance of the salt water barrier shall be authorized and sold when and if the Director of Public Works and the Water Finance Committee shall have determined that the construction thereof is necessary to provide for the salinity control of the delta area of the Sacramento and San Joaquin river basins, and (1) district or districts, county or counties, municipality or municipalities, or political subdivision of the State, persons, firms or corporations, or federal aid shall have provided or made available at least two-thirds of the cost of construction of said unit, or such additional amount as may be necessary to defray the cost thereof in excess of \$45,000,000 and (2) the Department of Public Works shall have entered into contracts as herein authorized for the use or sale of water providing for the

payment annually to the State of a sum not less than the cost of maintaining and operating said salt water barrier.

SEC. 11. Whenever the Water Finance Committee shall have determined that a bond issue under this article is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to that effect. Said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Water Finance Committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Water Finance Committee from the unit or units to be financed, in whole or in part, by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; *provided*, that the bonds last to mature in each issue shall mature not later than 70 years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the Water Finance Committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the Water Finance Committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

SEC. 13. All actual and necessary expenses of the Water Finance Committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Water Finance Committee.

SEC. 14. The sum of \$20,000 is hereby appropriated to pay the expenses that may be incurred by the State Treasurer in the printing and lithographing of said bonds. Said amount shall be paid out of the general fund of the State treasury on the State Controller's warrants duly drawn for that purpose.

SEC. 15. All provisions of this article shall be self-executing and shall not require any legislative action in furtherance thereof; *provided, however*, the Legislature may, in addition to the powers hereinbefore given, enact laws for the administration of this article by other agencies than those herein mentioned, and the duties of the agencies herein mentioned and such other duties as may be deemed necessary or convenient for the carrying out of the provisions of this article, shall thereby be transferred or imposed upon the agencies created or designated by such enactment.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 44 adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Rochester, Sharkey, Swing, Tubbs, Waggy, and West—27.

NOES—Senators Baker, Boggs, Christian, Cobb, Garrison, Handy, Nelson, Slater, Weller, and Young—10.

Title read and approved.

Senate Constitutional Amendment No. 44 ordered transmitted to the Assembly.

Senate Bill No. 886—An act to amend "The Workmen's Compensation, Insurance and Safety Act," approved May 26, 1913, as

amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 886 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Innan, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article XIII of the constitution of the State, relating to property exempt from taxation—and reports that the same has been correctly engrossed.

EDWARDS, Acting Chairman.

#### SENATE CONSTITUTIONAL AMENDMENT No. 45.

A resolution to propose to the people of the State of California an amendment to section 1 of article XIII of the constitution of the State, relating to property exempt from taxation.

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California at its forty eighth regular session commencing on the seventh day of January, 1929, two thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 1 of article XIII of the constitution be amended to read as follows:

Section 1. All property in the State except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; *provided*, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. When the State or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located, and the State shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the State Board of Equalization. The Legislature may provide, except in the case of



credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 45 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—29.

NOES—Senators Christian, Cleveland, Duval, Garrison, and Rochester—5.

Title read and approved.

Senate Constitutional Amendment No. 45 ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmiller against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 242 passed by the following vote:

AYES—Senators Baker, Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray;

Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 178—An act for the benefit of public service and to increase the efficiency thereof by providing for pensioning and retiring State Civil Service employees, and in furtherance thereof providing a fund for pension and death benefits for such employees.

On motion of Senator Gray Senate Bill No. 178 was ordered re-referred to Committee on Civil Service.

Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Drival, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Slater, Swing, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At two o'clock and fifteen minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of two o'clock and twenty minutes p.m.

#### RECONVENED.

At two o'clock and twenty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

#### ASSEMBLY CHAMBER, SACRAMENTO, MAY 8, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 216. An act to amend section 113 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to speed limits;

Also: Assembly Bill No. 767—An act to revise an act entitled "An act to regulate the manufacture, repair and sale of upholstered furniture; providing for the labeling of same; requiring that materials used be correctly described, and the percentage of materials used in each article stated; providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; making the violation of any of the provisions of this act a misdemeanor; and creating the upholstered furniture inspection fund," approved May 9, 1927;

Also: Assembly Bill No. 836—An act relating to cafeterias in the public schools;

Also: Assembly Bill No. 1145—An act relating to the acquisition of Carquinez bridge; creating a public corporation to be known as Carquinez Bridge Authority and providing for the appointment of the Carquinez Bridge Commission; defining the powers and duties of said commission and providing for the acquisition of said bridge and its operation as a publicly owned utility and as part of the highway system of the State of California; providing also for the issuance and sale of revenue bonds of said corporation for the purchase of said bridge and for the payment of interest on said bonds and the amortization thereof; providing for tolls of said bridge for the operation and maintenance thereof and payment of interest on and the amortization of said bonds; creating a district known as Carquinez Bridge District, defining the boundaries of the same and abrogating the right of counties to grant competitive franchises therein; providing for and creating a fund to carry out the purposes of this act; and providing for a revolving fund to meet any deficiency in the operation and financing of said bridge and providing for a method for the payment of the costs of the printing and sale of said bonds;

Also: Assembly Bill No. 1148—An act making an appropriation to carry out the provisions of an act entitled "An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; and to provide penalties for the violations of any of the provisions thereof," as adopted at the forty-eighth session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 216 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 767 read first time, and referred to Committee on Manufactures.



Assembly Bill No. 836 read first time, and referred to Committee on Education.

Assembly Bill No. 1145 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1148 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof;

Also: Assembly Bill No. 232—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in municipal corporations of the sixth class;

Also: Assembly Bill No. 416—An act to amend section 1161 of the Code of Civil Procedure, relating to the unlawful detainer by tenants of real property;

Also: Assembly Bill No. 818—An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class;

Also: Assembly Bill No. 1162—An act to amend section 15 of the Corporate Securities Act, relating to the State Corporation Department;

Also: Assembly Bill No. 1175—An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor, and the manner of payment thereof;

Also: Assembly Bill No. 1187—An act authorizing and empowering any county or city and county to donate and grant to the State for inclusion in the State park system real property owned by it or which it may hereafter acquire; also authorizing any of the same to donate county moneys to the State and make the same available for the acquisition of real property for inclusion in the State park system; also authorizing the levy and collection of taxes and the incurring of indebtedness for any such purposes.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 200 and 1175 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 232 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 416 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 818 read first time, and referred to Committee on County Government.

Assembly Bill No. 1162 read first time, and referred to Committee on Corporations.

Assembly Bill No. 1187 read first time, and referred to Committee on Conservation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 535—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 650—An act appropriating money to be used for the purchase of dam sites and other necessary land to restrain tailings from hydraulic mining operations and for engineering investigation in connection therewith.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bills Nos. 535 and 650 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 7, 1929, adopted Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII½, relating to revenue and taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Constitutional Amendment No. 24 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation for the exclusion of Filipinos.

Also: Assembly Concurrent Resolution No. 47—Relative to a resolution calling for the appointment of a special legislative committee to consider the constitutional mandate with respect to mechanic's liens and to suggest remedial legislation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Joint Resolution No. 15 referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 47 referred to Committee on Judiciary.

#### SPECIAL ORDER.

Senator Inman moved that Assembly Bill No. 124 be made a special order for the ninth day of May, 1929, at two o'clock p.m.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Assembly Bill No. 431 to Senator Edwards, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE

On page 5 of the printed bill, strike out all of lines 21 to 30, inclusive, and insert in lieu thereof the following: "ment shall be designated upon the ballot."

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 431, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Merriam adopted.  
Bill ordered to print.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as

dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of professional and vocational standards, should such a department be established, and in that event defining the powers and duties of that department under this act.

On motion of Senator Canepa, Senate Bill No. 883 was ordered re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 727—An act to amend section 103½ of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

On motion of Senator Inman, Senate Bill No. 727 was ordered re-referred to Committee on Governmental Efficiency.

Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

On motion of Senator Inman, Senate Bill No. 699 was ordered re-referred to Committee on County Government.

Senate Bill No. 502—An act to provide for the payment of pensions to veterans of the war with the Philippines and providing an appropriation therefor.

On motion of Senator Cleveland, Senate Bill No. 502 was ordered re-referred to Committee on Finance.

Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals.

On motion of Senator Fellom, Senate Bill No. 383 was ordered re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXIV thereto, relating to the construction, maintenance and operation of a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and for the construction of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development and other public uses; and conferring upon the Department of Public Works certain



additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds.

On motion of Senator Nelson, Senate Constitutional Amendment No. 36 was ordered re-referred to Committee on Constitutional Amendments.

Senate Bill No. 637—An act to amend section 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, and Wagy—26.

NOES—Senators Baker, Cleveland, Cobb, Duval, Evans, McKinley, Merriam, Weller, West, and Young—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 657—An act to amend the Penal Code of California, by adding thereto two new sections to be numbered 597*h* and 597*i*, relating to cropping of the ears of dogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Gray, Hurley, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, Wagy, and Young—27.

NOES—Senators Carter, Duval, Evans, Handy, Inman, Lyon, McKinley, Nelson, Slater, Weller, and West—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 646—An act to amend section 3664aa of the Political Code, relating to taxation of highway transportation companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 refused passage by the following vote:

AYES—Senators Canepa, Carter, Cassidy, Christian, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Lyon, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, and Wagy—20.

NOES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Duval, Garrison, Handy, Inman, Jones, Ray; McCormack, Merriam, Nelson, Slater, Weller, West, and Young—18.

Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 516—An act to amend sections 1, 3, 4, 5, 10, 12, 13, 22, 23, 24 and 36 of the Direct Primary Law approved June 16, 1913, as amended, relating to the time at which primary elections and party conventions shall be held, and the manner of selecting members of county central committees, and limiting the right of candidates to affiliate with more than one political party.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman,

Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Swing, Wagy, Weller, West, and Young—32.

NOES—Senators Fellom, Murphy, Nelson, Slater, and Tubbs—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519—An act to repeal section 1188 of the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 519 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—35.

NOES—Senators Fellom, Murphy, Nelson, and Slater—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 414 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 420—An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1231, 1262, 1264, 1265 of the Political Code, relating to registration of electors and conduct of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 420 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 881—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of waterworks, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the



cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments.

On motion of Senator Mueller Senate Bill No. 881 was ordered re-referred to Committee on Municipal Corporations.

Senate Bill No. 198—An act to amend section 77 of "The California Vehicle Act," relating to registration fees.

Reconsideration granted previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 198 refused passage by the following vote:

AYES—Senators Canepa, Carter, Christian, Crowley, Evans, Fellom, Gray, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, Tubbs, and West—19.

NOES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cleveland, Cobb, Duval, Edwards, Garrison, Handy, Inman, Jones, Ray; McCormack, McKinley, Nelson, Slater, Wagy, Weller, and Young—20.

#### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS.

The following resolutions were offered:

By Senator Ray Jones: Senate Concurrent Resolution No. 29—Relating to the distribution of a Legislative Manual, State Blue Book or Roster.

By Senator Mueller: Senate Concurrent Resolution No. 30—Approving two certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at the general municipal election held therein on the second day of April, 1929.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NUMBER THIRTY.

Senator Breed asked for and was granted unanimous consent to consider at this time Senate Concurrent Resolution No. 30, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 30—Approving two certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at the general municipal election held therein on the second day of April, 1929.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 30 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 30 ordered transmitted to the Assembly.

## MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, May 8, 1929.

*To the Senate of the State of California.*

Senate Bill No. 358 is herewith returned without my approval.

This bill amends certain sections of the Improvement Bond Act of 1911, but unfortunately contains a technical defect which so detracts from its value that I have been requested by the author to withhold my approval.

It so happens, however, that another bill carrying the amendments desired was introduced in the Assembly, and it is believed that this bill will fully meet the requirements of Senate Bill No. 358, without being subject to its defects.

Accordingly I am returning the bill without my approval.

Respectfully submitted.

C. C. YOUNG, Governor.

## SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 358 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—30.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1160—An act to transfer and set over certain State land from the jurisdiction of the Park Commission, the Department of Institutions and the Division of Highways to the jurisdiction of the Surveyor General and providing for the use thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MUELLER, Chairman.  
COBB.  
NELSON.  
BAKER.  
BREED.  
GARRISON.  
WELLER.  
MALONEY.

Assembly Bill No. 1160 ordered on file for second reading.

## ON OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture, and the officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent therewith and making an appropriation to carry out the provisions of the act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to the Committee on Finance.

(Signed out)

CASSIDY, Chairman.  
HURLEY.  
ALLEN.  
JONES, RAY.  
GARRISON.

Assembly Bill No. 1130 ordered re-referred to Committee on Finance.

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1008—An act to amend sections 7374 and 7375 of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to Committee on Finance.

Committee membership—11.

(Signed out)

MUELLER, Chairman.  
COBB  
MALONEY.  
WELLER.  
MURPHY  
BAKER.

Assembly Bill No. 1008 ordered re-referred to Committee on Finance.  
Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1126—An act authorizing the Department of Natural Resources to receive in the name of the State of California gifts of lands and contributions for the purchase or maintenance of such lands for forestry purposes; providing for the acceptance thereof; and repealing an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11.

(Signed out)

MUELLER, Chairman.  
COBB  
MALONEY.  
WELLER.  
MURPHY  
BAKER.

Assembly Bill No. 1131 ordered on file for second reading.

## ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 1189—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance of payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand, approved March 1, 1911," as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MURPHY, Chairman.  
MALONEY.  
ALLEN.  
CROWLEY.  
CARTER.

Assembly Bill No. 1189 ordered on file for second reading.

## ON RULES.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 45—Relative to leaves of absence of the Governor, Lieutenant Governor and the members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

Assembly Concurrent Resolution No. 45 ordered on file.



## ADJOURNMENT.

At three o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Thursday, May 9, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE

SENATE CHAMBER.

SACRAMENTO, THURSDAY, MAY 9, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beck at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canapa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Eyles, Fellner, Goffman, Gove, Harman, Jones, Ray, Lyon, McCreary, McGowan, McKel, Morrison, Mueller, Murphy, Nelson, Pedvarti, Rochester, Shattuck, Shroy, Smith, Tabb, Wang, Weber, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, May 8, 1929, the further reading was dispensed with, on motion of Senator Senter.

## LEAVE OF ABSENCE.

Senator Hurley was, on motion of Senator Christian, granted leave of absence for this day.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. M. Cooper, president of board of trustees; Mrs. George Hamilton, clerk; George Patterson, Martin Van Riper and George Atwood, trustees; Benton Welty, principal of the Auburn Union Grammar School, Auburn, California; Mrs. W. W. Keith and Miss Helen Grady, teachers, and the following pupils: John Andreani, Iris Atwood, Fred Atwood, Herbert Clegg, Emerson Chappell, Annabelle Dahlberg, Melvin Dunn, Robert Elder, Isabel Haines, Annie Horath, Norval Johnson, Kiyoki Kamezaki, Tatsuo Kamezaki, Velma Kitt, Helen Leavitt, Francis Moss, Harris Munger, Einer Olson, Ina Olson, Toy Okasaki, Carroll Phelps, Edith Philbert, Lola Philbert, Frank Saul, Melvin Shafter, Frances Sing, Franklyn Souza, Isabel Steiner, Mary Veal, Frank Wilkinson, Woodrow Young, Irma Atwood, Dorothy Bristow, Helen Davis, Wanda Dooley, Amy Ekberg, Brady Hostetter, Victor Johnson, Merl Kyburz, Walter Kitt, Howard Ludwig, Naydine Rufe, Mae Ring, Eddie Sather, Norman Tillotson, Ewell Winton, George Souza, Geneva Threlkel, Nowin Threlkel, Lawrence Bell, Leota Dixon, Fred Marty and Katherine Frost; accompanied by Traffic Officer Neil Marvin.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Aimee Douglass of Sacramento.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robt. J. Sharkey of Martinez, deputy sheriff of Contra Costa County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. D. P. Anderson, Chas. D. Barnett, Miss Adelle Barnett and Miss Ruth Hall of Santa Rosa.

On request of Senator Evans, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. W. McKinley.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator L. J. Madloux of Modesto and I. Emmet Olmstead, publisher of the Petaluma Argus-Courier.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Floyd Parton of San Jose.

On request of Senator Handy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hamilton High School, Glenn County, and pupils as follows: Eleanor Long, Eula Lowery, Kermit Giles, Monica Fiack, Jeneice Compton, Minnie Compton, Ida Harbison, Martha Warkentin, Zerita Vaughn, Beatrice Parnell, Geneva Vaughn, Lucy Knecht, Wanda Brown, Doris Harbison, Miss Thelma Ashley, teacher; Mrs. M. H. Long, chaperon; George Bambauer, Elmo Warkentin, Sylvan Porter and Robert Wainwright.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Corning Union High School senior civics class, Arthur L. Shull, principal, and pupils as follows: Myrtle Smith, Mary Wilson, Margaret Teal, Waldine Babb, Leota Branham, Alice Glick, Fern Raymond, Ruby Coryell, Lois Swalley, Myron Graybill, Marie Zerkle, Ellen Griswold, Robert Swank, Edith Franklin, Ina Chapin, Fulmer Birch, Elsa Close, Hazel Bankhead, Duri Mae Ludwig, Clyde Preble, Eugene Patterson, Anson Houghton and Garland Rodgers.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. N. R. Close, Mrs. W. C. Smith, Mrs. Chas. Zerkle, Mrs. Marion Newkirk, Mr. and Mrs. B. E. Glick and Mr. and Mrs. Arthur L. Shull of Corning, California.

On request of Senator Jones, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. R. Wilkins, leader of the Clarksburg Camp Fire Girls, and Bellmeda Valine, Betty Olson, Pansy Sakai, Jane Reamer, Yaiko Ishimoto, Roxana Holmes, Adeline Baliel, Emma Giannoni, Louise Yelland and Lorraine Monice.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1190—An act relating to the granting of fran-

chises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach, by the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 1190 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 490—An act to amend section 2196 of the Political Code, relating to the care and treatment of mental defectives in sanitariums;

Also: Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California;

Also: Assembly Bill No. 810—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 9, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a, relating to the issuance of bonds to represent assessments levied for public improvements made under the "Street Opening Act of 1903,";

Also: Assembly Bill No. 1153—An act to define and to provide for the regulation, supervision and licensing of automobile loan brokers; defining the powers and duties of the Division of Motor Vehicles in respect thereto; providing for the enforcement of the act and prescribing penalties for violation thereof;

Also: Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted to the county of Orange.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 490 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 519 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 810 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1153 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1191 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 7, 1929, passed Assembly Bill No. 979—An act to provide for the payment of traveling expenses of superintendents of schools of counties attending national conventions of superintendents of schools.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Assembly Bill No. 979 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the constitution of





## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, as amended in Senate April 9, 1929, strike out the words "one deputy", and insert in lieu thereof the following: "one copyist for the county clerk and ex officio clerk of the board of supervisors".

SLATER,  
HANDY,  
ALLEN.

Senate Committee on Free Conference.

SCUDDER,  
LUTTRELL,  
FRY,

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and amendments.

The roll was called, and the report of Committee on Free Conference and amendments adopted by the following vote:

AYES—Senators Allen, Breed, Cassidy, Christian, Cobb, Duval, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, and Young—22.

NOES—None.

Assembly Bill No. 1028 and report of Committee on Free Conference ordered transmitted to the Assembly.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 8, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 203: An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the Department of Finance, Surveyor General, State Land Office and the officers, agents and employees thereof and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893, reports that it has met a like committee of the Assembly, consisting of Assemblymen West, Reindollar and Young, and that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments and that the bill be further amended as follows:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended, beginning in line 6 and ending in line 10 of said title, strike out the following: "relating to certain claims against the State of California and the powers and duties of the department of finance surveyor general, state land office and the officers, agents and employees thereof", and insert in lieu thereof the following: "relating to the powers and duties of the department of finance, to certain claims against the State of California, to the making of exhibits by state departments, offices, boards or commissions, and creating in the department of finance a division of state lands, abolishing the offices of surveyor general, state land office and registrar of state land office and transferring the duties, powers, purposes, responsibilities and jurisdictions thereof to said department".

## AMENDMENT NUMBER TWO.

On page 2, line 52, of the printed bill, strike out the word "and" in said line, and insert in lieu thereof the word "if".

## AMENDMENT NUMBER THREE.

On page 3, of the printed bill, strike out lines 40 and 41, and in lieu thereof insert the following: "for the use or occupancy of space in any building owned, managed or controlled by the state and used or occupied by any state department."

## AMENDMENT NUMBER FOUR.

On page 4, line 15, of the printed bill, strike out the word "register" in said line, and insert in lieu thereof the word "registrant."

INMAN,  
BOGGS,  
CASSIDY.

Senate Committee on Free Conference.

WEST,  
REINDOLLAR,  
YOUNG,

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Breed, Christian, Cobb, Duval, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—22.  
NOES—None.

Assembly Bill No. 293 and report of Committee on Free Conference ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 1028. An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 293. An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of the said code, all relating to certain claims against the State of California and the powers and duties of the Department of Finance, Surveyor General, State Land Office and the officers, agents and employees thereof and to repeal an act entitled "An act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

Assembly Bill No. 1079—An act to amend section 2322 of the Political Code, creating the office of county agricultural commissioner, and transferring to said office the powers and duties of the county horticultural commissioner.

Reconsideration granted previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1079 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cobb, Duval, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—22.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 779—An act to add a new section to the "California Vehicle Act," approved May 30, 1923, as amended, to be known as section 152a, relating to the transportation of animals on motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 44—An act to add a new section to the Penal Code, to be numbered 634½, relating to the protection of fish and game.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 61—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 646—An act to create a fish and game refuge: relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 59—An act to amend section 628 of the Penal Code, relating to fish and game.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as last amended, in lines 14 and 15, strike out the following: "or crab (Cancer magister)".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2 of the printed bill, in line 16, strike out the following: "or crab (Cancer magister)".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1119—An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, by adding thereto a new section, to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, strike out the comma after the word "commission", and strike out the words "as in", and in line 12, strike out the words "this act provided,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed bill, after the word "fish", strike out the words " ; provided, that", and insert in lieu thereof a period ; and strike out all of lines 15 to 19, both inclusive.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 287—An act to amend section 2528 and to repeal sections 2529, 2530, 2533 and 2535 of the Political Code, all relating to moneys received or collected or coming into the possession of the Board of State Harbor Commissioners and the disposition and expenditure thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 373—An act granting to the city of Los Angeles the tidelands and submerged lands of the State within the boundaries of said city.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 475—An act to add a new section to the Penal Code, to be numbered 530½, relating to false impersonation of peace officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1023—An act to amend section 1557 of the Penal Code, relating to extradition.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 140—An act to add new sections to the Penal Code, to be numbered sections 526 and 527, relating to the making, distribution, or use of matter resembling any process of a court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 8—An act to amend section 190 of the Penal Code, relating to murder in the first degree.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered :

## AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, strike out lines 20 to 22, inclusive ; also strike out lines 1 to 12, inclusive, on page 2, and insert in lieu thereof the following :

"1026a. A person who has been committed to a state hospital, as provided in section 1026, may apply to the superior court of the county in which he is confined or of the county from which he was sentenced, to be released on the ground that his sanity has been restored. No hearing upon such application shall be allowed a person until he shall have been confined for a period of not less than one year from the date of the order of commitment, and if the finding of the court be adverse to him upon such, or any subsequent, application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until one year has elapsed from the date of hearing upon his last preceding application ; *provided, however,* that when a person has been committed to a state hospital for murder of the first degree, no hearing upon an application for release shall be allowed until he shall have been confined for a period of not less than five years from the date of the order of commitment, and if the finding of the court be adverse to him on such hearing, or on any subsequent application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until three years have elapsed from the date of hearing upon his last preceding application. In any hearing authorized by this section the burden of

proving that his sanity has been restored shall be upon the person applying for such hearing."

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions of terms used therein and to rear yards of apartment houses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1131—An act authorizing the Department of Natural Resources to receive in the name of the State of California gifts of lands and contributions for the purchase or maintenance of such lands for forestry purposes; providing for the acceptance thereof; and repealing an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1189—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand, approved March 1, 1911," as amended, relating to pay checks that can not be cashed and providing penalties for violations of the provisions of the act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1160—An act to transfer and set over certain State land from the jurisdiction of the Park Commission, the Department of Institutions and the Division of Highways to the jurisdiction of the Surveyor General and providing for the use thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating and licensing the distribution or sale of such products; prescribing penalties for violation of the provisions hereof and repealing acts and parts of acts inconsistent therewith.

Assembly Bill No. 1130 ordered re-referred to Committee on Finance.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1063 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537*f*, 537*g* and 537*h*, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 319 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 746—An act to add a new section to the Penal Code, to be known as section 1046*d*, relating to jury panels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 746 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, McKinley, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1101—An act providing for the licensing of aircraft, airman, and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Duval moved to refer Assembly Bill No. 1101 to Senator Baker, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 18, of the printed bill, strike out lines 18 to 32, inclusive.

AMENDMENT NUMBER TWO.

On page 2, line 33, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "2".

## AMENDMENT NUMBER THREE.

On page 2, line 39, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numeral "3".

## AMENDMENT NUMBER FOUR.

On page 2, line 47, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "4".

## AMENDMENT NUMBER FIVE.

On page 3, line 3, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "5".

## AMENDMENT NUMBER SIX.

On page 3, line 15, of the printed bill, strike out the numeral "9", and insert in lieu thereof the numeral "6".

## AMENDMENT NUMBER SEVEN.

On page 3, line 21, of the printed bill, strike out the numerals "10", and insert in lieu thereof the numeral "7".

## AMENDMENT NUMBER EIGHT.

On page 3, line 28, of the printed bill, strike out the numerals "11", and insert in lieu thereof the numeral "8".

## AMENDMENT NUMBER NINE.

On page 3, line 42, of the printed bill, strike out lines 42 to 50, inclusive, and insert in lieu thereof the following:

"SEC. 9. Any person who operates or participates in the operation of any aircraft at a height less than one thousand feet over the congested parts of cities, towns or settlements, or over any open air assembly of persons or elsewhere at a height of less than five hundred feet, except where indispensable to an industrial flying operation and exclusive of taking off or landing, or acrobatically operates or participates in the operation of any aircraft over the congested area in any city, town or settlement or over any open air assembly of persons or below two thousand feet in height over any established or civil airway or at any height over any certified airport or landing field or within one thousand feet horizon of it thereof or while carrying passengers for hire or reward, without the approval of the secretary of commerce of the United States, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or imprisonment in the county jail for not more than six months; or both such fine and imprisonment."

## AMENDMENT NUMBER TEN.

On page 3, line 51, of the printed bill, strike out the numerals "13", and insert in lieu thereof the numerals "10".

## AMENDMENT NUMBER ELEVEN.

On page 4, line 1, of the printed bill, strike out the numerals "14", and insert in lieu thereof the numerals "11".

## AMENDMENT NUMBER TWELVE.

On page 4, line 3, of the printed bill, strike out the numerals "15", and insert in lieu thereof the numerals "12".

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 5, of the printed bill, after said line 5, insert the following:

"SEC. 13. An aircraft may operate under a letter of authority from the secretary of commerce pending the official examination of such aircraft; *provided*, the application for aircraft license is on file with the secretary of commerce. Airmen who have filed their applications for licenses will be permitted to perform duties as licensed airmen of the class for which they apply, pending their official examination by the secretary of commerce.

SEC. 14. If and when it shall be finally determined by the supreme court that any portion of either section 2 or section 3 of this act is unconstitutional, then and in that event

(a) There shall be appointed by the governor a commission, to be known as the aviation commission of California, consisting of three members, each of whom shall be a person engaged or trained and experienced in aviation, shall hold office at the pleasure of the governor and shall receive no compensation, but shall receive the actual necessary traveling expenses incurred in the performance of his duties. The commission may appoint, prescribe the duties and fix the compensation of a secretary and such employees as may be necessary. Said commission shall function under the jurisdiction of the department of public works and shall be represented on the governor's council by the director of the department of public works.

(b) Said commission is hereby authorized and empowered:

(1) To formulate rules and regulations for the examination of aircraft, as to their air-worthiness, and the licensing of the same; and for the examination of airmen, as to their qualifications, and the licensing of the same:

(2) To examine and license aircraft and airmen;

(3) To revoke for cause, after written notice to the holder and a hearing being had thereon, any license issued by the commission hereunder.

Such rules and regulations must be consistent with the provisions of this act and shall provide standards for determining the air-worthiness of aircraft and the requisite skill, experience and qualifications of airmen, may cover such other matters as are authorized by the provisions hereof, and shall conform to and coincide with, so far as possible, the provisions of the air commerce act of 1926 and amendments thereto passed by the congress of the United States, and the air commerce regulations issued from time to time pursuant thereto.

(c) In accordance with the provisions of this section the rules and regulations formulated hereunder:

(1) Airmen licenses will be issued upon application, for a period of one year from date of issue, and upon the expiration of the respective terms of such licenses the licensees will be relicensed upon application for like periods, if the applicant is eligible therefor and has the necessary skill, experience and other qualifications.

(2) Aircraft licenses will be issued upon the application of the owner for a period of one year from date of issue and upon the expiration of the respective terms of such licenses the aircraft will be relicensed upon like applications for like periods if the aircraft be air-worthy and conforms to the requirements of this act and said rules and regulations.

(d) For licenses issued hereunder, the commission shall charge and collect the following fees:

(1) A fee of twenty-five dollars for an airman's license, if issued upon examination; five dollars, if issued without examination;

(2) A fee of fifty dollars for an aircraft license, if issued upon examination; ten dollars, if issued without examination.

(e) All airmen licensed by the United States government and all aircraft licensed by the United States government are expressly excepted from any of the licensing provisions of this section.

(f) Any person who (1) navigates any aircraft within the State of California unless said aircraft is licensed under the provisions of this section or is licensed and registered under the laws of the United States and any regulations made pursuant thereto, or (2) operates or participates in the operation of any aircraft within the State of California or acts as an airman in connection therewith unless he is licensed therefor under the provisions of this section or is registered and licensed therefor under the laws of the United States and any regulations made pursuant thereto, or operates or participates in the operation of any aircraft at a height of less than one thousand feet over the congested parts of cities, towns, settlements or over any open-air assembly of persons or elsewhere at a height of less than five hundred feet, except where indispensable to an industrial flying operation and exclusive of taking off or landing, or acrobatically operates or participates in the less than one thousand feet over the congested parts of cities, towns, settlements or over any open-air assembly of persons or below two thousand feet in height over any established or civil airway or at any height over any certified airport or landing field or within one thousand feet horizontally thereof or while carrying passengers for hire or reward, without the approval of the secretary of commerce of the United States, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

SEC. 15. An aircraft may operate under a letter of authority from the secretary of commerce pending the official examination of such aircraft: *provided*, the application for aircraft license is on file with the secretary of commerce. Airmen who have filed their applications for licenses will be permitted to perform duties as licensed airmen of the class for which they apply, pending their official examination by the secretary of commerce.

SEC. 16. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to carry out the purposes of this act. Such funds shall be expended under the direction of the aviation committee of California.

SEC. 17. In case any section, sections, or parts thereof shall be found to be unconstitutional or invalid for any reason, the remainder of the act, except as herein provided, shall not thereby be invalidated but shall remain in full force and effect. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared not constitutional."

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1101, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAKER, Special Committee.

Report read, and on motion of Senator Duval adopted.

Bill ordered to print.

Assembly Bill No. 52—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 52 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Duval, Edwards, Fellom, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Pedratti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54—An act to amend section 4300b of the Political Code, relating to sheriff's fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Duval, Edwards, Fellom, Gray, Handy, Inman, Lyon, Maloney, Merriam, Murphy, Pedratti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 55 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedratti, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 194—An act to amend section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities as the same are therein defined and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a

State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 194 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Slater, Swing, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An act to amend section 849 of the Code of Civil Procedure, relating to summons, by whom and how served and returned.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 377 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Sharkey, Slater, Swing, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 378—An act to amend section 902 of the Code of Civil Procedure, relating to contents of execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 378 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cobb, Evans, Fellom, Gray, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379—An act to amend section 905 of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 379 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Edwards, Evans, Fellom, Gray, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 454 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19—An act to add a new section to the Political Code to be numbered 462, relating to claims for which a warrant has been issued and paid and the amount thereof returned to the State treasury for payment by the State Treasurer, and prescribing a time after which said amount shall revert to and become a part of the general fund of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, Murphy, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201—An act to add new sections to the Political Code to be numbered 363*k*, 363*l* and 363*m*, creating a Division of Motor Vehicles in the Department of Public Works, and providing for the administration thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 201 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, and West—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 903—An act to add a new section to the Reclamation Board Act, as amended, to be numbered 5*a*, relating to the Reclamation Board.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 903 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, Murphy, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, and West—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1025—An act to amend section 737*r* of the Political Code, relating to salaries of superior court judges in the county of Los Angeles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1025 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, Murphy, Sharkey, Slater, Swing, Wagy, Weller, and West—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 682—An act to add a new section to the Civil Code to be numbered 2924*a*, relating to sales of trust property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 682 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Lyon, Maloney, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 51—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, Murphy, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 56—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Croter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, Murphy, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—25.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1048—An act to add eleven new sections, to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds, and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, and ascertainment of their indebtedness and the distribution of their assets.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1048 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Croter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Rochester, Slater, Swing, Waggy, Weller, West, and Young—27.  
 NOES—None.

#### NOTICE OF MOTION TO RECONSIDER

Senator West gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1048 was passed.

#### SENATOR MURPHY IN THE CHAIR.

At eleven o'clock and twenty-three minutes a. m. Senator Murphy of the Twenty-fourth District was called to the chair.

Assembly Bill No. 905—An act appropriating money to pay the claim of Mr. S. W. Moore against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 905 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Peiretti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—28.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

(May 9, 1929)

Assembly Bill No. 906—An act appropriating money to pay the claim of Grove J. Pink against the State of California.

read third time

The question being in the favor of the bill.

The question being on the Passage of the Bill  
The roll was called, and Assembly Bill No. 302 passed by the follow-  
ing Yea-Nay:

[illegible]

11-1-76

Title read and approved.

Title read and approved.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 907—An act appropriating money to pay the claim of Paul A. Taylor against the State of Tennessee.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

the question being in the passage of the bill.

The question being in the hands of the bill  
The roll was called, and Assembly Bill No. 107 passed by the follow-  
ing vote:

[illegible]

11

There are two main reasons why the results of this study are important. First, the study shows that the use of a single, standardized, and validated instrument can be used to measure the same construct across different cultures and countries. This is a significant finding because it suggests that the instrument is valid and reliable for use in a wide range of contexts. Second, the study shows that the instrument can be used to measure the same construct across different levels of analysis. This is a significant finding because it suggests that the instrument is valid and reliable for use in a wide range of contexts.

These results are consistent with the hypothesis that the observed relationship is an artifact.

Assembly Bill No. 100, the act to appropriate money to pay the debt of the State of California.

The process begins on the passage of the bill.

The machine being in the possession of the ball, the ball passed by the hole. The ball was rolled and assembly ball the ball passed by the hole.

1947-1948

100

*Journal of the American Medical Association*, Vol. 90—Annotating current books The Editor of J. A. M. A. Pharmacy against the State of California.

THE UNIVERSITY OF CHICAGO

The meeting being over the speaker of the House  
The bill was called, and assembly hall, the speaker of the House

1. The first group of people who are interested in the results of the study are the researchers themselves. They want to know if the study was successful in achieving its objectives and if the results are consistent with the hypotheses. They also want to know if the study was conducted in a rigorous and ethical manner.

1. 1. 1.

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

THE UNIVERSITY OF CHICAGO PRESS



Assembly Bill No. 910.—An act to pay the claim of L. A. Norton against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 910 passed by the following vote:

**AYES**—Senators Allen, Boggs, Canena, Casside, Chisney, Cleveland, Cobb, Duval, Edwards, Evans, Gray, Hays, Jones, Jones, McKinnis, Merriam, Murphy, Pedrotti, Rochester, Sargent, Shaw, Swain, Wagon, West, and Young—23.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 911.—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 911 passed by the following vote:

**AYES**—Senators Allen, Boggs, Canena, Casside, Chisney, Cobb, Duval, Evans, Fellom, Gray, Hays, Jones, Jones, McKinnis, Merriam, Murphy, Pedrotti, Rochester, Sargent, Shaw, Swain, Wagon, Wainwright, and Winters—25.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 912.—An act appropriating money to pay the claim of Will C. Wood against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 912 passed by the following vote:

**AYES**—Senators Boggs, Bond, Canena, Casside, Chisney, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Hays, Jones, Jones, McKinnis, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sargent, Shaw, Swain, Wagon, Wainwright, and West—28.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 913.—An act to pay the claim of Hans Hansen against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

**AYES**—Senators Boggs, Bond, Canena, Casside, Chisney, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Hays, Jones, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Swain, Wagon, and West—22.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 914—An act appropriating money to pay the claim of the city controller of the city of Los Angeles against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 914 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Swing, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An act appropriating money to pay the claim of Harold E. Smith against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 passed by the following vote:

AYES—Senators Boggs, Canepa, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Swing, Wagy, West, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 915—An act appropriating money to pay the claim of H. L. Preston against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Swing, Wagy, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1064—An act making an appropriation to pay the claim of the American Railway Express Company against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1064 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wagy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1053—An act to accept the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1053 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wagy, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, Article IV of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Certain items of minor construction, improvements and equipment must be immediately provided at the Norwalk State Hospital to properly house inmates at said institution. Without such proper housing the health and safety of these inmates will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, and West—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1076 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, and Wagy—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1083—An act authorizing the State Department of Finance to select and acquire additional land for the State Hospital at Patton, California, and to that end to sell or exchange certain property



belonging to the State and situated in the county of San Bernardino, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1083 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, Christian, Cleveland, Cobb, Crowley, Evans, Fellows, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Nelson, Pedretti, Reedman, Sharkey, Slater, Swain, Wagy, and West—26.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1118—An act making an appropriation for repairs, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators.

Bill read third time.

#### URGENCY CLAUSE

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall remain in force until the provisions of section 1, article IV of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Because of the condition and wear-out condition of the elevators in the State Capitol it is necessary that they be immediately replaced with new elevators. Without such replacement the safety of the public will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, CHATTER, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellows, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedretti, Reedman, Sharkey, Slater, Swain, Wagy, Weller, and West—31.  
 NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1118 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellows, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Reedman, Slater, Wagy, Weller, and West—25.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 688—An act to amend the State Medical Practice Act, approved June 2, 1913, as amended, by adding thereto a new section known as section 11b, relating to the recognition of a certificate of examination issued by the National Board of Medical Examiners of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 688 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canapa, Christian, Cobb, Crowley, Duval, Evans, Fellows, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley,

Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and West—25.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 190 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Cleveland, Crowley, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, and West—23.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 24.

Relative to Joint Rules of Senate and Assembly

*Resolved by the Assembly, the Senate concurring,* That Joint Rule No. 14 shall be amended to read as follows:

14. The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in *italics*, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto, may be set in smaller type and without line numbers.

(d) Enrolled bills may be enclosed in stock cover.

(e) Except as herein and otherwise provided in these rules, the State Printer shall, in conformity with section 529 of the Political Code, prescribe the style and manner of printing of all bills, constitutional amendments, joint and concurrent resolutions, journals, histories and files; *provided, however*, that his authority shall not extend to changes in punctuation, or substitution of words different from the author's copy. But it shall be his duty to correct all misspelling by and with the consent of the Secretary of the Senate or the Chief Clerk of the Assembly.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—26.  
 NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 24 ordered transmitted to the Assembly.

Assembly Bill No. 453—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sales of property of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 453 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Evans, Fellom, Gray, Handy, Inman, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wag, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 260—An act to amend section 366 of the Political Code, relating to the Department of Institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 260 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Inman, Jones, Ray, Maloney, McKinley, Murphy, Nelson, Rochester, Slater, Swing, Wag, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496—An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly bill No. 496 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wag, and Weller—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RE-REFERENCE OF ASSEMBLY BILL.

On motion of Senator Lyon, Assembly Bill No. 1187 was ordered withdrawn from Committee on Conservation and re-referred to Committee on Municipal Corporations.

#### RE-REFERENCE OF ASSEMBLY BILL.

Assembly Bill No. 519 was ordered withdrawn from Committee on Irrigation and re-referred to Committee on Finance.

Assembly Bill No. 754—An act to provide for the forfeiture of certain lands of the State for the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, and for the forfeiture of all moneys previously paid thereon, principal as well as interest; prescribing the duties of certain public officers with respect thereto; providing for the giving of notice of said forfeitures; prescribing certain remedies, and making an appropriation for the purposes of this act.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 754 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Murphy, Nelson, Rochester, Slater, Wag, Weller, and West—24.  
 NOES—None.

#### AMENDMENT TO TITLE.

The following amendment to title was offered and its adoption moved by Senator Inman:

#### AMENDMENT NUMBER ONE.

Strike out all of lines 1 and 2 of the title of the printed bill, and insert in lieu thereof the following:

"An act to provide for the".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

#### PRESIDENT PRO TEMPORE IN THE CHAIR.

At twelve o'clock and fifteen minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

#### ASSEMBLY CONCURRENT RESOLUTION No. 26.

Relative to expediting proceedings for the construction, operation and maintenance of a dam on the American River near Folsom.

WHEREAS, This Legislature has passed Senate Bill No. 548 authorizing the State Department of Finance to enter into negotiations with reference to the construction, operation and maintenance of a dam, reservoir and necessary complementary works for impounding the water of the American River near Folsom; and

WHEREAS, Immediate prosecution of the work contemplated by said act is necessary for the early correction of the present saline conditions in the Sacramento River and the elimination of flood conditions on the Sacramento and American rivers; and

WHEREAS, The construction of said dam, reservoir and necessary complementary works is a part of the general plan for the development and conservation of the water resources of the State of California; therefore, be it

*Resolved by the Assembly, the Senate concurring.* That the State Department of Finance and the Governor of the State of California, to such extent as may be compatible with the public interest, commence early negotiations pursuant to said Senate Bill No. 548 to the end that the work therein contemplated may be commenced at an early date.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 26 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Inman, Jones, Ray; Maloney, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Wag, Weller, and West—26.  
 NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 26 ordered transmitted to the Assembly.

#### RECOMMENDATION BY PRESIDING OFFICER.

In accordance with Joint Rule No. 35, I hereby recommend that the Senate grant permission to vote on Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of

California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

The question being: Shall the Senate grant permission to vote on Senate Bill No. 888?

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and West—27.

The Secretary announced the absentees.

Time, twelve o'clock and twenty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-two minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll.

The roll was called, and permission granted to vote on Senate Bill No. 888 by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECOMMENDATION BY PRESIDING OFFICER.

In accordance with Joint Rule No. 35, I hereby recommend that the Senate grant permission to vote on Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District.

The question being: Shall the Senate grant permission to vote on Senate Bill No. 889?

The roll was called, and permission granted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing Wagy, Weller, West, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 889 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—26.

NOES—Senator Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Inman, the President pro tempore declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

Assembly Bill No. 896—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes, along, in, through or across property of the State known as the Norwalk State Hospital grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 896 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Gray, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 898—An act to amend section 633*and* of the Political Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 898 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Duval, Evans, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 408—An act to amend sections 3, 7, 8, 10, 11, 18½ and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, and to add a new section thereto to be numbered section 20, relating to powers of the directors of said companies and forms of insurance policies issued by said company.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cobb, Crowley, Duval, Evans, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 35—An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Gray, Handy, Inman, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 816—An act to add a new section to Penal Code, to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 816 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Gray, Handy, Inman, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471—An act providing for the burning or removing of grass, brush or other inflammable matter and debris from public highways.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 471 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Luman, Maloney, McCormack, Merriam, Murphy, Pedrotti, Slater, Wag, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 85—An act to amend section 2640 of the Political Code, relating to the acquisition of new roads and the grading, regrading, paving, macadamizing, surfacing, repairing and maintaining of existing roads.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 85 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Luman, Maloney, McCormack, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wag, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 86—An act to amend section 2713 of the Political Code, relating to the construction and repair of bridges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Gray, Handy, Luman, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wag, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 274—An act to amend section 1415 of the Code of Civil Procedure, relating to powers, duties and obligations of special administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Gray, Handy, Luman, Maloney, McCormack,

McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Assembly Bill No. 124, heretofore set as a special order for two o'clock p.m., the same was taken up for consideration.

Assembly Bill No. 124—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1059—An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portion from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West and Young—33.

NOES—None.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Pedrotti gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1059 was passed.

Assembly Bill No. 840—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 840 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West and Young—33.

NOES—None.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Pedrotti gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 840 was passed.

Assembly Bill No. 1124—An act to amend section 5 of an act entitled "An act to be known as the Child Labor Law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the Commissioner of the Bureau of Labor Statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1124 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wagy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1067—An act making an appropriation to meet a deficiency in the appropriation for support of the Railroad Commission for the seventy-ninth and eightieth fiscal years.

Bill read third time.

#### URGENCY CLAUSE.

Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an emergency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, West, and Young—30.

NOES—Senator Gray—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1067 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, West, and Young—29.

**NOES**—Senator Gray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 611—An act relating to the apportionment of moneys to elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, West, and Young—29.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1093—An act making an appropriation for minor construction, improvements, and repairs at San Quentin Prison.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately. The following is a statement of the facts constituting such necessity: Certain items of minor construction, improvements and equipment must be immediately provided at San Quentin Prison to properly house inmates in said prison. Without such proper housing the health and safety of the inmates of said institution will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, West, and Young—31.

**NOES**—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1093 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, West, and Young—32.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## REFERENCE OF SENATE RESOLUTION.

On motion of Senator Inman the Senate resolution by Senators Inman, Boggs, Wagy and Carter, relative to the existence or nonexistence of a cement trust, as printed in the Senate Journal of May 8, was ordered referred to Committee on Judiciary.

Assembly Bill No. 1102—An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1102 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christensen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedretti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1140—An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian River.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1140 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christensen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Maloney, Murphy, Nelson, Pedretti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1141—An act making an appropriation for the construction of jetties at the mouth of the Russian River.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1141 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christensen, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Maloney, Murphy, Nelson, Pedretti, Slater, Swing, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 60—An act to amend section 628f of the Penal Code, relating to the protection of fish and game.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, as amended April 30, 1929, after the word "alive", insert a comma.

## AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed bill, as amended April 30, 1929, after the word "districts", insert the word "seven,".

## AMENDMENT NUMBER THREE.

On page 2, line 12, of the printed bill, as amended April 30, 1929, after the word "districts", insert the word "seven,".

## AMENDMENT NUMBER FOUR.

On page 1, line 25, of the printed bill, as amended April 30, 1929, strike out the following: "or abalone shells, except", and all of line 26.

## AMENDMENT NUMBER FIVE.

On page 2, line 1, of the printed bill, as amended April 30, 1929, strike out the word "product".

## DIVISION OF THE QUESTION.

Senator Nelson moved that the question be divided as follows: That the Senate consider Amendments Nos. 1, 2 and 3 separately first, and then consider Amendments Nos. 4 and 5 together.

Motion carried.

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, as amended April 30, 1929, after the word "alive", insert a comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed bill, as amended April 30, 1929, after the word "districts", insert the word "seven,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 12, of the printed bill, as amended April 30, 1929, after the word "districts", insert the word "seven,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 25, of the printed bill, as amended April 30, 1929, strike out the following: "or abalone shells, except", and all of line 26.

## AMENDMENT NUMBER FIVE.

On page 2, line 1, of the printed bill, as amended April 30, 1929, strike out the word "product".

The question being on the adoption of Amendments Nos. 4 and 5.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Nelson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon,

Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, West, and Young—31.

The Secretary announced the absentees.

Time, three o'clock and fifty-five minutes, p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

PROCEEDINGS UNDER CALL OF THE SENATE.

RE-REFERENCE OF ASSEMBLY BILL.

Senator Ray Jones moved that Assembly Bill No. 650 be withdrawn from Committee on Finance, and re-referred to Committee on Mines and Mining.

The question being on Senator Jones' motion to withdraw Assembly Bill No. 650 from Committee on Finance, and re-refer to Committee on Mines and Mining.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Cassidy and Allen.

The roll was called, and Senator Jones' motion lost by the following vote:

AYES—Senators Boggs, Cobb, Garrison, Inman, Jones, Ray; and McCormack—6.

NOES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Duval, Edwards, Evans, Gray, Handy, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, and Young—23.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1084—An act making an appropriation to meet the deficiency in the appropriation for support of the University of California for the seventy-ninth and eightieth fiscal years.

Bill read third time.

URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an emergency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1084 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486—An act to amend section 16<sup>1a</sup> of the Weights and Measures Act approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 486 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Waggy, Weller, and Young—25.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 733—An act to amend section 633<sup>c</sup> of the Penal Code, relating to insurance adjusters.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Slater moved to refer Assembly Bill No. 733 to Senator Handy, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, after the words "issued in", insert the following: "or covering risks located in".

Motion carried.

##### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 733, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Slater adopted.

Bill ordered to print.

Assembly Bill No. 1037—An act to amend an act entitled "An act to promote the development of the California fruit, nut and vegetable industry, in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, by adding a section 15<sup>a</sup>, and to repeal "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation, and repealing an act entitled 'The Standard Apple Act of 1917,' approved May 7, 1917," as amended, approved June 3, 1921, Stats. 1921, p. 1169. Amended Stats. 1923, p. 472; amended Stats. 1925, p. 131; amended Stats. 1927, chapter 250, and to provide for the necessary transfer of funds.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Slater moved to refer Assembly Bill No. 1037 to Senator Handy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, as amended in Assembly March 20, 1929, strike out the words "of act", and insert in lieu thereof the words "act of".

## AMENDMENT NUMBER TWO.

On page 3, line 9, of the printed bill, as amended in Assembly March 20, 1929, strike out all of lines 9 to 12, inclusive, and insert in lieu thereof the following: "shall not be required to be hand picked, packed, uniform in size,".

## AMENDMENT NUMBER THREE.

On page 3, line 18, of the printed bill, as amended in Assembly March 20, 1929, strike out the period after the word "grade", and insert in lieu thereof a semicolon and the following: "provided that, none of the apples of the grade combination Fancy and C grade loose, shall be of a size that will pass through a ring two and three-eighths inches in diameter."

## AMENDMENT NUMBER FOUR.

On page 5 of the printed bill, as amended in the Assembly March 20, 1929, strike out all of lines 7 to 11, inclusive, and insert in lieu thereof the following:

"Sec. 38a. Upon the date this act takes effect all moneys remaining in the department of agriculture fund created by chapter seventy of the statutes of 1929 which were transferred from the standard apple fund to said department of agriculture fund shall be expended in accordance with law in carrying out the provisions of this act."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 1037, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Slater adopted.

Bill ordered to print.

Assembly Bill No. 446.—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Christian moved to refer Assembly Bill No. 446 to Senator Hurley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 23, of the printed bill, strike out lines 23 and 24, and insert in lieu thereof the following: "cities of the second class, no city justice shall engage in the practice of law in any court of this state during the time that he holds office."

## AMENDMENT NUMBER TWO.

On page 2, line 30, of the printed bill, strike out the word "this", and insert in lieu thereof the words "the second and one-half".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 446, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.  
Bill ordered to print.

Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Nelson moved to refer Assembly Bill No. 340 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the words "twenty-five".

## AMENDMENT NUMBER TWO.

On page 5, line 25, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

## AMENDMENT NUMBER THREE.

On page 5, line 25, of the printed bill, strike out the word "four", and insert in lieu thereof the word "six".

## AMENDMENT NUMBER FOUR.

On page 5, line 27, of the printed bill, strike out the period, and insert a semicolon, and add the following: "and said surveyor shall devote his entire time during office hours to the work of the county, and is prohibited from engaging in private work within such office hours."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 340, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.  
Bill ordered to print.

Assembly Bill No. 1096—An act authorizing any municipal corporation to institute suits against the State of California in any county of said State to cancel tax assessments and sales erroneously made against municipally owned property exempt from taxation.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Lyon moved to refer Assembly Bill No. 1096, to Senator West, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, following the word "municipality", insert the following: "located in such last mentioned county and".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1096, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Bill ordered to print.

Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvement; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Lyon moved to refer Assembly Bill No. 451 to Senator West, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the words

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 451 with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Lyon adopted.

Bill ordered to print.

Assembly Bill No. 398—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county water works districts; for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining water works.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Assembly Bill No. 398 to Senator Maloney, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 9, of the printed bill, strike out the word "when", and insert in lieu thereof the following: "Whenever the board of directors of a county water works district shall, by resolution of such board, petition, and when".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 398, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.  
Bill ordered to print.

Assembly Bill No. 655—An act to add a new section to the Political Code, to be numbered section 4041i, authorizing the board of supervisors of the counties thereof to provide for the working of prisoners confined in the county jail, and prescribing the compensation of the persons in charge thereof.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Duval moved to refer Assembly Bill No. 655 to Senator Baker, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the number "4041i", and insert in lieu thereof the number "4041.12".

## AMENDMENT NUMBER TWO.

In line 2 of the title of the printed bill, strike out the word "board", and insert in lieu thereof the word "boards".

## AMENDMENT NUMBER THREE.

In line 3 of the title of the printed bill, strike out the words "of the counties thereof", and insert in lieu thereof the words "in their respective counties".

## AMENDMENT NUMBER FOUR.

On page 1, line 2, of the printed bill, strike out the number "4041i", and insert in lieu thereof the number "4041.12".

## AMENDMENT NUMBER FIVE.

On page 1, line 3, of the printed bill, strike out the words and figures "4041i. The board", and insert in lieu thereof "4041.12. The boards".

## AMENDMENT NUMBER SIX.

On page 1, line 5, of the printed bill after the word "law", insert the following: "and in addition to jurisdiction and powers otherwise conferred".

## AMENDMENT NUMBER SEVEN.

On page 1, line 12, of the printed bill, after said line add the following:

"Sec. 2. This act shall be considered to be the latest legislative expression upon the matters herein contained, irrespective of any other bill or law heretofore enacted and especially is intended to supersede the provisions of section 4041.12 of the Political Code as enacted by an act adopted by the Legislature at its forty-eighth session and entitled 'An act to amend section 4041 of the Political Code and to add twenty-five new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to the jurisdiction and powers of boards of supervisors.'"

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 655, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAKER, Special Committee.

Report read, and on motion of Senator Duval adopted.

Bill ordered to print.

Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Duval moved to refer Assembly Bill No. 667 to Senator Baker, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, strike out the words "four hundred".

## AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed bill, strike out the words "one deputy", and insert in lieu thereof the following: "two deputies".

## AMENDMENT NUMBER THREE.

On page 1, strike out lines 15 and 16 of the printed bill, and insert in lieu thereof the following: "dred dollars per annum each, one stenographer at a salary".

## AMENDMENT NUMBER FOUR.

On page 3, line 12, of the printed bill, strike out the word "four", and insert in lieu thereof the following: "one chief deputy at a salary of two thousand two hundred fifty dollars per annum, two".

## AMENDMENT NUMBER FIVE.

On page 3, line 13, of the printed bill, after the word "each", insert the following: "and one deputy at a salary of one thousand nine hundred fifty dollars per annum".

## AMENDMENT NUMBER SIX.

On page 3, line 43, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "treasury".

## AMENDMENT NUMBER SEVEN.

On page 3, line 47, of the printed bill, strike out the word "six", and insert in lieu thereof the word "eight".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 667, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAKER, Special Committee.

Report read, and on motion of Senator Duval adopted.

Bill ordered to print.

Assembly Bill No. 717—An act to amend the title as amended, to amend section 1 and to add a new section, to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of

such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator Weller moved to refer Assembly Bill No. 717, as amended May 6, 1929, to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 3, line 1, of the printed bill, strike out the following: "the limits of one or more municipalities", and insert in lieu thereof the following: "the limits of the municipality which is carrying through the proceeding in question, and also into the limits of other municipalities or extending from the said municipality through or over one or more other municipalities".

AMENDMENT NUMBER TWO.

On page 3, line 11, of the printed bill, following the word "intention", insert the following: "and the assumption of jurisdiction thereover for the purposes aforesaid".

AMENDMENT NUMBER THREE.

On page 3, line 33, of the printed bill, strike out the numeral "6", and insert in lieu thereof the numerals "16".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 717, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Christian moved to refer Assembly Bill No. 882 to Senator Hurley, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 10, line 22, of the printed bill, strike out lines 22 to 24, inclusive, and insert in lieu thereof the following: "a population of over one hundred thousand no justice of the peace shall engage in the practice of law in any court in this state during the time that he holds office."

AMENDMENT NUMBER TWO.

On page 11, line 50, of the printed bill, after said line 50 insert the following: "For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year Anno Domini one thousand nine hundred and twenty. Any increase of salary of any justice of the peace as herein provided shall become effective at the earliest date or dates permitted by the constitution.

15. Constables shall each receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than one hundred thousand, one hundred sixty-six and two-thirds dollars; in townships having a population of seventy-five thousand and less than one hundred thousand, one hundred fifty dollars; in town-



ships having a population of twenty thousand and less than seventy five thousand, one hundred fifty dollars; in townships having a population of fifteen thousand and less than twenty thousand, two hundred dollars; in townships having a population of less than fifteen thousand, one hundred seventy-five dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases, *provided*, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors, and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year Anno Domini one thousand nine hundred twenty; *provided, further*, that in townships having a population of more than one hundred thousand, the board of supervisors of counties of the third class shall furnish each constable with a suitable office and supplies for said office. Any increase in the salary of any constable as herein provided shall not become effective during the term of office of any present incumbent.

16. Each supervisor, three thousand dollars per annum, *provided*, that in counties of this class supervisors charged as road commissioners with the inspection of five hundred or more miles of roads within their respective district, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy five dollars in any one calendar month, *and provided, further*, that in counties of this class supervisors charged as road commissioners with the inspection of two hundred fifty and not exceeding five hundred miles of roads within their respective districts shall be, and they are hereby allowed their actual traveling expenses not to exceed fifty dollars in any one calendar month, *and provided, further*, that in lieu of the above mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class; *provided, further*, that nothing herein contained shall be construed to prevent the use of county automobiles while engaged in the performance of their official duties, by supervisors of counties of this class not so charged as road commissioners.

17. The county librarian, three thousand dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that the board of supervisors may appoint and necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

18. The sealer of weights and measures, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sealer of weights and measures one chief deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum, and such other deputies as may be appointed in accordance with law whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; *provided, further*, that the salaries of said sealer of weights and measures, said chief deputy, and all other deputies shall be paid by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers; said chief deputy and deputies to be appointed as provided by law.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, May 9, 1929

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 882, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.

Bill ordered to print.

#### APPROVAL OF JOURNALS.

On motion of Senator Breed, the Senate Journals for Monday, March 18; Tuesday, March 19; Wednesday, March 20; Thursday, March 21; Friday, March 22; Monday, March 25; Tuesday, March 26; Wednesday, March 27; Thursday, March 28; Friday, March 29; Monday, April 1; Tuesday, April 2; Wednesday, April 3; Thursday, April 4; Friday, April 5; Monday, April 8; Tuesday, April 9; Wednesday, April 10; Thursday, April 11; Friday, April 12; Monday, April 15; Tuesday, April 16; Wednesday, April 17; Thursday, April 18; Friday, April

19; Monday, April 22; Tuesday, April 23; Wednesday, April 24; Thursday, April 25; Friday, April 26; Monday, April 29, and Tuesday, April 30, were approved as corrected.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Nelson.

The Secretary was directed to call the roll.

The roll was called, and Amendments Nos. 4 and 5 refused adoption by the following vote:

AYES—Senators Allen, Breed, Canepa, Christian, Cleveland, Cobb, Handy, Jones, Ray; Maloney, Nelson, Slater, Wagy, and Young—13.

NOES—Senators Baker, Boggs, Carter, Cassidy, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Inman, Lyon, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Swing, Weller, and West—23.

Assembly Bill No. 60 ordered to print, and on file for third reading.

Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator McCormack moved to refer Assembly Bill No. 956 to Senator Breed, as a Special Committee on One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 31, of the printed bill, after the word "said", insert the word "deputy".

AMENDMENT NUMBER TWO.

On page 6, line 25, of the printed bill, strike out the word "deputy", and insert the word "assistant".

AMENDMENT NUMBER THREE.

On page 6, line 28, of the printed bill, strike out the capital letter "A", and insert the word "An".

AMENDMENT NUMBER FOUR.

On page 6, line 28, of the printed bill, after the word "engineer", insert "which office of assistant surveyor is hereby created".

AMENDMENT NUMBER FIVE.

On page 6, line 36, of the printed bill, strike out the word "appoint", and insert the word "employ". On page 6, lines 38 and 39, of the printed bill, after the word "time", in line 38, leave in the part proposed to be stricken out under a former amendment, to wit: "Appointment and salaries of such assistants to be under the control of the board of supervisors", and add thereto at the end of line 39 "to be known as ordinary employees to be discharged at will".

AMENDMENT NUMBER SIX.

On page 7, line 19, of the printed bill, after the word "constable", insert the words "after December 31, 1930".

AMENDMENT NUMBER SEVEN.

On page 8, line 1, of the printed bill, strike out the word "and" after the word "necessary".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 956, with instructions to amend, respectfully reports the same back, amended as per instructions.

BRIND, Special Committee.

Report read, and on motion of Senator McCormack adopted.  
Bill ordered to print.

Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Young moved to refer Assembly Bill No. 786 to Senator Weller, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2, line 31, of the printed bill, strike out the words "and in"; then strike out all of lines 32 and 33, and insert in lieu thereof a comma and the following: "nor in any case."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 786, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.  
Bill ordered to print.

Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest brush and grass fires therein and protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the reorganization of the Tamalpais Forest Fire District.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sharkey moved to refer Assembly Bill No. 281 to Senator Maloney, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an act entitled 'An act to provide for the formation, government, operation and dissolution of Tamalpais forest fire district, to provide and extinguish forest, brush and grass fires therein, and protect person and property from injury, loss or damage resulting from any such fire; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor,' approved May 21, 1917, as amended, is hereby amended to read as follows:

Section 1. There is hereby organized, created, established".



## AMENDMENT NUMBER TWO.

On page 3, line 25, of the printed bill, strike out lines 25 and 26, and insert in lieu thereof the following: "the State of California shall take effect immediately."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 281, with instructions to amend, respectfully reports the same back, amended as per instructions.

MALONEY, Special Committee.

Report read, and on motion of Senator Sharkey adopted.

Bill ordered to print.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—10.

(Signed out)

SWING, Chairman.

CANEPA.

YOUNG.

MURPHY.

WELLER.

FELLOM.

Assembly Constitutional Amendment No. 21 ordered on file.

## ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 1185—An act relating to certain funds and property of inmates of State reformatories, hospitals and prisons and the expenditure thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7.

(Signed out.)

PEDROTTI, Chairman.

WAGY.

DUVAL.

COBB.

Assembly Bill No. 1185 ordered on file for second reading.

## ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1144—An act to amend section 30 and section 31 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, relating to insurance policies of workmen's compensation insurance—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

GRAY, Vice Chairman.

Assembly Bill No. 1144 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 781—An act to add a new section to the Political Code, to be numbered 625b, relating to bonds and undertakings of corporate sureties;

Also: Assembly Bill No. 736—An act to amend an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

GRAY, Vice Chairman.

Assembly Bills Nos. 781 and 736 ordered on file for second reading.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, May 9, 1919.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 7—Relating to memorializing the Congress of the United States for federal aid in making provision for the national forests of the State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

EDWARDS, Chairman.

Assembly Joint Resolution No. 7 ordered on file.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read.

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases, prescribing the conditions on which such maps may be recorded, authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to any map other than a recorded map; making certain acts misdemeanors, and repealing earlier acts in conflict therewith—and appointed Assemblymen Snyder, Roland and Jones as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 614 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith—and appointed Assemblymen Snyder, Roland and Jones as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 615 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 639—An act to provide for the purchase of school supplies for school district by superintendents of schools of counties—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 639 ordered to unfinished business.\*

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 876—An act to validate franchises to construct and operate toll roads—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 876 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 877 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 400 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 652—A bill appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 652 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 399 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 207—An act to add a



ARTHUR A. OLINIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Also :

ARTHUR A. CHINIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also :

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 826—An act to amend sections 1 and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the

municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 826 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15, and 19 of an act entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments," approved May 16, 1919, and to add a new section thereto numbered 13a, relating to an alternative procedure for making entries on assessment rolls for the collection of assessments, and for sales of property for delinquent assessments—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 504 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 322 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 683 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 428 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the

Henry E. Huntington Library and Art Gallery—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Constitutional Amendment No. 9 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452b, 452c, 452d, 452e, and 452f, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of 55 years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452a and 453 of the Civil Code; and providing for and limiting assessments and annual dues, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 626 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 839—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, by adding a new section numbered 243 to said act, relating to the powers of city prosecutors in cities of the second and one-half class operating under a freeholders charter—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 839 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 450 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 665 ordered to unfinished business.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 125—An act to add a new section to the Penal Code to be numbered 1308, relating to bail bonds—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 125 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county and district budgets and to the levy of taxes and prescribing limitations on county expenditures—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 398 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof:

Also: Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act;

Also: Senate Bill No. 418—An act to amend section 2 of the "County Improvement Act of 1921," approved June 3, 1921, as amended;

Also: Senate Bill No. 549—An act to add a new section to be numbered 402a, to part I, article X, of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material;

Also: Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment;

Also: Senate Bill No. 815—An act making an appropriation for the Bureau of Child Hygiene, State Department of Public Health;

Also: Senate Bill No. 713—An act to amend sections 11, 14, 25 and 29 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof, approved May 17, 1923," relating to sanitary districts and the taxes and bonds thereof and the construction or extension of sewers and sewer systems thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 133, 214, 418, 549, 553, 815 and 713 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 181—An act to amend section 1418 of the Penal Code, relating to reprieves, commutations, and pardons;

Also: Assembly Bill No. 306—An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving, and protecting the channel of the Pajaro River;

Also: Assembly Bill No. 350—An act making an appropriation to clear and straighten the channel of the Mokelumne River from Woodbridge to the Galt-New Hope Bridge for protection of State and county bridges and highways.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 181, 306 and 350 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 869. An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 869 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 140. An act to add a new section to the Penal Code to be numbered 1127½, relating to instructions to the jury with reference to the opinions of expert witnesses;

Also: Senate Bill No. 264. An act to regulate the display of red lights on or in view of public highways and granting to boards of supervisors authority for the zoning of public highways relative to the display of red lights;

Also: Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts;

Also: Senate Bill No. 503. An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries;

Also: Senate Bill No. 680. An act to repeal chapter 1 and articles I to VI, inclusive, of chapter 2 of title X of part IV, division III, of Civil Code, and to add a new chapter 1 of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter 1, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code; all relating to partnerships; and to make the partnership law of the State of California uniform with the law of other states;

Also: Senate Bill No. 681. An act to repeal chapter 3 of title X of part IV, division III, of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 140, 264, 388, 503, 680 and 681 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 141. An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties;

Also: Senate Bill No. 346. An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof;

Also: Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California;

Also: Senate Bill No. 138—An act to add a new section to the Penal Code to be numbered 1127c, relating to instructions on evidence of flight.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 141, 346, 850 and 138 ordered to enrollment.

ADJOURNMENT.

At five o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until ten o'clock a.m., Friday, May 10, 1929.

HAROLD J. POWERS, Minute Clerk.

IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, May 10, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, May 9, 1929, the further reading was dispensed with, on motion of Senator Slater.

LEAVES OF ABSENCE.

Senator Cassidy was, on motion of Senator Wagy, granted leave of absence for this day.

Senator Christian was, on motion of Senator Hurley, granted leave of absence for this day.

Senator Gray was, on motion of Senator Crowley, granted leave of absence for this day.

Senator Evans was, on motion of Senator McKinley, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Paul Little, rector St. John's Episcopal Church, Chico, California, and Paul Little, Jr.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. C. Tyrrell, postmaster at Grass Valley.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. B. Underwood, principal of the Grass Valley High School, Nevada County;



Dorothy Dyke, teacher, and the following students: Jim McGuire, Raymond Handley, Olive Skewes, Ramona Talboe, Yvonne Mooers, Hazel Ducoty, Dorothy Hayes, Lorraine Lewis, Mary Lewis, Elizabeth Lucas, Vivian Coombs, Audella Hogle, Fred Conway, Keith Breckinridge, Elmer Crase, John Marks, Lawrence Tremewan, Everett Champion, Wm. Partridge, Stanley Nobs, Benton Wilcoxon, Albert Krasavac, George Kohler, Roger Kitto, Ruth Richards, Arthur Merrill, Bob Haacking, Jack Lewis, Winifred Morgan and Vere Basham.

#### RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of three hundred dollars (\$300.00) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same. The same being for postage for the Senate.

CASSIDY,  
MALONEY

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Weller, and West—27.

NOES—None.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, describing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended.

Bill read third time.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Merriam moved to refer Assembly Bill No. 643 to Senator Edwards, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In lines 2 and 3 of the title of the printed bill, as amended in Assembly, April 5, 1929, strike out the word "describing", and insert in lieu thereof the word "prescribing".

##### AMENDMENT NUMBER TWO.

In line 8 of the title of the printed bill, as amended in Assembly April 5, 1929, strike out the period following the word "amended", and insert in lieu thereof a comma and the following: "relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class."

##### AMENDMENT NUMBER THREE.

On page 1, line 2, of the printed bill, as amended in Assembly April 5, 1929, strike out the word "describing", and insert in lieu thereof the word "prescribing".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 643, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print.

Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitos, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said districts embraced in territory in more than one county, and adding territory to districts already formed.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCormack moved to refer Assembly Bill No. 568 to Senator Edwards, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 18 of the printed bill, strike out lines 45 to 48, inclusive, and insert in lieu thereof the following: "consolidated district shall have and exercise all the rights, powers, duties, privileges and obligations of a new district formed under the provisions of this act: *provided*, that if at the time of consolidation there be outstanding any indebtedness of any former districts included in such consolidated district, such indebtedness shall be paid in the same manner as provided in section 9 of this act for the payment of indebtedness upon dissolution of a district, and such consolidated district shall not be liable for any indebtedness of any former districts included therein which was outstanding at the time of consolidation, and no property within any of the former districts shall ever be taxed to pay any portion of any indebtedness of any other of such former districts contracted prior to or existing at the date of such consolidation."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 568, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator McCormack adopted.

Bill ordered to print.

Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Swing moved to refer Assembly Bill No. 674 to Senator Sharkey, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 5 of the printed bill, strike out all of lines 35 to 37, inclusive, and insert in lieu thereof the following: "Upon completion by the tax factors of a survey of

any county of this class, the board of supervisors thereof shall be authorized to supply the assessor with the".

## AMENDMENT NUMBER TWO.

On page 5, line 41, of the printed bill, strike out the word "that".

## AMENDMENT NUMBER THREE.

On page 5, line 42, of the printed bill, strike out the word "that".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 9, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 674, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 499—An act to add a new section to the Civil Code, to be numbered 2178, limiting the liability of steam and electric railroad common carriers and sleeping car companies of property carried in trunks, valises, suit cases, traveling bags, boxes, bundles or packages, in the event of loss of or injury to the same—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

WAGY, Chairman.

Assembly Bill No. 499 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## UNFINISHED BUSINESS.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 639—An act to provide for the purchase of school supplies for school districts by superintendents of schools of counties.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED THIRTY-NINE.

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended in Senate May 2, 1929, strike out said line 2, and insert in lieu thereof the following: "Districts and defining the powers and duties of superintendents of schools and counties and other officers in relation thereto."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 639?

The roll was called, and Assembly amendment to Senate Bill No. 639 concurred in by the following vote:

AYES—Senators Baker, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Maloney, McKinley, Merriam, Murphy, Sharkey, Slater, Tubbs, WagY, Weller, West, and Young—26.

NOES—None.

Senate Bill No. 639 ordered to print, and enrollment.



## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 876—An act to validate franchises to construct and operate toll roads.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED SEVENTY-SIX.

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, after the word "have", insert the word "heretofore".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 876?

The roll was called, and Assembly amendment to Senate Bill No. 876 concurred in by the following vote:

AYES—Senators Baker, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Senate Bill No. 876 ordered to print, and enrollment.

Assembly Bill No. 657—An act to amend section 73771, relating to salaries of judges of the superior court in and for the city and county of San Francisco.

Reconsideration granted previously.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED SEVENTY-SEVEN.

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 877?

The roll was called, and Assembly amendment to Senate Bill No. 877 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Senate Bill No. 877 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 207—An act to add a new section, numbered 1027, to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED SEVEN.

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, as amended in Assembly May 3, 1929, after the word "alienists", insert a comma and the following: "at least one of whom must be".

## AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, as amended in the Assembly May 3, 1929, after the syllable "ists", insert a comma and the following: "at least one of whom must be selected".

## AMENDMENT NUMBER THREE.

On page 1, line 7, of the printed bill, as amended in the Assembly May 3, 1929, after the word "alienist", insert the following: "or alienists".

## AMENDMENT NUMBER FOUR.

On page 1 of the printed bill, as amended in the Assembly May 3, 1929, strike out all of line 11 which follows the word "alienists", and strike out lines 12, 13, 14, 15, 16, and 17.

## AMENDMENT NUMBER FIVE.

On page 1, line 11, of the printed bill, as amended in the Assembly May 3, 1929, after the word "alienists", insert the following: "so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found".

## AMENDMENT NUMBER SIX.

On page 1, line 9, of the printed bill, as amended, strike out the words "alienist or".

## AMENDMENT NUMBER SEVEN.

On page 1, line 23, of the printed bill, as amended, strike out the period immediately following the word "found", and insert in lieu thereof the following: "or in which the defendant was held for trial."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 207?

The roll was called, and Assembly amendments to Senate Bill No. 207 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 207 ordered to print and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending sections 204, 205 and 206 thereof and to repeal sections 204a, 204b, 204c, 204d, 208, 209, 211, 214, 215, 219, 220, 225, 226, 227, 228, 230, 231, 232, 246, 247, 248, 250 and 251 of the same code, relating to the selecting, returning, summoning, drawing and impaneling of jurors.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHTY-FOUR.

## AMENDMENT NUMBER ONE.

On page 2, line 30, of the printed bill, strike out the word "five", and insert in lieu thereof the word "six".

## AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out all of lines 36, 37, 38, 39, 40 and 41, inclusive, and insert in lieu thereof the following: "On the authorization of the

judges in such a case, the secretary shall have two assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and one whose salary shall be three hundred dollars per month and the other two hundred fifty dollars per month. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 84?

The roll was called, and Assembly amendments to Senate Bill No. 84 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Christian, Cobb, Crowley, Duval, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 84 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 504—An act to amend sections 1, 2, 4, 5, 7, 9, 15 and 19 of act 5216, General Laws of California, entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places, and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited, and the manner of collecting such assessments.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED FOUR.

##### AMENDMENT NUMBER ONE.

Strike out all of line 9 in the title of the printed bill, as amended in Assembly April 9, 1929, and insert in lieu thereof the following: "May 16, 1919, and to add a new section thereto numbered 13a, relating to an alternative procedure for making entries on assessment rolls for the collection of assessments, and for sales of property for delinquent assessments."

##### AMENDMENT NUMBER TWO.

On page 2, lines 35, 36 and 37, of the printed bill, strike out the following: "including the lands in said district which are the operative property of any public utility, as well as the lands which are nonoperative property of any public utility."

##### AMENDMENT NUMBER THREE.

On page 3, line 7, of the printed bill, strike out the words "resolution of intention".

##### AMENDMENT NUMBER FOUR.

On page 4, line 45, of the printed bill, strike out the word "nor", and insert in lieu thereof the word "not".

##### AMENDMENT NUMBER FIVE.

On page 6, lines 18, 19 and 20, of the printed bill, strike out the following: "including the lands in said district which are the operative property, as well as those which are nonoperative property, of any public utility,".

##### AMENDMENT NUMBER SIX.

On page 6, line 37, of the printed bill, strike out the word "in".

##### AMENDMENT NUMBER SEVEN.

On page 9, after line 17, of the printed bill, insert the following:

"Sec. 7. A new section numbered 13a is hereby added to said act, to read as follows:

Sec. 13a. The procedure provided for in this section shall be an alternative procedure to that provided in other sections of this act, and the city council shall be at liberty to use such procedure or not in its discretion.

When the report has been adopted and confirmed as provided in section 5 the city clerk shall transmit the diagram and assessment as finally adopted and confirmed, with and as a part of said report, or a certified copy of said diagram and assessment as so finally adopted and confirmed, to the city auditor, and the city auditor shall enter on the assessment roll for general municipal taxes next coming due, opposite each lot or parcel of land affected, in a space marked "street lighting assessment"



or other suitable designation, the assessment coming due thereon during the fiscal year covered by said assessment roll.

Assessments coming due hereunder in any year during the period of time stated in the resolution of intention shall be payable in annual or semiannual installments, according as the general municipal taxes are payable in annual or semiannual installments, and shall be payable and become delinquent at the same times, and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as general municipal taxes; and property securing such assessments shall be sold after delinquency in the same manner as property is sold for delinquent general municipal taxes, and be subject to redemption in the same manner as property is redeemable from sale for delinquent general municipal taxes. The city may be the purchaser at any delinquent sale hereunder in the manner as it becomes or may become the purchaser of property sold for delinquent general municipal taxes, and when the city becomes such purchaser it shall transfer into the special fund referred to in this act the amount of the delinquent assessment, penalties and interest then due thereon. In cases where under the law the city is not always the purchaser at sales for delinquent general municipal taxes, the city shall become the purchaser at any delinquent sale hereunder where there is no other purchaser. When the city becomes such purchaser the property shall not again be sold for any succeeding delinquent assessment, penalties and interest until the property has been redeemed from the previous sale; the city shall, however, unless a resale has been made by it, from time to time when due transfer into said special fund, pending redemption, the amount of any succeeding delinquent assessment, penalties and interest; and no redemption shall be made until all delinquent assessments, penalties and interest shall be paid. The purchaser at any delinquent sale hereunder, or at any resale by the city in the event of the city having become the purchaser, shall take the property subject to all unpaid assessments, penalties and interest due hereunder."

#### AMENDMENT NUMBER EIGHT

On page 9, line 18, of the printed bill, strike out the figure "7", and insert in lieu thereof the figure "8".

#### AMENDMENT NUMBER NINE

On page 9, line 20, of the printed bill, strike out the figures "16", and insert in lieu thereof the figures "15".

#### AMENDMENT NUMBER TEN

On page 12, line 1, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "9".

#### AMENDMENT NUMBER ELEVEN

On page 12, line 1, of the printed bill, strike out the following: "of act 5215 approved May 16, 1919".

#### AMENDMENT NUMBER TWELVE

On page 12, line 3, of the printed bill, strike out the word "definitions".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 504?

The roll was called, and Assembly amendments to Senate Bill No. 504 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Canessa, Carter, Christy, Gold, Crowl, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKinley, Moreau, Murphy, Peckard, Shook, Shaw, Swing, Tabbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 504 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED  
TWENTY-TWO.

AMENDMENT NUMBER ONE.

Amend Senate Bill No. 322 by adding a new section to be known as section 7 as follows:

"SEC. 7. If any section, subsection, paragraph, sentence or clause of this act is for any reason held to be invalid, the Legislature hereby declares that had it known of the invalidity of that portion at the time of this enactment, it would have passed the remainder of this act without the invalid portion and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 322?

The roll was called, and Assembly amendment to Senate Bill No. 322 concurred in by the following vote:

AYES.—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 322 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Henry E. Huntington Library and Art Gallery.

ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT  
NUMBER NINE.

AMENDMENT NUMBER ONE.

On page 2, line 6, of the printed bill, strike out the words "now or here".

AMENDMENT NUMBER TWO.

On page 2, line 7, of the printed bill, strike out the word "after," and insert in lieu thereof the words "as of July 1, 1929."

AMENDMENT NUMBER THREE.

On page 2, line 9, of the printed bill, after the letters "lery", insert the following: "and the increments thereof and all personal property received in exchange therefor."

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 9?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 9 concurred in by the following vote:

AYES.—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Senate Constitutional Amendment No. 9 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED  
TWENTY-EIGHT.

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out first word "one", and insert in lieu thereof the word "two".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 428?

The roll was called, and Assembly amendment to Senate Bill No. 428 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 428 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452*b*, 452*c*, 452*d*, 452*e*, and 452*f*, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the Insurance Commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of 55 years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of insurance except sections 452*a* and 453 of the Civil Code; and providing for and limiting assessments and annual dues.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED TWENTY-SIX.

## AMENDMENT NUMBER ONE.

On page 2, line 41, of the printed bill, as amended March 11, 1929, after the word "until", strike out "December 31, 1929", and insert in lieu thereof "June 30, 1930".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 626?

The roll was called, and Assembly amendment to Senate Bill No. 626 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 626 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 839—An act relating to powers and duties of city prosecutors of cities, or cities and counties, operating under a freeholders' charter.



ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED  
THIRTY-NINE.

AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 3, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, by adding a new section numbered 24½ to said act, relating to the powers of city prosecutors in cities of the second and one-half class operating under a freeholders charter."

AMENDMENT NUMBER TWO.

On pages 1 and 2 of the printed bill, strike out all of lines 1 to 27, inclusive, of page 1; also strike out all of lines 1 to 8, inclusive, of page 2, and insert in lieu thereof the following:

"SECTION 1. A new section numbered 24½ is hereby added to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, said section to read as follows:

Sec. 24½. Whenever the charter, of any city of the second and one-half class operating under a freeholders charter, creates the office of city prosecutor and charges said prosecutor with the duty, when authorized by law, of prosecuting misdemeanor offenses arising upon violations of the laws of the state, said city prosecutor is hereby authorized to exercise, and shall have, the following powers in connection therewith:

(a) He shall prosecute all such misdemeanor offenses, committed within said city, which are within the jurisdiction of the municipal court of such city, and all appeals arising therefrom. He shall draw complaints for such misdemeanors, prosecute all recognizances or bail bond forfeitures in said misdemeanor cases and prosecute all actions for the recovery of fines, penalties, and forfeitures, arising or resulting from the commission of such offenses.

(b) Whenever any person applying for a writ of habeas corpus, is held in custody by any peace officer of such city, charged with having committed within said city any criminal offense in which the municipal court of the city has jurisdiction, a copy of the application for such writ must be served upon such city prosecutor at the time and in the manner provided by law for the service of writs of habeas corpus upon district attorneys; and such prosecutor shall on behalf of the people, conduct all proceedings connected with, or relating to such application. If the constitutionality of any law is questioned in any such habeas corpus proceeding the city prosecutor shall immediately notify the city attorney of such fact, whereupon the city attorney may, in his discretion, take charge of the proceeding on behalf of the people, or become associated with the city prosecutor therein."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 839?

The roll was called, and Assembly amendments to Senate Bill No. 839 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinby, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 839 ordered to print, and to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED  
SIXTY-FIVE.

AMENDMENT NUMBER ONE.

On page 2, line 1, of the printed bill, as amended in Senate March 27, 1929, after the word "regents", insert a comma.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 665?

The roll was called, and Assembly amendment to Senate Bill No. 665 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Hunter, Ingram, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 665 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 125—An act to add a new section to the Penal Code to be numbered 1308, relating to bail bonds.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED  
TWENTY-FIVE.

AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, after the word "corporation", insert the following: "entered pursuant to section 1306 of this code."

AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, strike out the words "said judgment has become", and all of line 7, and insert in lieu thereof the following: "service of notice of entry of such summary judgment, provided, that, if during said ten days any action or proceeding available in the law is initiated in the case or other court to determine the validity of the order of forfeiture or summary judgment rendered thereon, the provisions of this section shall be inoperative until such motion, writ, or other proceeding has finally been determined. It is hereby made the duty of the clerk of the court in which such judgment is rendered to serve notice of entry of judgment upon the judgment debtor within five days after the date of entry of summary judgment."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 125?

The roll was called, and Assembly amendments to Senate Bill No. 125 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hunter, Ingram, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 125 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 398—An act to amend section 3714 of the Political Code, relating to levy of taxes.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED  
NINETY-EIGHT.

AMENDMENT NUMBER ONE.

On page 8, line 31, of the printed bill, as amended, after the comma following the word "county", insert the word "or".

## AMENDMENT NUMBER TWO.

On page 8, line 36, of the printed bill, as amended, strike out the word "in", and insert in lieu thereof the word "is".

## AMENDMENT NUMBER THREE.

On page 8, line 44, of the printed bill, as amended, after the comma following the word "year", strike out the words "of it", and insert in lieu thereof the words "or if".

## AMENDMENT NUMBER FOUR.

On page 11, line 8, of the printed bill, as amended, after the word "amount", strike out the words "levied for said fund", and insert in lieu thereof the words "of said fund exclusive of surplus".

## AMENDMENT NUMBER FIVE.

On page 11, line 20, of the printed bill, as amended, strike out the word "fund", and insert in lieu thereof the word "funds".

## AMENDMENT NUMBER SIX.

On page 13, line 40, of the printed bill, as amended, after the word "expenditures", strike out the word "mad", and insert in lieu thereof the word "made".

## AMENDMENT NUMBER SEVEN.

On page 14, line 42, of the printed bill, as amended, after the word "and", strike out the word "expand", and insert in lieu thereof the word "expend".

## AMENDMENT NUMBER EIGHT.

On page 14, line 42, of the printed bill, as amended, strike out the period at the end of the line, and insert in lieu thereof a comma.

## AMENDMENT NUMBER NINE.

On page 14, line 43, of the printed bill, as amended, strike out the capital "T" in the first article "The", and insert in lieu thereof a small "t".

## AMENDMENT NUMBER TEN.

On page 1, line 24, of the printed bill, as amended, after the word "increases", strike out the word "and", and insert in lieu thereof the preposition "in".

## AMENDMENT NUMBER ELEVEN.

On page 2, line 15, of the printed bill, as amended, strike out the article "the" at the beginning of the line, and insert in lieu thereof the following: "school district estimates shall be submitted on forms prescribed by the state department of education, all other".

## AMENDMENT NUMBER TWELVE.

On page 4, line 11, of the printed bill, as amended, immediately after the word "fund", insert a comma followed by the words "other than school funds".

## AMENDMENT NUMBER THIRTEEN.

On page 4, line 13, of the printed bill, as amended, immediately following the comma following the word "surplus", insert: "provided, that in any fund from which expenditures are to be made wholly from surplus ten per cent of the estimated expenditures may be so reserved".

## AMENDMENT NUMBER FOURTEEN.

On page 4, line 17, of the printed bill, as amended, strike out the word "unappointed", and insert in lieu thereof the word "unappropriated".

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 25, of the printed bill, as amended, after the word "funds", insert a comma.

## AMENDMENT NUMBER SIXTEEN.

On page 5, line 11, of the printed bill, as amended, immediately preceding the first word thereon, insert the numeral "4".

## AMENDMENT NUMBER SEVENTEEN.

On page 5, line 48, of the printed bill, as amended, immediately preceding the first article "the", insert the numeral "5".

## AMENDMENT NUMBER EIGHTEEN.

On page 7, line 1, of the printed bill, as amended, immediately following the word "expenditure", insert the following: "in an amount known by him to be in excess of the available balance of the appropriation against which it is drawn".



## AMENDMENT NUMBER NINETEEN.

On page 8, line 18, of the printed bill, as amended, strike out the comma at the end of the line, and insert in lieu thereof the word "and".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 398?

The roll was called, and Assembly amendments to Senate Bill No. 398 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagye, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 398 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED EIGHTY-THREE.

## AMENDMENT NUMBER ONE.

On page 4, line 42, of the printed bill, immediately following the period after the words "District 1", insert the following: "Emperor grapes which comply with the standard for fancy sawdust pack grapes, as heretofore specified, excepting that the grapes may be well colored instead of uniformly well colored, may be packed in sawdust, cork or similar packing material prior to the twenty-sixth day of September in each season."

## AMENDMENT NUMBER TWO.

On page 7, line 9, of the printed bill, insert a comma immediately after the word "mixed", and strike out the comma immediately after the word "grade".

## AMENDMENT NUMBER THREE.

On page 7, line 52, of the printed bill, strike out the period immediately following the word "color", and insert in lieu thereof a comma and the following: "or shall have brownish woody seals at the cut ends."

## AMENDMENT NUMBER FOUR.

On page 11, line 52, of the printed bill, immediately following the word "Nos.", insert the following: "24".

## AMENDMENT NUMBER FIVE.

On page 12, line 1, of the printed bill, immediately following the comma after the numeral "1", insert the following: "1A".

## AMENDMENT NUMBER SIX.

On page 8, line 12, of the printed bill, as amended, strike out the word "nineteen", and in lieu thereof insert the word "eighteen".

## AMENDMENT NUMBER SEVEN.

On page 8, line 24, of the printed bill, as amended, strike out the word "twenty", and in lieu thereof insert the word "eighteen".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 683?

The roll was called, and the Senate refused to concur in amendments to Senate Bill No. 683 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Edwards, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—28.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED.

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, as amended in Senate April 4, 1929, following the word "lands", strike out the words "inclosed by a fence or upon".

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed bill, as amended in Senate April 4, 1929, strike out the words "any uninclosed lands".

##### AMENDMENT NUMBER THREE.

On page 1, line 7, of the printed bill, as amended in Senate April 4, 1929, following the word "and", strike out the word "along", and insert in lieu thereof the word "at".

##### AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, as amended in Senate April 4, 1929, following the word "trails", strike out the words "passing through such uninclosed", and insert in lieu thereof "entering such".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 400?

The roll was called, and Assembly amendments to Senate Bill No. 400 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 400 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 399—An act to amend section 602 of the Penal Code, relating to malicious injury to real property.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED NINETY-NINE.

##### AMENDMENT NUMBER ONE.

On page 2, line 27, of the printed bill, as amended in Senate April 4, 1929, following the word "trails", strike out the words "passing through", and insert in lieu thereof the word "entering".

##### AMENDMENT NUMBER TWO.

On page 2, line 31, of the printed bill, as amended in Senate April 4, 1929, strike out the words "where such lands are inclosed or".

##### AMENDMENT NUMBER THREE.

On page 2, line 33, of the printed bill, as amended in Senate April 4, 1929, following the word "and", strike out the word "along", and insert in lieu thereof the word "at".

## AMENDMENT NUMBER FOUR.

On page 2, line 34, of the printed bill, as amended in Senate April 4, 1929, strike out the words "passing through", and insert in lieu thereof the word "entering".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 399?

The roll was called, and Assembly amendments to Senate Bill No. 399 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Crowley, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 399 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 826—An act to amend section 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the sale of lands.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED TWENTY SIX.

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Senate March 15, 1929, strike out the word and numeral "section 6", and insert in lieu thereof the following: "sections 1 and 6".

## AMENDMENT NUMBER TWO.

In line 6 of the title of the printed bill, as amended in Senate March 15, 1929, strike out the word "sale", and insert in lieu thereof the following: "conveyance, exchange, sale or other disposition".

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, as amended in Senate March 15, 1929, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands," approved May 12, 1927, is hereby amended to read as follows:

Section 1. The use for public park purposes of any land the fee of which is or shall be vested in any municipal corporation, and which has been or shall be dedicated to park use or placed in use as a public park, may be discontinued and abandoned and thereafter such land disposed of, in the manner hereinafter provided. Nothing herein shall be construed to authorize the discontinuance and abandonment of the use of such park lands, or any change in the use thereof which will cause the reversion of such park lands to private ownership, or cause the forfeiture of the ownership thereof in fee by any municipal corporation, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition; *provided, however*, that when, after notice given and a public hearing as required by this act, the legislative body of any municipal corporation adopts a resolution of discontinuance of a minor portion of any such park for the purpose of exchanging the same for an equal or greater area, or of equal or greater value, of privately owned land contiguous to such park, and determines that such exchange is in the public interest, then such exchange of lands may be effected without submission of such question to an election, and said municipality shall have power to convey into private ownership the fee of such discontinued park lands for the purpose of effecting such exchange of lands.

SEC. 2. Section 6 of said act is hereby amended to read as follows:".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 826.



The roll was called, and Assembly amendments to Senate Bill No. 826 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cobb, Crowley, Edwards, Garrison, Gray, Handy, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 826 ordered to print, and enrollment.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator West moved to reconsider the vote whereby Assembly Bill No. 1048—An act to add eleven new sections, to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts, upon certain officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, and ascertainment of their indebtedness and the distribution of their assets—was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 1048 was passed carried by the following vote:

AYES—Senators Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Garrison moved to refer Assembly Bill No. 1048 to Senator West, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 2, lines 39 and 40, of the printed bill, strike out the words "a majority", and insert in lieu thereof the following: "two-thirds".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1048, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEST, Special Committee.

Report read, and on motion of Senator Garrison adopted.  
Bill ordered to print.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1144—An act to amend section 30 and section 31 of the Workmen's Compensation, Insurance and Safety Act of 1917, as

amended, relating to insurance policies of workmen's compensation insurance.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 4, line 6, of the printed bill, strike out lines 6 to 16, inclusive, and insert in lieu thereof the following: "that any compensation insurance policy issued by any insurance carrier must be previously approved, as to substance and form, by the insurance commissioner, after consultation with the industrial accident commission; and provided, further, that no such approved form of policy may be otherwise limited or restricted, except by endorsement thereon in accordance with a form or forms prescribed by the insurance commissioner or in accordance with rules and regulations adopted by the insurance commissioner after consultation with the industrial accident commission. Failure to observe the requirements of the foregoing provisos of this section shall render any policy not complying therewith unlimited."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 736—An act to amend an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1185—An act relating to certain funds of inmates of State reformatories, hospitals and prisons and the expenditure thereof.

AMENDMENTS FROM THE FLOOR.

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator Maloney:

AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out line 2 thereof and insert in lieu thereof the following: "state homes, reformatories, hospitals, prisons and other institutions and the expendi-".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 1, line 2, of the printed bill, strike out lines 2 to 6, inclusive, and insert in lieu thereof the following: "home, reformatory, hospital, state prison or other institution shall die, escape or be discharged or paroled from such home, reformatory, hospital, state prison or other institution, and any personal funds or property of such person shall remain in the hands of the superintendent of such home, reformatory, hospital or other institution, or the warden of such prison, said superintendent".

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 18, of the printed bill, strike out line 18 and insert in lieu thereof the following: "public place at the state home, reformatory, hospital, institution or state prison".

Amendment adopted.

AMENDMENT NUMBER FOUR.

On page 1, line 21, of the printed bill, strike out the period in said line 21 and insert in lieu thereof a semicolon and the following: "provided, however, that when a sale authorized by this act is held at the Veteran's Home or the Woman's Relief Corps Home of property of members of any one of such homes the proceeds derived therefrom shall be deposited immediately in the post fund of the home at which any sale is had."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 22, of the printed bill, strike out said line 22 and insert in lieu thereof the following:

"SEC. 2. The superintendent of any state home, reformatory, hospital or other institution".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 27, of the printed bill, strike out the period in said line 27, and insert in lieu thereof the following: "or post fund."

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 1, of the printed bill, strike out said line 1 and insert in lieu thereof the following:

"SEC. 3. The superintendents of state homes, reformatories, hospitals or other institutions".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 2, line 4, of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following:

"SEC. 4. The superintendents of state homes, reformatories, hospitals and other institutions and the wardens of state prisons may expend moneys in".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 2, line 6, of the printed bill, after the word "fund", insert the following: "or post fund".

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 2, line 7, of the printed bill, after the word "state", insert the word "homes", and insert a comma following said word "homes", and after the word "hospitals", insert a comma and the following word: "institutions".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Constitutional Amendment No. 21—Proposed amendment to article XIII of the constitution, relative to revenue and taxation.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, after the word "report", insert "together with its recommendations".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, before the word "loss", insert the word "net".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 5, of the printed bill, after the word "provide" insert "in the manner it shall determine".

Amendment adopted.

Assembly Constitutional Amendment No. 21 read, ordered to print, and on file.



## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 450—An act to add a new section to be known as section 77a to the "California Vehicle Act," approved May 30, 1923, as amended.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED FIFTY.

## AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Senate March 12, 1929, strike out all of lines 1 to 3, inclusive, and insert in lieu thereof the following:

"An act to add a new section to the Penal Code to be numbered 537k, relating to motor vehicle number plates and registration certificates."

## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, as amended in Senate March 12, 1929, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered 537k is hereby added to the Penal Code to read as follows:

537k. Any person, firm, partnership, association or corpora-".

## AMENDMENT NUMBER THREE.

On page 1, line 9, of the printed bill, as amended in Senate March 12, 1929, strike out the period after the word "misdemeanor", and insert in lieu thereof a comma and the following: "punishable by imprisonment in the county jail not exceeding six months or by a fine of not less than one hundred dollars or more than five hundred dollars or by both such fine and imprisonment."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 450?

The roll was called, and Assembly amendments to Senate Bill No. 450 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Senate Bill No. 450 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 713—An act to amend section 11 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED THIRTEEN.

## AMENDMENT NUMBER ONE.

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend sections 11, 14, ~~25~~ and 29 of an act entitled".



The roll was called, and Assembly Bill No. 174 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—30.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 808—An act to amend section 633*aa* of the Political Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, McCormack, Merriam, Murphy, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—28.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1066—An act to amend sections 2½ and 50½ of the Public Utilities Act, relating to passenger stage corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1066 passed by the following vote:

**AYES**—Senators Allen, Baker, Canepa, Carter, Cleveland, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, and West—25.

**NOES**—Senators Breed, Cobb, Nelson, and Weller—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 332—An act relating to the transfer by the county of San Benito of certain lands to the government of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Canepa, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—29.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 655—An act to add a new section to the Political Code, to be numbered section 4041*i*, authorizing the board of supervisors of the counties thereof to provide for the working of prisoners



confined in the county jail and prescribing the compensation of the persons in charge thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 655 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Title ordered transmitted to the Assembly.

Assembly Bill No. 936—An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 936 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Title ordered transmitted to the Assembly.

Assembly Bill No. 938—An act to amend section 2322.13 of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney,

McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 390—An act to amend section 1094 of the Political Code, relating to the registration of electors and conduct of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 passed by the following vote:

AYES—Senators Allen, Barker, Boggs, Breed, Canipe, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Ingram, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### COMMITTEE ON FREE CONFERENCE APPOINTED

The President announced the appointment of Senators Weller, McKinley and Breed as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bills Nos. 614 and 615.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Assembly Bill No. 769—An act providing for the compilation of, printing, binding, publishing and distribution of a Legislative Manual, State Blue Book, or Roster, repealing all conflicting acts, and making an appropriation to carry out the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 769 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canipe, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Harlow, Ingram, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Swing, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 661—An act to amend sections 24, 29 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 661 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 18, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Senate Bill No. 661, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

## ASSEMBLY CONCURRENT RESOLUTION No. 30.

Relative to Pioneer Memorial Bridge.

WHEREAS, There has been appointed by the Sacramento County supervisors a commission designated as the Pioneer Memorial Bridge Commission to handle the preliminary work on a worthy project looking to the construction of a modern bridge across the Sacramento River between the city of Sacramento and the county of Yolo, at some point yet to be determined; and

WHEREAS, There is a need for a new highway bridge as aforesaid; and

WHEREAS, It is proposed by the Pioneer Memorial Bridge Commission that there be erected a structure designated as a memorial to the California pioneers and the war heroes of all wars; and

WHEREAS, There is on record widespread interest in and support of such memorial bridge, not only in Sacramento and vicinity, but throughout the State of California; and

WHEREAS, The United States of America through its War Department has recognized the movement for the construction of such bridge by granting a permit to build the bridge across the Sacramento River; and

WHEREAS, It is proposed to build this bridge without the use of public funds and the plan for financing said bridge has received the approval of the Honorable C. C. Young, Governor of California, and many other organizations and individuals; and

WHEREAS, The purpose of this resolution is to pledge the moral support of the State of California to this worthy project in honor of the early pioneers and the heroes of American wars; therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring.* That its moral support to the project of the Pioneer Memorial Bridge, be voiced.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 30 adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagye, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 30 ordered transmitted to the Assembly.

Assembly Bill No. 740—An act to amend section 359b of the Political Code, relating to the Governor's Council.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 740 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Slater, Tubbs, Waggy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 771—An act to amend section 1 of an act entitled "An act declaring and establishing a State highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara, and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura State Highway," approved June 16, 1913, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 771 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries, relative to the control of salmon fishing.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Concurrent Resolution No. 24 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 487—An act to provide for the establishment and maintenance of preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of State aid to cities, counties, cities and counties, and

groups of inmates, for the care and treatment of such persons; granting the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 705—An act to add a new section to the Political Code to be numbered section 491½ relating to powers and duties of boards of supervisors;

Also: Senate Bill No. 707—An act relating to the leasing of real property by the judicial supervisors of the State and providing a procedure therefor;

Also: Senate Bill No. 825—An act to provide for the government of high schools;

Also: Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of houses in the city of Modesto and the mode of carrying out same therefor" approved March 6, 1879, by inserting section 5 of said act and adding section 6a relating to persons of house businesses;

Also: Senate Bill No. 867—An act to add a new section to be numbered 10½ to the County Water Works District Act amended June 10, 1912, by inserting relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bills Nos. 487, 705, 707, 825, 847 and 867 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed Senate Bill No. 221—An act to amend sections 2 and 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities in this state and therein defined and to prevent fraud in the sale of securities, providing for the enforcement of said act and penalties for the violation thereof" and creating a State Corporation Department and the office of Commissioner of Corporations" approved May 18, 1917, as amended, relating to fees;

Also: Senate Bill No. 860—An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county settlement districts, the appointment of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof" approved May 29, 1923, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bills Nos. 221 and 860 ordered to enrollment.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

#### EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 836—An act relating to reforms in the public schools, has had the same under consideration and respectfully reports the same back and recommends that it do pass.

Committee membership—13; committee vote: Ayes—10 absent—3.

SLATER, Chairman.

Assembly Bill No. 836 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1182—An act to amend boards of school districts, high school districts, county high school districts and junior college districts of every kind and class and providing for the levy of a tax to run the same, and declaring the urgency of the same, this act to take effect immediately.

Also: Assembly Bill No. 157—An act relating to the granting of leaves of absence to members of school districts;

Also: Assembly Bill No. 841—An act relating to the powers and duties of the governing boards of school districts;

Also: Assembly Bill No. 1094—An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district.

Also: Assembly Bill No. 1161—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers College and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925, relating to the San Diego State Teachers College building and improvement fund and an appropriation for construction and equipment for said school.

Also: Assembly Bill No. 833—An act relating to the election of teachers in the public schools.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote—Ayes—10; absent—3.

SLATER, Chairman.

Assembly Bills Nos. 1183, 157, 841, 1094, 1161 and 833 ordered on file for second reading.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 217—An act to amend section 4241 of the Political Code, relating to salaries of officers and employees of counties of the twelfth class:

Also: Assembly Bill No. 331—An act to add a new section, to be numbered 241, to an act entitled "An act to allow unincorporated towns and villages to create and maintain a fire department, and to assess and collect taxes from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to inclusion of outlying territory within the fire limits of unincorporated towns and villages:

Also: Assembly Bill No. 802—An act to amend section 4279 of the Political Code, relating to officers in counties of the fifth class and the salaries, fees and expenses thereof:

Also: Assembly Bill No. 818—An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class:

Also: Assembly Bill No. 830—An act to amend section 19341 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the thirty-first class:

Also: Assembly Bill No. 852—An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts, and providing for their salaries and the payments thereof," approved May 31, 1927, relating to stenographers for judges of the superior court in and for the counties of the fifteenth class:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote—Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bills Nos. 217, 331, 802, 818, 830 and 852 ordered on file for second reading.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 855—An act to add a new section to the Code of Civil Procedure to be known as section 1238a, relating to the exercise of the right of eminent domain by an individual respecting water rights, ditches, canals, dams, reservoirs and other works, conduits or structures for the individual's use of water, notwithstanding other persons do not participate directly in said use or in the benefit therefrom:

Also: Assembly Bill No. 860—An act to amend section 4307 of the Political Code, relating to county charges:

Also: Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by others to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is



There are two very distinct types of all-day use of personal travel to destinations of business. Business travel is either the primary, daily, commuting purpose for visitors to organizations, and spending all day at both ends of the business spectrum.

How can the body's "natural" mechanisms of self-regulation respond to a world with increasing and unpredictable perturbations? Can the organism be designed and built to be able to respond?

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (n = 10) and the experimental group (n = 10). The control group received a placebo (P) and the experimental group received a 100 mg dose of the active ingredient (A). The subjects were then divided into two subgroups: the control subgroup (n = 5) and the experimental subgroup (n = 5). The control subgroup received a placebo (P) and the experimental subgroup received a 100 mg dose of the active ingredient (A). The subjects were then divided into two subgroups: the control subgroup (n = 5) and the experimental subgroup (n = 5). The control subgroup received a placebo (P) and the experimental subgroup received a 100 mg dose of the active ingredient (A).

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Accepted: 2004 Nov 10. Received: 2004 Aug 12. Revised: 2004 Oct 14. Accepted for publication: 2004 Oct 14.

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100. *Abstracts: Other Literature in English*.—This group includes Abstracts for the 1940-41 and 1941-42 seasons. It is a new section, but not necessarily an indication of increased work. Abstracts have constituted a significant portion of the work of the Institute, but according to the present and previous plans for the future, there has been progress in this matter. The group of 100-120 publications and translations and foreign literature of recent years, together for 1940-41, 1941-42, is rapidly coming to the attention of all those in the United States who are interested in the field of Japanese literature.

These results are in line with the findings of other studies on the effects of social support on mental health. For example, a meta-analysis by Cohen and Wills (1985) found that social support buffers the effects of stress on mental health. Similarly, a study by Cohen et al. (1985) found that social support is associated with lower levels of depression and anxiety. These findings suggest that social support is an important factor in maintaining mental health, and that interventions aimed at improving social support may be effective in reducing mental health problems.

These results indicate that the 20% increase in self-reported savings is due solely to the financial literacy intervention. This finding is the second in a series of previous work showing that many of the financial and consumption decisions of low-income households are suboptimal.

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These authors also found that the use of a single, standardized questionnaire was not sufficient to capture the full range of factors influencing the use of technology in the workplace.

The following table shows the results of the analysis of variance for the different factors considered in the study. The results are presented in the form of a table, with the factors listed in the columns and the results in the rows. The results are given in the form of a table, with the factors listed in the columns and the results in the rows. The results are given in the form of a table, with the factors listed in the columns and the results in the rows.

The first of these is the *U.S. Census Bureau's* *Survey of Consumer Expenditures*, which is a survey of the consumption patterns of U.S. households. The survey is conducted by the U.S. Census Bureau and is the largest and most comprehensive survey of consumer expenditures in the United States. The survey is conducted annually and covers the entire U.S. population. The survey is used to estimate the total amount of money spent by U.S. households on various goods and services, and to estimate the distribution of expenditures across different categories of goods and services. The survey is also used to estimate the average amount of money spent by U.S. households on various goods and services, and to estimate the average amount of money spent by U.S. households on different categories of goods and services. The survey is also used to estimate the average amount of money spent by U.S. households on different types of goods and services, and to estimate the average amount of money spent by U.S. households on different types of goods and services. The survey is also used to estimate the average amount of money spent by U.S. households on different types of goods and services, and to estimate the average amount of money spent by U.S. households on different types of goods and services.

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the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5.

(Signed out)

EDWARDS, Chairman.  
BAKER.  
WEST.  
MERRIAM.  
EVANS.

Assembly Joint Resolution No. 19 ordered on file.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 229—An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8, absent—1.

CHRISTIAN, Chairman.

Assembly Bill No. 229 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1175—An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor, and the manner of payment thereof and to repeal an act entitled "An act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof," approved March 23, 1907—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11.

(Signed out)

MURPHY, Vice Chairman.  
WEILER.  
McKINLEY.  
NELSON.  
COBB.  
TUBBS.  
GARRISON.  
BREED.  
MALONEY.  
BAKER.

Assembly Bill No. 1175 ordered on file for second reading.

#### ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes;

Also: Assembly Bill No. 187—An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violations of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923;

Also: Assembly Bill No. 426—An act to repeal section 3880 and to amend section 4294 of the Political Code, relating to county revenue;

Also: Assembly Bill No. 427—An act to amend sections 3866 and 3868 of the Political Code, relating to semiannual reports and settlements of counties with the State;

Also: Assembly Bill No. 428—An act to provide for the assessment, levy and collection of taxes for the support of the State government for the eighty-first and eighty-second fiscal years;

Also: Assembly Bill No. 695—An act to repeal section 3898a of the Political Code, added by chapter 349 of the Statutes of 1921, and to add a new section thereto to be numbered section 3898b, both relating to the disposition of proceeds of funds from the sale of land devoted to the State for delinquent taxes for the purpose of vocational education of dependents of veterans;

Also: Assembly Bill No. 932—An act to add a new section to an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as approved May 26, 1927, to be numbered 13a, relating to a revolving fund for the State Highway Commission;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—7; absent—6.

NELSON, Chairman.

Assembly Bills Nos. 81, 187, 426, 427, 428, 695 and 932 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship and declaring the urgency thereof;

Also: Assembly Bill No. 1011—An act to amend sections 3820, 3821 and 3831 of the Political Code, relating to seizure and sale of personal property for unpaid taxes;

Also: Assembly Bill No. 1088—An act to amend sections 3682, 3732, 3746, 3748, 3756, and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes;

Also: Assembly Bill No. 1132—An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies;

Also: Assembly Bill No. 1172—An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—13; committee vote: Ayes—7; absent 6.

NELSON, Chairman.

Assembly Bills Nos. 1007, 1011, 1088, 1132 and 1172 ordered on file for second reading.

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 1190—An act relating to the granting of franchises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach, by the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9.

(Signed out)

BOGGS, Chairman.  
FELLOM.  
CHRISTIAN.  
HURLEY.  
INMAN.  
McCORMACK.  
CARTER.  
EDWARDS.

Assembly Bill No. 1190 ordered on file for second reading.



Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted to the county of Orange—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9.

(Signed out)

BOGGS, Chairman.  
FELLOM  
CHRISTIAN.  
CARTER  
McCORMACK.  
HURLEY  
INMAN  
EDWARDS

Assembly Bill No. 1191 ordered on file for second reading.

#### ON MOTOR VEHICLES

SENATE CHAMBER, SACRAMENTO, May 10, 1929

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1167—An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9, absent—6.

SHARKEY, Chairman.

Assembly Bill No. 1167 ordered on file for second reading.

#### ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, May 10, 1929

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 656—An act to amend section 4248 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

Also: Assembly Bill No. 1168—An act to amend section 1646 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the salaries of the sealer of weights and measures and his deputies in counties of the sixth class; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bills Nos. 656 and 1168 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 973—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, as amended, by adding certain new sections thereto to be numbered 27, 28, 29, and 30, providing for the organization and reorganization of districts to be formed thereunder:

Also: Assembly Bill No. 1051—An act to amend section 16x21 of an act entitled "An act to establish a standard of weights and measures in the State of California: to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into

effect the provisions of this act including the State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to the salary of the sealer and deputies of counties of the twenty-first class;

Also: Assembly Bill No. 1173—An act to amend section 1246 of the Political Code, relating to the salaries, fees, and expenses, of officers and their deputies and assistants in counties of the seventeenth class;

Also: Assembly Bill No. 1178—An act to amend section 9a31 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act to provide county library systems,'" approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of the county librarian in counties of the thirty-first class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bills Nos. 973, 1051, 1173 and 1178 ordered on file for second reading.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 129—An act providing for the allowance of traveling expenses of members of governing boards of union or joint union high school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

SLATER, Chairman.

Assembly Bill No. 129 ordered on file for second reading.

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 892—An act granting to the city and county of San Francisco certain lands heretofore dedicated for park purposes by the Legislature of the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11.

(Signed out)

MALONEY, Vice Chairman.

GARRISON.

NELSON.

TUBBS.

BREED.

MURPHY.

COBI.

MUELLER.

Assembly Bill No. 892 ordered on file for second reading.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Bill No. 1162—An act to amend section 15 of the Corporate Securities Act, relating to the State Corporation Department—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

(Signed out)

McKINLEY, Chairman.

BAKER.

SWING.

TUBBS.

JONES. RAY.

Assembly Bill No. 1162 ordered re-referred to Committee on Finance.

## ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9 of article VI, relating to absence of judicial officers from the State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—10.

(Signed out)

SWING, Chairman.  
FELLOM.  
CANIPA.  
WELLER.  
WEST.  
YOUNG.

Assembly Constitutional Amendment No. 27 ordered on file

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Assembly Bill No. 1020—An act to amend sections 109 and 410 of the Political Code, relating, respectively, to the fees to be collected by the Secretary of State and to the distribution by the Secretary of State of the laws, resolutions and Journals of the Legislature and of decisions of the Supreme Court and of the district courts of appeal—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—5; committee vote: Ayes—5.

JONES, RAY, Chairman

Assembly Bill No. 1020 ordered on file for second reading

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 894—An act providing for the payment of traveling expenses of rural supervisors of schools;

Also: Assembly Bill No. 979—An act to provide for the payment of traveling expenses of superintendents of schools of counties attending national conventions of superintendents of schools;

Also: Assembly Bill No. 1050—An act providing for the dedication of real property for street or highway purposes by governing boards of school districts;

Also: Assembly Bill No. 1133—An act to allow the establishment of an emergency cash fund by the governing board of any school district, high school district, or junior college district, of any kind or class, and providing also for the reduction or discontinuance of such fund;

Also: Assembly Bill No. 1154—An act providing for the membership of public schools in organizations for the promotion and advancement of public education, and for the listing of such organizations by the State Board of Education;

Also: Assembly Concurrent Resolution No. 33—Relating to the holding of the Tenth Olympiad Games in the State of California:  
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

(Signed out)

SLATER, Chairman.  
HANDY.  
EVANS.  
GRAY.  
ROCHESTER.  
TUBBS.  
McCORMACK.  
BAKER.  
JONES.

Assembly Bills Nos. 894, 979, 1050, 1133, 1154 and Assembly Concurrent Resolution No. 33 ordered on file for second reading.



## ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 268—An act to amend section 4312 of the Political Code, relating to the maintenance by certain county officers of offices at county seats and in certain other cities and the duties of such officers and of the boards of supervisors in connection therewith;

Also: Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Assembly Bills Nos. 268 and 853 ordered on file for second reading.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 898—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a, authorizing the inclusion in one proceeding for the separation of grades under the provisions of said act the separation or elimination of two or more grade crossings;

Also: Assembly Bill No. 543—An act to amend section 2646 of the Political Code, relating to maintenance and repair of county highways;

Also: Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; providing for the collection and rates of tolls for the use thereof by the public, and providing penalties for charging or demanding unlawful tolls;

Also: Assembly Concurrent Resolution No. 27—Providing for the appointment of a committee to investigate the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways;

Also: Assembly Concurrent Resolution No. 41—Providing for the creation of a joint committee of the Senate and Assembly to study Joint Highway District Laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15.

(Signed out)

HANDY, Chairman.

WAGY.

SHARKEY.

TUBBS.

SWING.

BREED.

INMAN.

McKINLEY.

DUVAL.

McCORMACK.

EDWARDS.

BOGGS.

Assembly Bills Nos. 898, 543 and 1149 ordered on file for second reading.

Assembly Concurrent Resolutions Nos. 27 and 41 ordered on file for adoption.

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1032—An act to prescribe a procedure for the acquisition of property by the State, counties and municipalities of property under the provisions of section 144 of the constitution of California and the reservation of rights therein and the sale or other disposition and conveyance thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

FELLOM, Chairman.  
EVANS.  
ROCHESTER.  
McKINLEY.  
CROWLEY.  
LYON.

Assembly Bill No. 1032 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1120—An act to amend sections 4, 6, 8, 9, 12 and to add certain new sections to be numbered 134 and 135 to an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927:

Also: Assembly Bill No. 232—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in municipal corporations of the sixth class;

Also: Assembly Bill No. 1170—An act authorizing and empowering any municipal corporation to which tidelands, and submerged lands, situated within the limits thereof, have been, or may hereafter be, granted by the State of California to grant all or any portion of such lands to the United States for public or governmental (including military or naval) purposes and validating and confirming grants of such lands made by such municipal corporations to the United States;

Also: Assembly Bill No. 425—An act to amend section 21 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913 (Statutes 1913, page 1049), as amended by Statutes 1925, page 990, relating to collection of taxes;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

(Signed out)

LYON, Chairman.  
BAKER.  
McKINLEY.  
YOUNG.  
CHRISTIAN.  
FELLOM.  
GRAY.

Assembly Bills Nos. 1120, 232, 1170 and 425 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 412a, relating to the service of summons on nonresident persons in certain actions.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Inman moved to refer Assembly Bill No. 654 to Senator Breed, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 19, of the printed bill, after the words "by the", in said line, insert the following: "secretary of state and".

## AMENDMENT NUMBER TWO.

On page 2, line 2, of the printed bill, strike out lines 2 and 3, and insert in lieu thereof the following: "and a copy of the summons are forthwith caused by the plaintiff to be personally delivered to the defendant by a peace officer of the jurisdiction where said delivery is made,".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 654, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Inman adopted.

Bill ordered to print.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1184—An act to authorize the State Board of Agriculture to acquire property by gift, devise or bequest—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

MALONEY, Vice Chairman.

COBB.

BREED.

TURBS.

WELLER.

GARRISON.

MURPHY.

BAKER.

NELSON.

Assembly Bill No. 1184 ordered on file for second reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 60—An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Assembly Bill No. 60 to Senator Handy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 3, line 24, of the printed bill, as amended in Senate May 9, 1929, following the period in said line, insert the following: "Every person who, in fish and game districts eighteen or nineteen, takes, gathers, or has in possession during any one calendar day, more than ten pounds of mussels, is guilty of a misdemeanor."

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 60, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 34.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new paragraph to section 14 of article XIII of said constitution, to be designated as subdivision *ah*, relating to revenue and taxation.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1929, two thirds of the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding a new paragraph to section 14 of article XIII thereof, to be designated as subdivision *ah*, to be inserted after the last paragraph of subdivision *aa* of said section and to read as follows:

*ah.* Subject to the power vested in the Legislature by this constitution to change the rate in this section prescribed, the percentage of tax on the last paragraph of subdivision *a* of section 14 of article XIII of this constitution levied on all street railways, herein defined to include metropolitan electric railways and gasoline propelled railways, shall be 4½ per cent fixed upon their gross receipts from operation ascertained as in this constitution provided, *provided, however*, that in the event that it shall be hereafter finally determined by the courts that the classification herein made is inconsistent with or repugnant to the provisions of the United States constitution or prejudicial to the rights of the State to tax other railroad companies at a different and higher rate of tax, then this amendment shall be void, and the rate of tax levied upon the railroads herein included and all other railroads shall be as prescribed in said subdivision *a* of section 14 of article XIII of this constitution, or such other rate or rates as may hereafter be adopted, fixed upon their gross receipts from operation ascertained as in this constitution provided.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 34 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Assembly Constitutional Amendment No. 34 ordered transmitted to the Assembly.

Assembly Bill No. 809—An act to amend section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings, to establish a Board of Medical Examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation,'" approved March 14, 1907,

and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 226—An act to amend section 4 of an act entitled "An act to regulate the preparation, manufacturing, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 29, 1923, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 226 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Hurley, Inman, Jones, Ray, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—Senator Cleveland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 244—An act to add a new section to an act entitled "An act to provide for suitable sanitary conditions in foundries and metal shops and providing penalties for the violation thereof," approved May 24, 1921, to be numbered 4, relating to the enforcement of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 244 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Hurley, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 366—An act to amend section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement, and creating the Division of

Chemistry fund," approved June 3, 1921, as amended, relative to the registration or cancellation of registration of economic poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 356 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waga, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400—An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the State and in the normal schools and teachers colleges in the State and making an appropriation for the carrying out of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 400 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Waga, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 12—An act to add a new section, to be numbered 383b, to the Penal Code, relating to the sale of kosher meats and meat preparations, and kosher food, defining the word "kosher" and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Hurley, Inman, Jones, Ray, Lyon, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Weller, West, and Young—27.

NOES—Senator Cobb—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1060—An act to amend section 159 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to appropriations to the several counties from the motor vehicle fund.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1060 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Harley, Jones, Ray, Lyon, Maloney, McKinley, Merram, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagz, Weller, West, and Young—27.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1027—An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1027 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Hardy, Harley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merram, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagz, West, and Young—28.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 797—An act providing for the formation, government, and operation of harbor districts, for the improvement and development of harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appertenant thereto, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and on one or more municipalities; providing for the classification of such harbors and lands into commercial or recreational or commercial and recreational harbors, and providing what may and may not be done in such harbors so classified and making it a misdemeanor to violate the restrictions thus imposed upon the harbors classified and providing for a penalty and punishment to be imposed upon such violation or violations; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes, providing for the levy of special assessments within such district to defray such costs and expenses either wholly or partially and authorizing differential special assessments within such district; and providing and empowering such districts to accept financial or other aid for improvements and operations from the

United States of America, the State of California and from any person or persons; and providing for the election within any such harbor districts formed under this act of a Board of Harbor Governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such Board of Governors.

ASSEMBLY AMENDMENTS TO SENATE BILL, NUMBER SEVEN HUNDRED  
NINETY-SEVEN.

AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, after the words "development off", insert the word "recreational".

AMENDMENT NUMBER TWO.

In the title of the printed bill, beginning at line 11, strike out lines 11 to 14, inclusive, and insert in lieu thereof the following: "therein, defining recreational harbors; and providing generally what may".

AMENDMENT NUMBER THREE.

On page 2, line 58, of the title of the printed bill, strike out the words "and election".

AMENDMENT NUMBER FOUR.

On page 2, line 59, of the title of the printed bill, strike out the word "harbor" at the end of said line 59 of the title.

AMENDMENT NUMBER FIVE.

On page 2, in line 62, of the title of the printed bill, strike out the period after the word "governors", and insert in lieu thereof a comma and the following: "and providing the means by which territory may be annexed to any harbor district formed hereunder."

AMENDMENT NUMBER SIX.

On page 2, line 10, of the printed bill, after the word "such" and before the word "harbor", insert the word "recreational".

AMENDMENT NUMBER SEVEN.

On page 2, line 16, of the printed bill, after the words "of a" and before the word "harbor", insert the word "recreational".

AMENDMENT NUMBER EIGHT.

On page 3, line 37, of the printed bill, strike out lines 37 to 41, inclusive, and insert in lieu thereof the following paragraph:

"Said petition shall state that the said harbor as proposed is a recreational harbor as defined by this act."

AMENDMENT NUMBER NINE.

On page 10, line 8, of the printed bill, strike out lines 8 to 10, inclusive, and insert in lieu thereof the following: "election law of this state, and sample ballots shall be mailed to the electors within the proposed harbor district and election polling cards prepared as is provided under the election laws of the State of California, and said sample ballots so to be mailed shall be deposited in the mail directed to the registered electors within such proposed harbor district at least twenty days prior to the date of the election."

AMENDMENT NUMBER TEN.

On page 13, line 39, of the printed bill, after the word "of" and before the word "members", strike out the word "three", and insert in lieu thereof the word "five".

AMENDMENT NUMBER ELEVEN.

On page 13, line 42, of the printed bill, strike out the word "an" at the end of line 42, and insert in lieu thereof a period; also strike out all of lines 43 to 52, inclusive; and on page 14, strike out all of lines 1 to 24, inclusive, and insert in lieu thereof the following paragraph:

"Said board of governors shall be appointed as follows: One member of said board shall be appointed by the legislative body of each city any of whose territory is included within the harbor district and in the event that there are not five cities included within any harbor district formed under this act, then the appointment of such additional members as may be required to make up the total number of five shall be made by the board of supervisors of the county taking jurisdiction to call the election. The individual members of said board of governors shall hold office for the term of six years from the date of their appointment: *provided, however*, that any member appointed hereunder may be removed from office by the same municipal or county authority by which his appointment was effected: *and provided further*, that in any case where, under charter or otherwise, the appointive power of any city

is vested in any other authority than the legislative body of said city, then, and in that event, the appointment in behalf of said city of its member or members upon said board of governors may be effected by such other appointing authority."

AMENDMENT NUMBER TWELVE.

On page 20, line 7, of the printed bill, strike out all of lines 7, 8, 9 and 10, and insert in lieu thereof the following:

"SEC. 30. Recreational harbors only, as defined in this paragraph, may be created or improved under the provisions of this act."

AMENDMENT NUMBER THIRTEEN.

On page 20, line 23, of the printed bill, strike out all of lines 23 to 30, inclusive, and insert in lieu thereof the following:

"SEC. 31. The board".

AMENDMENT NUMBER FOURTEEN.

On page 21, line 16, of the printed bill, strike out the period immediately after the word "funds", and insert in lieu thereof a semicolon and the following: "provided, however, that none of the lands, works, or facilities under control of said board of governors shall be leased until the terms of said lease have been submitted to the legislative bodies of every city and county any of whose territory is included within the harbor district and until each of such legislative bodies shall by resolution have approved the terms of said lease."

AMENDMENT NUMBER FIFTEEN.

On page 25, line 2, of the printed bill, before the word "tax", insert the words "special assessment".

AMENDMENT NUMBER SIXTEEN.

On page 25, line 20, of the printed bill, before the word "tax", insert the words "special assessment".

AMENDMENT NUMBER SEVENTEEN.

On page 25, line 22, of the printed bill, strike out the word "assessor", and insert in lieu thereof the following: "auditor. Such levy as to each zone within the harbor district shall be of a sum sufficient to meet the proportional annual charge upon said zone."

AMENDMENT NUMBER EIGHTEEN.

On page 26, line 10, of the printed bill, immediately following line 10, add the following paragraphs:

"SEC. 44. In any case where the harbor district is wholly contained within the limits of any one city, the said city may constitute any of its boards or commissions authorized under its charter to manage or control such lands or improvements as are included under this act as the board of governors of said harbor district and said board or commission so authorized by said city shall exercise all the functions and have all the powers herein granted to boards of governors of harbor districts.

SEC. 45. In any case where contiguous territory not originally included within the boundaries of any harbor district formed hereunder shall desire to annex to said harbor district and be included within the same, then, by petition signed in the manner hereinbefore provided for the formation of an original harbor district hereunder and upon the filing with the board of governors of said harbor district of said petition said board of governors may call two elections, which elections shall be called and held in the manner generally provided by law and notice thereof shall be given to the electors residing within the territories within which such elections are to be held, by mailing a sample ballot to each of said electors not less than twenty days prior to the date when such elections are to be held. The first of these two said elections may be held within the territory proposed to be annexed and a resolution authorizing the calling of said election shall be adopted by the board of governors. In each said resolution the total indebtedness of the harbor district on account of district bonds, interest, or otherwise shall be stated, and the proportionate amount of such total indebtedness, if any, to be assumed by the territory proposed to be annexed shall be stated and the ballot used at said election shall state the question "Shall that certain territory (describing same) be annexed to \_\_\_\_\_ harbor district (naming the harbor district to which annexation is proposed) and shall the said territory to be annexed assume to pay the sum of \_\_\_\_\_ dollars of the total indebtedness of said district, which said total indebtedness of said district is herein stated to be \_\_\_\_\_ dollars (naming the total indebtedness of the district)?"

The votes cast at said election shall be canvassed by the board of governors of the harbor district and if it is found as a result of said canvass that a majority of the votes cast at said election within the territory stated to be annexed to the harbor district are favorable to the annexation thereof, then, and in that event, the board of governors shall call an election to be held within the harbor district and the ballot shall state the proposition as follows:



"Shall that certain territory (describing same) be annexed to \_\_\_\_\_ harbor district (naming the harbor district) and assume to pay \_\_\_\_\_ dollars (naming the amount) of the total indebtedness of \_\_\_\_\_ harbor district (naming the harbor district) said total indebtedness being in the sum of \_\_\_\_\_ dollars (naming the amount of said total indebtedness)?"

The board of governors shall, after said election is held, canvass the returns thereof, and if, as a result of said canvass, it is found that a majority of votes cast at said election are in favor of the annexation of said additional territory then the board of governors shall adopt a resolution stating the fact that said additional territory is included within \_\_\_\_\_ harbor district (naming the harbor district) and that the said additional territory so annexed has assumed to pay the sum of \_\_\_\_\_ dollars of the total indebtedness of the harbor district.

A copy of said resolution shall be certified and transmitted to the county auditor or county auditors any of whose territory is included within the enlarged harbor district and the said resolution shall constitute authority of the officials of said county or counties to annually charge the lands contained within the annexed territory with the amounts required to discharge that portion of the harbor district's indebtedness assumed to be paid by such annexed territory. Collection of said sums so to be paid by said annexed territory to be effected by the levy and collection of taxes within the lands of said annexed territory in the manner and form as provided hereinbefore for the collection of moneys for the payment of bond sinking funds, interest and maintenance charges of said harbor district."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 797?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 797 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Tubbs, Wagy, Weller, West, and Young—31.

#### REQUEST FOR PERMISSION TO INTRODUCE A BILL.

The following request for permission to introduce a bill was presented:

By Senator Maloney:

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: In accordance with the provisions of section 2, article IV of the constitution, I request permission to introduce a bill having the following title:

An act relating to the board of trustees of the California Institution for Women and the appointment and terms of office of the members of said board.

Request referred to Committee on Rules.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Maloney to introduce a bill entitled: "An act relating to the Board of Trustees of the California Institution for Women and the appointment and terms of office of the members of said board"—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

BREED, Chairman.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of article IV of the constitution, and the report adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following bill was introduced:

By Senator Maloney: Senate Bill No. 890—An act relating to the Board of Trustees of the California Institution for Women and the appointment and terms of office of the members of said board.

## CONSIDERATION OF SENATE BILL NUMBER EIGHT HUNDRED NINETY.

Senator Maloney asked for and was granted unanimous consent to consider Senate Bill No. 890, without reference to committee.

## CASE OF URGENCY.

The following resolution was offered:

By Senator Maloney:

*Resolved*, That Senate Bill No. 890 presents a case of urgency, as that term is used in section 15 of article IV of the constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—32.

NOES—None.

Whereupon, the President declared the provisions of section 15 of article IV of the constitution suspended for the purpose of considering at this time Senate Bill No. 890.

## SECOND READING OF SENATE BILL NUMBER EIGHT HUNDRED NINETY.

Senate Bill No. 890—An act relating to the Board of Trustees of the California Institution for Women and the appointment and terms of office of the members of said board.

## RECOMMENDATION BY PRESIDING OFFICER.

In accordance with Joint Rule No. 35, I hereby recommend that the Senate grant permission to vote on Senate Bill No. 890.

The question being: Shall the Senate grant permission to vote on Senate Bill No. 890?

The roll was called, and permission granted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 890 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley,

Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—RESUMED

Assembly Bill No. 957—An act to add a new section to the Political Code, to be numbered 594*b*, relating to burial contracts and certificates.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Rochester moved to refer Assembly Bill No. 957 to Senator Lyon, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE

On page 1 of the printed bill, strike out line 9, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Political Code to be numbered 594*b* and to read as follows:

594*b*. No person, firm, corporation or company shall trans-".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 957, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYON, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print.

Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 574—An act to amend section 428 of the Civil Code, limiting the amount of insurance which may be carried in this State on any one risk; and providing exemptions from the provisions of this section.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 574 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374—An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin Prison.

Bill read third time.

URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Because of inadequate quarters for the prison guards at the San Quentin Prison it is necessary that additional quarters be immediately constructed to properly house the prison guards at said prison. Without such proper quarters, the health and safety of these guards will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 117—An act to provide aid for needy blind persons, creating a State Blind Benefit Commission, and defining the powers and duties thereof, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 117 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385—An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 385 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State Teachers College.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The retaining walls on the property of the San Francisco State Teachers College are rapidly disintegrating and becoming a public menace and must be immediately repaired to protect injury to the public. Without such proper repairs the safety of the public will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 374 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448—An act making an appropriation for the purchase of a land site and the construction and equipment of a warehouse thereon, for the use of the Division of Motor Vehicles, and such other State uses as may be approved by the Director of Finance; transferring certain moneys to the general fund and abolishing the transfer and operators' license fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 448 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Crowley, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 744—An act making an appropriation to pay the claim of H. C. Miller against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 744 passed by the following vote:

AYES—Senators Allen, Canepa, Carter, Cobb, Crowley, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 772—An act making an appropriation for the construction, completion, equipment, and furnishing of the State Office Building at San Francisco, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 772 passed by the following vote:

AYES—Senators Allen, Baker, Canepa, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 945—An act making an appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry.

Bill read third time.

#### URGENCY CLAUSE.

Inasmuch as this act provides an appropriation for the usual current expenses of the State, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The water supply at the Preston School of Industry for domestic use and the development of electrical power is rapidly becoming inadequate to supply the needs of the Preston School of Industry and immediate steps must be taken to provide additional water resources. Unless such additional water supply is immediately developed the health and safety of the inmates will be seriously imperiled.

Urgency clause read.

The question being on the adoption of the urgency clause.



The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 945 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1061—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1061 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

#### AMENDMENT TO TITLE.

The following amendment to the title of Assembly Bill No. 1061 was offered and its adoption moved by Senator Boggs:

#### AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, strike out the period after the word "health", and insert in lieu thereof a comma, and the following: "declaring the urgency thereof, and providing that this act shall take effect immediately".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 700—An act authorizing the Department of Finance to sell certain property described as the southeast quarter of

section 9, township 3 south, range 2 east, San Bernardino base and meridian, situated in Riverside County, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 29—Approving certain amendments to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the eighth day of April, 1929.

Resolution read third time.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 29 adopted by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—24.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 29 ordered transmitted to the Assembly.

Assembly Bill No. 264—An act to amend section 1 of an act entitled "An act to take title to and thereafter maintain as a State highway, the toll road in Tuolumne and Mariposa counties, known as Big Oak Flat and Yosemite road, also a section of the Tuolumne County road to connect said toll road with the Sonora lateral of the State highway," approved May 19, 1915, providing for the rerouting of said highway and the improvement and maintenance thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 402—An act to amend section 1033 of the Code of Civil Procedure, relating to costs in civil cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 402 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cleveland, Cobb, Crowley, Fellom, Garrison, Handy, Inman, Jones, Ray, Lyon, Merriam, Murphy, Nichols, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497—An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Dwyal, Edwards, Fellom, Garrison, Handy, Inman, Lyon, Maloney, McKelvey, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 734—An act to amend section 710 of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 734 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Jones, Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 949—An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 949 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Crowley, Edwards, Fellom, Garrison, Handy, Jones, Ray, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 966—An act to amend section 664 of the Penal Code, relating to the punishment for attempt to commit crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 966 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners, and to repeal sections 18, 18a and 1588 of the Penal Code, relating to terms of imprisonment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 977 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Maloney, Merriam, Murphy, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1000—An act to amend section 68 of the Penal Code, relating to bribes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Christian, Cobb, Duval, Fellom, Garrison, Inman, Jones, Ray, Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At four o'clock and five minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Assembly Bill No. 67—An act to repeal section 2572 of the Political Code, relating to the Board of Harbor Commissioners of the port of Eureka on Humboldt Bay and to the officers and employees thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 passed by the following vote:

**AYES**—Senators Allen, Breed, Canepa, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—23.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 322—An act to add a new section to the Code of Civil Procedure, to be numbered section 1778a, relating to the sale of personal property by guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 passed by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Canepa, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and Young—23.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 323—An act to amend section 1766 of the Code of Civil Procedure, relating to guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 323 passed by the following vote:

**AYES**—Senators Allen, Baker, Breed, Canepa, Carter, Cobb, Crowley, Edwards, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—25.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1098 passed by the following vote:

**AYES**—Senators Allen, Baker, Breed, Carter, Cobb, Crowley, Edwards, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Weller, and Young—22.

**NOES**—Senator Wagy—1.

#### NOTICE OF MOTION TO RECONSIDER.

Senator Carter gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 1098 was passed.

Assembly Bill No. 1106—An act to increase the number of judges of the superior court of the county of Santa Barbara, and for the appointment of such additional judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1106 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Lyon, Maloney, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 713—An act authorizing the Director of Finance and the Director of Public Works to investigate available sites in the city of Sacramento for the erection of a new residence for the Governor of the State, and providing for the acquisition of such site or making a report with reference to same to the forty-ninth session of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 713 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Swing, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 183 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Crowley, Edwards, Fellom, Handy, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 880—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections 12 and 17 thereof, relating to directors, and by adding a new section thereto be numbered 19a, relating to nomination of candidates for office, and by amending section 20 thereof, relating to elections, section 41 thereof, relating to assessments and section 58 thereof, relating to actions to determine the validity of bonds.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 880 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 571—An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the Insurance Commissioner, his office, salary, expenses, deputies, assistants, attorney and employees, submission of written instruments to attorney or Attorney General; assessment of insurance companies for salary and expenses in case of delinquency; creation of insurance fund and transfer and abolition of Insurance Commissioner's special fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 571 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 881—An act to amend sections 1 and 5 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add a new section thereto to be numbered section 5a.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 881 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 534—An act to amend the title and sections 2, 4, 5, 6, 7, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and

for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts and parts of acts in conflict with this act." approved June 3, 1921, as amended, and adding a new section, to be numbered section 6 $\frac{3}{4}$ , relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 2 $\frac{1}{4}$ .

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 534 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1087—An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1087 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

#### ASSEMBLY CONCURRENT RESOLUTION No. 25.

Relating to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation.

WHEREAS, One of the most valuable assets of the State of California lies in its coast line along the Pacific Ocean and in the land and water areas contiguous thereto; and

WHEREAS, The factors contributing to this great value are of varied character, including those natural resources and natural features of said land and water areas which are adapted to development in furtherance of navigation, commerce, fisheries, and the production of minerals and oil, and for residential, recreational and scenic purposes; and

WHEREAS, It is desirable that these land and water areas be so developed as to meet the needs of the people of all parts of the State, both now and in the future, in an orderly manner, to the end that all of these natural resources and features may be given due consideration and those interested therein given proper recognition and assistance; and

WHEREAS, Much legislation has been enacted both by the Congress of the United States, the State Legislature and by local political subdivisions of the State relative to such matters and it is desirable that such legislation and future legislation be so correlated as best to accord with and promote the orderly and properly balanced development of this great natural asset of the State; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That the department of natural resources is hereby requested to make its organization and facilities available for a thorough investigation and study of the subject matter of this resolution under the direction of the committee hereinafter designated and to make available to the committee from time to time as may be convenient to the committee, the results of such

investigations; and the other executive branches and offices of the State government, particularly the Department of Finance, the Surveyor General, the Attorney General and the Department of Public Works, are hereby requested to furnish all desirable and practicable assistance to the Department of Natural Resources and to the committee in making this investigation and study, and be it further

*Resolved*, That there shall be and hereby is created a committee to consist of four members of the Assembly, to be appointed by the Speaker of the Assembly and four members of the Senate to be appointed by the President of the Senate, to effect a thorough investigation and study of the subject matter of this resolution by the executive departments heretofore designated, to receive and consider the results of the investigation and study so requested, to make such further study and investigation as to it may seem desirable; to prepare such compilation of the findings and present such recommendations as it may determine in a report to be submitted to the forty-ninth session of the Legislature during the first week thereof, and to cause such report to be published as a public document not later than November 15, 1930, at the same time submitting a copy of it to the Governor for his use in making such recommendations as he may desire in his biennial message to the Legislature, and be it further

*Resolved*, That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary and shall proceed to carry out the purposes of this resolution in such a manner as may be determined by said committee; and be it further

*Resolved*, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, it shall be the duty of all State, county, municipal and political subdivision officers to furnish such reports, books, documents, records, papers and testimony, upon request of said committee as may be pertinent to the purposes herein set forth; and be it further

*Resolved*, That the sum of \$5,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the respective contingent funds of the Senate and Assembly, which may have heretofore or may hereafter be appropriated for the contingent expenses of the Senate and Assembly by this session of the Legislature, said sum to be payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly but not exceeding the sum of \$5,000 in all, for the purpose of paying the expenses incurred by the said committee herein designated, under the authority herein, and for the purposes herein set forth, and said payments shall be disbursed from time to time by the Controller's warrants to be drawn against such contingent funds upon the written orders of the chairman of said joint committee herein provided for.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Leon, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 25 ordered transmitted to the Assembly.

Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code, and to add a new section to said code, to be numbered 2176a, all relating to the Department of Institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 983 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 18—An act to enable counties to acquire, hold, improve and maintain land for the uses and purposes of public parks and boulevards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 18 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150—An act to amend sections 4250 and 4249a of the Political Code, relating to compensation of officers and jurors in counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An act to amend sections 2979b and 2979c of the Political Code, relating to physically defective and handicapped persons under the age of 18 years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 397—An act to amend section 2322r8 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 397 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney,

McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406—An act to amend section 4237 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Madoney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tabbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 541—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Madoney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CROWLEY IN THE CHAIR.

At four o'clock and fifty minutes p.m., Senator Crowley of the Twenty-second District was called to the chair.

Assembly Bill No. 1021—An act to amend section 2322½ of the Political Code, relating to the salaries of the county horticultural commissioner and inspectors in counties of the fourteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1021 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Madoney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127—An act to add a new section to the Political Code, to be numbered 4041e, relating to county jails.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1022—An act to amend section 2322, 26 of chapter 4b of part III, title V of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1022 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299—An act to amend section 4300f of the Political Code, relating to fees of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 299 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—27.

NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 1122—An act to amend section 19x11 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of probation officers of counties of the eleventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1122 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Crowley, Edwards, Fellom, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 760—An act relating to the employment of librarians in the elementary or secondary schools of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 760 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 761—An act relating to the eligibility to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rochester moved to refer Assembly Bill No. 761 to Senator Handy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 2, of the printed bill, as amended, strike out "section 5.810", and insert in lieu thereof "sections 5.810 and 5.814".

## AMENDMENT NUMBER TWO.

On page 3, line 1, of the printed bill, as amended, strike out all of said line 1, and insert in lieu thereof the following: "were they a part of article one of chapter one of part four".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 761, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANDY, Special Committee.

Report read, and on motion of Senator Rochester adopted.

Bill ordered to print.

Assembly Bill No. 457—An act providing for the organization of certain elementary school districts into union or joint union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 457 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 889—An act to regulate the construction and maintenance of auto camps to provide for the inspection and supervision of same and to provide penalties for the violations of the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 889 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Crowley, Duval, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## LIEUTENANT GOVERNOR IN THE CHAIR.

At five o'clock and twenty minutes p.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assembly Bill No. 1062—An act to add a new section to chapter 4b of part III, title V of the Political Code to be numbered section 2522k, relating to the distribution of certain pests, and to repeal an act entitled "An act to prevent the spread of certain species of plant pests by means of containers, appliances or articles used in connection with various agricultural commodities, to confer upon the Director of the Department of Agriculture the power to designate such species and such treatment therefor as he shall deem adequate to prevent such spread,

to confer upon the county horticultural commissioners the power to prescribe such treatment, to prohibit the transporting from or into any county or locality of the State any such containers, appliances or articles unless proof shall have been furnished that the same have not been exposed to infection or infestation by such plant pests, to make a violation of the provisions hereof a misdemeanor, and to repeal an act entitled 'An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the Director of Agriculture in relation thereto,' approved June 3, 1921," approved April 3, 1925.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1062 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113—An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the State," approved May 12, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### POSTPONEMENT OF RECONSIDERATION.

Senator Pedrotti asked for and was granted unanimous consent to have the reconsideration of the vote by which Assembly Bills Nos. 1059 and 840 were passed, postponed until the next legislative day.

Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Edwards moved to refer Assembly Bill No. 262 to Senator Nelson, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following: "An act to amend section 5 of an act".



## AMENDMENT NUMBER TWO.

In line 4 of the title of the printed bill, strike out the period in said line 4, and insert in lieu thereof a comma and the following: "and to add a new section thereto, to be numbered section 4½, making an appropriation for the use of said commission and extending the term of its existence."

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered section 4½ is hereby added to an act entitled "An act creating the Colorado River commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927, to read as follows:

Sec. 4½. In addition to any moneys heretofore appropriated".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 262, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Manufactures, to which was referred Assembly Bill No. 767—An act to revise an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass as amended.

Committee membership—11.

(Signed out)

ROCHESTER, Chairman.  
CARTER.  
MALONEY.  
PEDROTTI.

Assembly Bill No. 767 ordered on file for second reading.

## ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1152—An act to amend section 1 of an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, relating to a board of parole commissioners—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9.

(Signed out)

BAKER, Chairman.  
WELLER.  
MURPHY.  
WEST.  
CARTER.  
FELLOM.

Assembly Bill No. 1152 ordered on file for second reading.

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 810—An act to amend the title and sections 1, 2, 3, 4,

5, 6, 9, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a, relating to the issuance of bonds to represent assessments levied for public improvements made under the "Street Opening Act of 1902" has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

(Signed out)

LYON, Chairman.  
YOUNG  
ROCHESTER  
CROWLEY.  
BAKER.  
FILLION

### Assembly Bill No. 810 ordered on file for second reading

#### ON UNIVERSITIES AND TEACHERS' COLLEGES.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers' Colleges, to which was referred Assembly Bill No. 603—An act relating to granting degrees of absencees to members of faculties of State teachers' colleges and special schools governed by the Department of Education—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9.

(Signed out)

WEST, Chairman.  
FED-ROTT.  
JONES.  
HANDY.  
DUVAL.  
MURPHY.  
BREED.  
McKINLEY.

### Assembly Bill No. 603 ordered on file for second reading

#### ON GOVERNMENTAL EFFICIENCY

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 851—An act to amend section 747a of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

BAKER, Vice Chairman.  
TUBBS.  
WELTER.  
MURPHY.  
NELSON.  
BREED.  
COBB.  
GARRISON.  
MALONEY.

### Assembly Bill No. 851 ordered on file for second reading.

#### ON ENROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 33—An act to amend sections 18 and 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended;

Also: Senate Bill No. 179—An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence;

Also: Senate Bill No. 180—An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles;

Also: Senate Bill No. 199—An act to amend sections 1, 2, 7, 13, 15, 17, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927;

Also: Senate Bill No. 203—An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had;

Also: Senate Bill No. 217—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 227—An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor;

Also: Senate Bill No. 278—An act to amend section 439 of the Political Code, relating to employees in Controller's office;

Also: Senate Bill No. 280—An act to amend section 227 of the Civil Code, relating to the filing of papers in adoption proceedings;

Also: Senate Bill No. 379—An act to amend sections 2, 8 and 10 of an act entitled "An act to provide for the sanitary inspection of slaughtering houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof," approved June 3, 1921, as amended, relating to the inspection of slaughterhouses and meats by cities, counties or cities and counties and the sale of meats inspected by cities, counties or cities and counties;

Also: Senate Bill No. 511—An act to amend section 44 of the California Vehicle Act, relating to the renewal and regulation of vehicles;

Also: Senate Bill No. 611—An act to add a new section to be numbered 1279a to the Code of Civil Procedure, relating to the changing of names of corporations;

Also: Senate Bill No. 738—An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the forty-ninth session thereof;

Also: Senate Bill No. 855—An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe River, lying in the county of Santa Clara, State of California;

Also: Senate Concurrent Resolution No. 27—Relative to convention of Spanish War Veterans for 1931;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of May, 1929, at eleven o'clock and thirty minutes a.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 25—An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties; and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs;

Also: Senate Bill No. 126—An act to add a new section to the Penal Code to be numbered 1269a, relating to bail in criminal cases;

Also: Senate Bill No. 215—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

Also: Senate Bill No. 218—An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class;

Also: Senate Bill No. 228—An act to add three new sections to the Political Code to be numbered 541, 542 and 543, relating to State printing and the preparation of copy therefor;

Also: Senate Bill No. 250—An act to increase the number of judges of the superior court of the State of California in and for the county of Alameda; to provide for the appointment of an additional judge and the manner of payment of his compensation;

Also: Senate Bill No. 265—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their



officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended";

Also: Senate Bill No. 269—An act to add a new section to the Juvenile Court Law approved June 5, 1915, as amended, to be numbered 1951, relating to the salary of probation officers in counties of the fifty-first class;

Also: Senate Bill No. 341—An act to amend sections 850, 851 and 855 of the Code of Civil Procedure, relating to pleadings and practice in justices' courts;

Also: Senate Bill No. 347—An act to amend section 1491 of the Code of Civil Procedure, relating to publication of notice to creditors in probate proceedings;

Also: Senate Bill No. 389—An act to amend section 2533 of the Political Code, relating to the San Francisco harbor improvement fund;

Also: Senate Bill No. 479—An act to amend section 737*g* of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake;

Also: Senate Bill No. 556—An act to amend the Political Code by adding thereto a new section to be numbered 2168*a*, providing for the arrest, without a warrant upon probable cause, of alleged insane persons;

Also: Senate Bill No. 659—An act to add new sections to the Code of Civil Procedure, being numbers 1468*a*, 1468*b*, 1468*c* and 1468*d*, relating to the administration of estates having a net value of less than \$2,500;

Also: Senate Bill No. 686—An act to release whatever easements the people of the State of California have in fishing and navigation, and may and all other uses of the waters of Clear Lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear Lake, Lake County, that are susceptible of reclamation," approved May 19, 1925;

Also: Senate Bill No. 732—An act to amend sections 373*a* and 373*b*, of the Political Code, relating to the Department of Natural Resources;

Also: Senate Bill No. 762—An act to amend "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte By-Pass Assessment No. 6, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments;

Also: Senate Bill No. 763—An act to amend sections 14, 15 and 19 of the "Reclamation Board Act," approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15*a* and 37*a*, respectively, relating to the auditing of canceled warrants and providing for the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 543, seventy-ninth Congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith;

Also: Senate Bill No. 787—An act to amend section 456 of the Political Code, relating to employees in the office of the State Treasurer and fixing their salaries;

Also: Senate Bill No. 836—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in San Bernardino County, State of California, and providing for the expenditure of any moneys received therefrom;

Also: Senate Bill No. 841—An act to add a new article to chapter 3 of title I of part III of the Political Code, to be numbered article III, embracing sections 375 to 375*d*, inclusive, relating to a Department of Investment for purposes of representation in the Governor's Council;

Also: Senate Bill No. 857—An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26, 1851," passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of 'An act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26, 1851,' passed May 18, 1853," approved May 1, 1855, or any of the acts

supplementary thereto and amendatory thereof, and regulating procedure therein;

Also, Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article XIII thereof a new section to be numbered section 1, relative to revenue and taxation.

Also, Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation;

Also, Senate Concurrent Resolution No. 22—Relating to radio interference by electrical transmission lines and other electrical equipment;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of May, 1929, at ten o'clock a.m.

JONES, RAY, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district;

Also; Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 655 and 859 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed as amended, Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses, regulating the making, remaking, and sale thereof, prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1914, as amended, and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 620 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 28—Relative to containing the legislative sessions in the State of California in one of the southern counties of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Concurrent Resolution No. 28 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed as amended, Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, plazas and sidewalks within municipalities, and upon property and things in way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article 1 of the constitution, and for establishing and controlling the grades of any such streets, avenues, lanes, alleys, courts, lanes, sidewalks, courtyards or rights of way, and providing for the issuance and delivery of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the recovery of such bonds," approved April 7, 1911, as amended, and to add a new section to said act, to be numbered

section 763, relating to the foreclosure of bonds—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bill No. 359 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 599—An act relating to the formation, suspension and support of Junior College districts and the powers of governing boards thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bill No. 599 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California, to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate the importation, transportation and exportation of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bill No. 481 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 832—An act to amend section 5 of an act entitled "An act to provide for the burial of ex Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bill No. 832 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 581—An act to amend section 3636 of the Political Code, and to add thereto a new section to be numbered 3636a, relating to the Department of Public Works—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. McINTIRE, Assistant Clerk.

Senate Bill No. 581 ordered to unfinished business.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 642—An act to amend an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, by adding thereto a new section to be numbered 16a, relating to sealers of weights and measures, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 642 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 560—An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53 and to repeal sections 2, 25 and 31 of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, and to add eight new sections thereto to be numbered 8a, 8b, 8c, 8d, 14a, 14b, 16a and 17a, relating to a division in the Department of Natural Resources for the supervision of petroleum and gas, relating to the appointment of agents for service of orders and notices, declaring the unreasonable waste of natural gas to be opposed to the public interest, permitting and authorizing agreements in the interests of conservation the filing and the hearing of complaints concerning the waste of gas, relating to proceedings instituted by the Director of the Department of Natural Resources to prevent the unreasonable waste of gas, relating to certain requirements concerning removal of operating structures and casing from wells, and relating to certain requirements concerning the sale, exchange or other transfer of wells and land, creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof, making an appropriation for the purposes of this act, and generally providing for the protection of the natural resources of petroleum and gas from waste and destruction, and declaring the same to be an urgency measure to take effect immediately—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bill No. 560 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article II of said constitution, relative to elections and eligibility of voters, disabilities and

absent voters—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Constitutional Amendment No. 33 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 30. A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees, and attaches—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Constitutional Amendment No. 30 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 13—An act to amend section 22104 of the Political Code, relating to the Woman's Relief Corps Home of California;

Also: Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures;

Also: Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a, providing for appraisers and the creation of an appraisal fund;

Also: Senate Bill No. 579—An act amending section 1 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended.

Also: Senate Bills No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers;

Also: Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the Insurance Commissioner.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Senate Bills Nos. 13, 136, 222, 579, 588 and 631 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 56—An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 56—An act to amend section 689 of the Code of Civil Procedure, relating to writs of attachment in justices' courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 85—An act to amend section 2640 of the Political Code relating to the acquisition and construction of new roads and the grading, repaving, resurfacing, macadamizing, surfacing, repairing and maintaining of existing roads.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 86—An act to amend section 2713 of the Political Code, relating to the construction and repair of bridges.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 190—An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the labeling of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 51—An act to amend section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 35—An act to add new sections, to be numbered 23, 24 and 25 to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the withholding and denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other mineral in, upon or from tide, overflowed or submerged lands and beds of navigable rivers or lakes belonging to the State or any political subdivision thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1063—An act making an appropriation for minor construction, improvements and repairs at San Quentin Prison, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1063—An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and



to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances and to the jurisdiction of justices of the peace within the townships within which such police districts are situate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1118—An act making an appropriation for repairs, improvements, and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators, declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 468—An act to amend sections 3, 8, 10, 18, and 19 of an act entitled "An act to provide for the organization and management of certain fire insurance companies," approved April 1, 1897, as amended, and to add a new section therein to be numbered section 20 relating to powers of the directors of said companies and terms of association policies issued by said company.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 754—An act to add a new section to be numbered 29 to an act entitled "An act to provide for the forfeiture of certain lands to the State for the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof together with penalties and costs as herein provided, and for the enforcement of all moneys previously paid thereon, principal as well as interest," passing the dates of certain 1911th officers with respect thereto, providing for the giving of notice of said forfeitures, prescribing certain remedies, and making an appropriation for the purposes of this act."

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 453—An act to amend section 1517 of the Code of Civil Procedure relating to the return of sales of property of decedents;

Also: Assembly Bill No. 1079—An act to add a new section to chapter 46, of part III, title V of the Political Code, to be numbered 2321, relating to the office of county agricultural commissioner.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 471—An act providing for the burning or removing of grass, brush, or other inflammable matter and debris from public highways;

Also: Assembly Bill No. 496—An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions;

Also: Assembly Bill No. 816—An act to add a new section to Penal Code to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways, and any offensive matter or thing in theaters or places of public assemblages;

Also: Assembly Bill No. 896—An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the State known as the Pacific Colony grounds;

Also: Assembly Bill No. 911—An act appropriating money to pay the claim of the disbursing officer of the Division of Highways, State Department of Public Works, against the State of California;

Also: Assembly Bill No. 1025—An act to amend section 737 $\frac{1}{2}$  of the Political Code, relating to salaries of superior court judges in the county of Los Angeles;

Also: Assembly Bill No. 1076—An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By HOWARD S. MCINTIRE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to any map other than a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and/or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 139—An act to amend section 18 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the appointment and duties of clerks, deputy clerks, marshals, deputy marshals, and the filling of vacancies in said offices.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 187—An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or

distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violations of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 217—An act to amend section 4241 of the Political Code, relating to salaries of officers and employees of counties of the twelfth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 232—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in municipal corporations of the sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 259—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 268—An act to amend section 4312 of the Political Code, relating to the maintenance by certain county officers of offices at county seats and in certain other cities and the duties of such officers and of the boards of supervisors in connection therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 292—An act to add a new section to the Code of Civil Procedure, to be numbered 831, relating to the record of civil actions and recording and entry of judgment and satisfaction of judgment in civil actions in municipal courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 331—An act to add a new section to be numbered 24½ to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to inclusion of outlying territory within the fire limits of unincorporated towns and villages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 425—An act to amend section 14 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913 (Statutes 1913, page 1049), as amended duties of officers of board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 426—An act to repeal section 3889 and to amend section 4294 of the Political Code, relating to county revenue.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 416—An act to amend section 1161 of the Code of Civil Procedure, relating to the unlawful detainer by tenants of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 428—An act to provide for the assessment, levy and collection of taxes for the support of the State government for the eighty-first and eighty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 455—An act to amend section 1186 of the Code of Civil Procedure, relating to the effect and priority of mechanics' liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 497—An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriage.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 543—An act to amend section 2646 of the Political Code, relating to maintenance and repair of county highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 695—An act to repeal section 3898a of the Political Code, added by chapter 349 of the Statutes of 1921, and to add a new section thereto to be numbered section 3898b, both relating to the disposition of proceeds of funds from the sale of land deeded to the State for delinquent taxes for the purpose of vocational education of dependents of veterans.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 802—An act to amend section 4279 of the Political Code, relating to officers in counties of the fiftieth class and the salaries, fees and expenses thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 817—An act to amend sections 4 and 5 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 818—An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 830—An act to amend section 19c31 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the thirty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 833—An act relating to the election of teachers in the public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 836—An act relating to cafeterias in the public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 841—An act relating to the powers and duties of the governing boards of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 852—An act to amend section 4 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts, and providing for their salaries and the payments thereof," approved May 31, 1927, relating to stenographers for judges of the superior court in and for the counties of the fifteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 892—An act granting to the city and county of San Francisco certain lands heretofore dedicated for park purposes by the Legislature of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 894—An act providing for the payment of traveling expenses of rural supervisors of schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 898—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a, authorizing the inclusion in one proceeding for the separation of grades under the provisions of said act the separation or elimination of two or more grade crossings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 932—An act to add a new section to an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 26, 1923, as amended and approved

May 23, 1925," as approved May 26, 1927, to be numbered 13a, relating to a revolving fund for the State Highway Commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 961—An act to amend section 10 of an act entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than 100,000 persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed," approved June 5, 1923.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 973—An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, by adding certain new sections thereto to be numbered 27, 28, 29, and 30, providing for the organization and reorganization of districts to be formed thereunder.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 979—An act to provide for the payment of traveling expenses of superintendents of schools of counties attending national conventions of superintendents of schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1050—An act providing for the dedication of real property for street or highway purposes by governing boards of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1051—An act to amend section 16x21 of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standards of weights and measures; providing



for the appointment of officers to enforce and carry into effect the provisions of this act including the State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to the salary of the sealer and deputies of counties of the twenty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1094—An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1120—An act to amend sections 4, 6, 8, 9, 12 and to add certain new sections to be numbered 13½ and 13¾ to an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1133—An act to allow the establishment of an emergency cash fund by the governing board of any school district, high school district, or junior college district, of any kind or class, and providing also for the reduction or discontinuance of such fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; providing for the collection and rates of tolls for the use thereof by the public, and providing penalties for charging or demanding unlawful tolls.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1154—An act providing for the membership of public schools in organizations for the promotion and advancement of public education, and for the listing of such organizations by the State Board of Education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1159—An act to amend section 3336 of the Civil Code, relating to damages for the wrongful conversion of personal property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1161—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the

lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings." approved May 22, 1925, relating to the San Diego State Teachers College building and improvement fund and an appropriation for construction and equipment for said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1170—An act authorizing and empowering any municipal corporation to which tidelands, and submerged lands, situated within the limits thereof, have been, or may hereafter be, granted by the State of California, to grant all or any portion of such lands to the United States for public or governmental (including military or naval) purposes and validating and confirming grants of such lands made by such municipal corporations to the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1173—An act to amend section 4246 of the Political Code, relating to the salaries, fees, and expenses, of officers and their deputies and assistants in counties of the seventeenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1178—An act to amend section 9a31 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of the county librarian in counties of the thirty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1183—An act to validate bonds of school districts, high school districts, union high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of the same, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1190—An act relating to the granting of franchises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach, by the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted to the county of Orange.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 157—An act relating to the granting of leaves of absence to employees of school districts.

COMMITTEE AMENDMENT.

During second reading of the bill, the following amendment was submitted by the committee:

AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out the comma after the word "illness", and strike out the word "maternity" in the same line.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 855—An act to add a new section to the Code of Civil Procedure to be known as section 1238a, relating to the exercise of the right of eminent domain by an individual respecting water rights, ditches, canals, dams, reservoirs and other works, conduits or structures for the individual's use of water, notwithstanding other persons do not participate directly in said use or in the benefit therefrom.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

Strike out all of page 2 of the printed bill, and insert the following: "that, except as hereinafter stated, any use of water by any person for the benefit of his own property alone, notwithstanding other persons do not participate directly in said use or benefit, be, and hereby is declared to be, a public use, for which, upon making compensation and subject to all the provisions of this title, the power of eminent domain may be exercised to disturb established water conditions and to condemn water rights and easements in, upon or over private land for ditches, canals, dams, reservoirs, conduits or structures or other water works, or for enlarging or otherwise changing the same. Any party acting under this section must show to the satisfaction of the court that his need of said use is urgent and can not succeed in any other practicable way or by any lesser disturbance, burden or damage; and that, both with respect to the class of use and with respect to uses within the same class, the urgency of his need is greater than the need of the use to which the property has already been devoted. Other persons so desiring may share in the use of property taken as aforesaid, by themselves taking the same proceedings as above set forth. The party acting under this section must not invade houses or gardens, parks, or other enclosures connected with houses."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 860—An act to amend section 4307 of the Political Code, relating to county charges.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out lines 10 to 15, inclusive, and insert in lieu thereof the following: "incurred by either of them in the detection of crime and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested; *provided, however*, that the district attorney and sheriff shall not be allowed expenses nor shall any expenses incurred in the detection of acts declared to be misdemeanors by the California vehicle act, approved May 30, 1923, as amended, be county charges."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.



Assembly Bill No. 229—An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 4, line 46, of the printed bill, strike out lines 46 to 52, inclusive; also strike out lines 1 and 2 on page 5, and insert in lieu thereof the following:

"2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without this county. One undersheriff at a salary of two thousand one hundred dollars per annum, one deputy at a salary of one thousand eight hundred dollars per annum and two deputies at a salary of one thousand five hundred dollars per annum each, which offices are hereby created. The salary of said undersheriff and deputies payable monthly in the same manner as the salaries of other county officers are paid."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1175—An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor, and the manner of payment thereof and to repeal an act entitled "An act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof," approved March 23, 1907.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

In line 9 of the title of the printed bill, as amended in Assembly May 6, 1929, strike out the mark of punctuation after the word "thereof", and insert in lieu thereof a semicolon.

Amendment adopted.

AMENDMENT NUMBER TWO.

In line 21 of the title of the printed bill, as amended in Assembly May 6, 1929, strike out the period after the figures "1907", and insert in lieu thereof the following: "and also repealing an act entitled "Concerning the war debt of this state, and providing for the redemption thereof," approved April 19, 1856."

Amendment adopted.

AMENDMENT NUMBER THREE.

On page 1, line 2, of the printed bill, as amended in Assembly May 6, 1929, strike out the comma after the word "authorized", and also strike out the words "empowered and directed", and insert in lieu thereof the following: "and empowered".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 42, of the printed bill, as amended in Assembly May 6, 1929, immediately following said line 42, insert the following paragraph:

"SEC. 4. That certain act entitled "Concerning the war debt of this state, and providing for the redemption thereof," approved April 19, 1856, is hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship and declaring the urgency thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, beginning in said line 10, strike out lines 10 to 23, inclusive, and insert in lieu thereof the following:

"2. Any person, institution or association, claiming property to be exempt from taxation under this section, or on whose behalf a claim for exemption is made, shall make a return thereof to the assessor annually, the same as property is listed for taxation, and shall accompany the same by an affidavit in the form prescribed by the state board of equalization which shall show that the building is used solely and exclusively for religious worship; that the described portion of the real property claimed as exempt is required for the convenient use and occupation of such building; that the same is not rented for religious purposes and rent received by the owner thereof, and in addition shall give such other information and answer such other questions as may be required in said form of affidavit so prescribed by said state board of equalization."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, beginning in said line 1, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"3. Failure on the part of any person, institution or association, claiming such exemption, or on whose behalf such exemption is claimed, to make said affidavit required in the form prescribed by said state board of equalization between the first Monday in March and the first Monday in July of each year and to give therein all information and answer all questions required thereby shall be deemed a waiver of such exemption by such person, institution or association by whom or on whose behalf such exemption is claimed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1011—An act to amend sections 3820, 3821 and 3831 of the Political Code, relating to seizure and sale of personal property for unpaid taxes.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the semicolon following the word "assessed", and insert in lieu thereof a comma.

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 26, of the printed bill, after the period following the word "code", add the following paragraph:

"SEC. 4. This act, inasmuch as it provides for the levy, assessment and collection of taxes shall, under the provisions of section 1 of article four, take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1088—An act to amend sections 3682, 3732, 3746, 3748, 3756, and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 39, of the printed bill, strike out the words "the preceding".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 39, of the printed bill, following the word "section", insert "3746".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1132—An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, immediately following said line 36, insert the following paragraph:

"SEC. 2. In the event that it shall hereafter be finally determined by the courts that the Legislature is without authority to exclude receipts received under contract from the United States government for the carriage of mail and other government matter in the computation of gross receipts under this act, then, and in that event, such receipts shall be included with and become a part of the measure of the tax upon the property enumerated herein."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1172—An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 2, line 14, of the printed bill, after the period following the word "year", insert the following: "In any event, each such corporation shall pay a minimum tax of twenty-five dollars for such period."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1167—An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby.



## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, after the word "last", insert the word "general".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, line 3, of the printed bill, strike out the colon and insert in lieu thereof a semicolon.

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 7, line 14, of the printed bill, strike out the word "elector", and insert in lieu thereof the word "electors".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 9, line 16, of the printed bill, strike out the word "it", and insert in lieu thereof the word "if".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 10, line 35, of the printed bill, strike out the word "even" and insert in lieu thereof the word "event".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 11, line 4, of the printed bill, strike out the word "affected", and insert in lieu thereof the word "affected".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 12, line 13, of the printed bill, strike out the word "thereupon", and insert in lieu thereof the word "thereupon".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 12, line 30, of the printed bill, after the word "airports", insert a comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 656—An act to amend section 4248 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 5, line 12, of the printed bill, as amended, after the word "such", insert the word "fees".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 5, line 43, of the printed bill, as amended, in lieu of the word "subdivision", write "subdivisions".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1168—An act to amend section 16.6 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the salaries of the scaler of weights and measures and his deputies in counties of the sixth class.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out lines 6 to 8, inclusive, and insert in lieu thereof the following: "one hundred seventy-five dollars per month and his deputies shall receive one hundred fifty dollars per month each."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 129—An act providing for the allowance of traveling expenses of members of governing boards of union or joint union high school districts.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 1, of the printed bill, as amended, immediately following the words "board of", insert the following: "a junior college district or".

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 2, line 6, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "provided, that no mileage shall be allowed to any member unless he has traveled ten miles or more to attend such meetings."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1020—An act to amend sections 409 and 410 of the Political Code, relating, respectively, to the fees to be collected by the Secretary of State and to the distribution by the Secretary of State of the laws, resolutions and Journals of the Legislature and of decisions of the Supreme Court and of the District Courts of Appeal.

COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

AMENDMENT NUMBER ONE.

On page 2, line 17, of the printed bill, strike out line 17 and insert in lieu thereof the following: "653a and 653e of the Civil Code, fifteen dollars; for filing articles of incorporation provided for in section 653hh of the Civil Code, fifteen dollars if no capital stock is provided for."

Amendment adopted.

AMENDMENT NUMBER TWO.

On page 3, line 28, of the printed bill, strike out line 28 and insert in lieu thereof the following:

"Sec. 2. Section 410 of the Political Code is hereby amended to read as follows: 410. The laws, resolutions and journals of the Legislature".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1032—An act to prescribe a procedure for the acquisition of property by the State, counties and municipalities of property under the provisions of section 14½ of the constitution of California and the reservation of rights therein and the sale or other disposition and conveyance thereof.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, line 1, of the title of the printed bill, strike out the words "of property".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 2, of the title of the printed bill, strike out the words "counties and municipalities", and insert in lieu thereof the following: "counties, cities, and cities and counties".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 3, of the title of the printed bill, after the figures "14½", insert the following: "of article one".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 1, line 4, of the title of the printed bill, strike out the words "and the reservation of rights therein and", and insert in lieu thereof a semicolon and the following: "also providing for".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 1, line 5, of the title of the printed bill, strike out the word "thereof", and insert in lieu thereof the following: "of lands so acquired, and providing for the disposition of the proceeds of the sale of such lands."

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 1, line 20, of the printed bill, strike out the word "is", and in line 21, strike out the words "hereby amended so as to include", and insert in lieu thereof the following: "shall be deemed and construed as including".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 6, of the printed bill, after the figures "14½", insert the following: "of article one".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1184—An act to authorize the State Board of Agriculture to acquire property by gift, devise or bequest.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On line 1 of the title of the printed bill, strike out the words "state board of agriculture", and insert in lieu thereof the words "state agricultural society".

Amendment adopted.



## AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out the words "state board of agriculture", and insert in lieu thereof the words "state agricultural society".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 6 to 11, inclusive, and insert in lieu thereof the following: "bequest or devise. The title of such property shall vest in the State of California."

Amendment adopted.

Bill read third time, ordered to print, and on file for third reading.

Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by others to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the Department of Industrial Relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 28, of the printed bill, insert before the word "shall", the following: "or requires them to accept as their compensation, or part thereof, such tips or gratuities,".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 36, of the printed bill, insert before the word "and", the following: "or go toward paying the compensation or salary of the employee,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 43, of the printed bill, insert before the word "the", the following: "in lieu of regular wages, salary or commission,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 603—An act relating to granting leaves of absence to members of faculties of State Teachers Colleges and special schools governed by the Department of Education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 851—An act to amend section 73799 of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 767—An act to revise an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 6, line 15, of the printed bill, strike out the words "upholstered furniture inspection," and all of lines 16 to 18, inclusive, and insert in lieu thereof the following: "department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 810—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 9, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a relating to the issuance of bonds to represent assessments levied for public improvements made under the "Street Opening Act of 1903."

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out the figure "9", and insert in lieu thereof "13".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 7 of the title of the printed bill, following the word "improvements", add "and the laying out, opening, extending, widening, or straightening, in full or in part, of public streets, squares, lanes, alleys, courts, and places or for any condemnation of property necessary or convenient for such purposes, done or".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 5 of the title of the printed bill, insert a comma after "5a".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 41, of the printed bill, following "ipalities," insert the following: "or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution."

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 42, of the printed bill, insert a comma following the word "places", and strike out the word "and" in said line.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 43, of the printed bill, after the comma following the word "walks", insert the following: "properties or rights of way".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 51, of the printed bill, strike out the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 7, line 14, of the printed bill, after the word "second", insert the word "day".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 7 of the printed bill, strike out all of lines 23 and 24, and in lieu thereof insert the following:

[SEAL]

-----  
Treasurer.

-----  
Clerk."

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 8, line 24, of the printed bill, strike out the word "nowise", and insert in lieu thereof the words "no wise".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 1152—An act to amend section 1 of an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, relating to a board of parole commissioners.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out lines 27 and 28, and insert in lieu thereof the following: "from city or county jails, designate deputies of their respective offices to serve for them as temporary commissioners in the place and stead of any".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## RECESS.

At six o'clock p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of eight o'clock and thirty minutes p.m.

## RECONVENED.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 403—An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 403 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cobb, Duval, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 988—An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the State upon petition therefor by the land owners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the State Superintendent of Banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers, providing for the approval of said bonds and such transfers or contracts providing therefor by the State Superintendent of Banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, by amending section 7 thereof and adding new sections thereto to be numbered 37 to 59, inclusive, relating to the powers and duties of water districts and the boards of directors thereof, and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and West—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1123—An act to amend section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1123 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At eight o'clock and forty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

Assembly Bill No. 1136—An act appropriating money to pay the claim of H. W. Levers against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1136 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cobb, Duval, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1137—An act to provide for the investigation and study of the control of hypericum perforatum by the University of California and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1137 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 798—An act authorizing and providing for report upon the methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 798 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

## AMENDMENT TO TITLE.

The following amendment to the title was offered and its adoption moved by Senator Waggy:

## AMENDMENT NUMBER ONE.

Strike out lines 5 and 6 of the title of the printed bill and insert in lieu thereof the following: "and powers of such commission in respect thereto, making an appropriation therefor and prescribing penalties for violations of the act."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

## ASSEMBLY CONCURRENT RESOLUTION No. 24.

Relative to Joint Rules of Senate and Assembly.

*Resolved by the Assembly, the Senate concurring.* That Joint Rule No. 14 shall be amended to read as follows:

14. The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto, may be set in smaller type and without line numbers.

(d) Enrolled bills may be enclosed in stock cover.

(e) Except as herein and otherwise provided in these rules, the State Printer shall, in conformity with section 529 of the *Political Code*, prescribe the style and manner of printing of all bills, constitutional amendments, joint and concurrent resolutions, journals, histories and files; *provided, however*, that his authority shall not extend to changes in punctuation, or substitution of words different from the author's copy. But it shall be his duty to correct all misspelling by and with the consent of the Secretary of the Senate or the Chief Clerk of the Assembly.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Inman, Lyon, McCormick, McKimley, Merriam, Murphy, Nelson, Pedrotti, Shankey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 24 ordered transmitted to the Assembly.

## SENATOR LYON IN THE CHAIR.

At nine o'clock and two minutes p.m., Senator Lyon of the Thirty-fourth District was called to the chair.

Assembly Bill No. 1156—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending sections 41, 43, 44, 45 and 46 thereof.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1156 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1107—An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of garages, and the maintenance, use and occupancy of the premises and land on which garages are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and counties, and to provide penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1107 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Fellom, Handy, Hurley, Inman, Lyon, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480—An act to add a new section to the Penal Code, to be numbered 628f, relating to the protection of fresh water crayfish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202—An act to revise an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 202 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## RE-REFERENCE OF ASSEMBLY BILLS.

Senator Sharkey moved that Assembly Bill No. 485 be withdrawn from the third reading file, and re-referred to the Committee on Motor Vehicles.

Unanimous consent granted, and such was the order.

Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 724—An act to amend section 476 of the Penal Code, relating to the issuing of fictitious bills, notes, checks, or instruments in writing with intent to defraud.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 724 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 725—An act to amend section 473 of the Penal Code, relating to the penalty for forgery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 725 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Slater, Tubbs, Waggy, Weller, West, and Young—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 726—An act to amend section 107 of the Penal Code, relating to escapes and attempts to escape from county jails and county hospitals and from the custody of the sheriff, approved May 5, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—25.

NOES—None.

AMENDMENT TO TITLE.

The following amendment to the title was offered, and its adoption moved by Senator Pedrotti:

AMENDMENT NUMBER ONE.

Strike out lines 1 to 4, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend section 107 of the Penal Code and to add a new section to said code to be numbered 107a, relating to prisoners escaping or attempting to escape from jails, prisons or other institutions or from the lawful custody of officers or other persons."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 470—An act to add a new section to the Penal Code, to be numbered 415a, prohibiting the shooting or discharging of firearms upon the public highways of the State, and providing a penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 470 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Inman, Jones, Ray; McCormack, Merriam, Murphy, Sharkey, Slater, Wagy, Weller, West, and Young—21.

NOES—Senator Lyon—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 790—An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 441—An act to amend the title and section 1 of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extensive work in agriculture in cooperation with the United States Department of Agriculture and the University of California," approved May 18, 1915.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 441 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Tubbs, Wagv, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An act to amend section 1 of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, relating to the disposition of the proceeds of sale.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 701—An act to amend section 1 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, adding an additional member to the Advisory Pardon Board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 701 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagv, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296—An act to add a new section to the Political Code, to be numbered 3897a, relating to the termination of the right of redemption in tax deeded lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney,

McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—30.

NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### UNFINISHED BUSINESS.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702 and 703, relating to the Division of Exhibits within the Department of Finance.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED NINETY-SEVEN.

##### AMENDMENT NUMBER ONE.

On page 2, line 14, of the printed bill, as amended, strike out the word "hereunder", and insert in lieu thereof the word "thereunder".

##### AMENDMENT NUMBER TWO.

On page 2, line 19, of the printed bill, as amended, strike out the word "term", and insert in lieu thereof the word "terms".

##### AMENDMENT NUMBER THREE.

On page 2, line 20, of the printed bill, as amended, strike out the word "desig-", and insert in lieu thereof the word "designations".

##### AMENDMENT NUMBER FOUR.

On page 2, line 21, of the printed bill, as amended, strike out the word "nation", and insert in lieu thereof the word "nations".

##### AMENDMENT NUMBER FIVE.

On page 2, line 29, of the printed bill, as amended, strike out the word "with", and insert in lieu thereof the word "of".

##### AMENDMENT NUMBER SIX.

On page 2, line 43, of the printed bill, as amended, strike out all of lines 43 to 47, inclusive, and insert in lieu thereof the following: "members of an agricultural district or county fair board and shall be appointed annually by the governor on the first day of February of each year; *provided*, that neither of said two members shall be members of the same agricultural district or county fair board."

##### AMENDMENT NUMBER SEVEN.

On page 3 of the printed bill, as amended, strike out all of lines 50 to 53, inclusive, and insert in lieu thereof the following: "nor after this act becomes effective."

##### AMENDMENT NUMBER EIGHT.

On page 4, line 2, of the printed bill, as amended, strike out the words "Of the", and insert in lieu thereof the word "The", and strike out the word "five".

##### AMENDMENT NUMBER NINE.

On page 4, line 4, of the printed bill, as amended, strike out the comma, and insert in lieu thereof a period, and strike out the words "familiar with", and strike out all of line 5 of said page, and strike out the following words in line 6 of said page: "stock, dairying, poultry, fruits, and field crops".

##### AMENDMENT NUMBER TEN.

On page 4, line 19, of the printed bill, as amended, strike out the period after the word "terms", and insert in lieu thereof a semicolon and the following: "*provided, further*, that after the initial appointment of the entire board following the effective date of this act, all subsequent appointments shall be confirmed by the Senate at the next regular session thereof, all appointments made during recess or adjournment of any regular or special session of the Legislature shall be effective until confirmed or rejected by the Senate at the next regular or special session of the Legislature."

##### AMENDMENT NUMBER ELEVEN.

On page 4, line 35, of the printed bill, as amended, strike out the word "through", and insert in lieu thereof the word "and".

## AMENDMENT NUMBER TWELVE.

On page 2, line 52, of the printed bill, as amended, strike out the words "neither of".

## AMENDMENT NUMBER THIRTEEN.

On page 3, line 1, of the printed bill, as amended, after the word "shall", insert the word "not".

## AMENDMENT NUMBER FOURTEEN.

On page 1, line 9, of the printed bill, as amended, strike out the comma following the word "division", and strike out the words "who shall also be the secretary of the", and strike out all of line 10 of said page and the following words in line 11 of said page: "state fair", and strike out the comma following the word "fair" in said line 11.

## AMENDMENT NUMBER FIFTEEN.

On page 4, line 3, of the printed bill, as amended in Assembly April 17, 1929, after the period following the word "effective", in said line, insert the following: "The governor shall not appoint more than one such member from any one congressional district nor more than one from any one county; nor shall he appoint more than one such member from, nor as a representative of, any one branch of the agricultural industry."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 397?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 397 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

Assembly Bill No. 606—An act to amend section 3700 of the Political Code, relating to the State Board of Equalization

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242—An act to amend section 7374 of the Political Code, relating to the salary of the superior judge in and for the county of Modoc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 242 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 1015—An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1015 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1114—An act to add a new section to the Political Code, to be numbered 4167a, relating to vacancies in the office of sheriff.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1114 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to add a new section to the Penal Code, to be numbered 472a, relating to the use of reproductions or facsimiles of the great seal of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 959 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Edwards, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1139—An act to add a new section to the Code of Civil Procedure, to be numbered 1454a, relating to the administration of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1139 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 671—An act to amend sections 1, 2, 11, 16 and 24b of an act entitled "An act to promote the drainage of wet, swamp, and overflowed land, or lands, otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919; as amended April 13, 1927, relating to contents of petition, extent of district, award of contract, date and form of bonds, and reassessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 671 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 209—An act to add a new section to the Code of Civil Procedure, to be numbered 1752½, relating to property of minor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 209 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 143 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 311 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 4—An act to amend section 653 of the Penal Code, relating to blacklisting and providing penalties for same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States Soldiers, Sailors, and Marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57—An act to amend section 540 of the Code of Civil Procedure, relating to the form of the writ of attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 57 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—28.

NOES—None.

## AMENDMENT TO TITLE

The following amendment to the title was offered, and its adoption moved by Senator Inman:

## AMENDMENT NUMBER ONE.

Strike out line 2 of the title of the printed bill, and insert in lieu thereof the following: "relating to **writs of attachment.**"

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 832—An act to amend section 323 of the Political Code, relating to the time when statutes take effect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 832 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkox, Sinter, Tabbis, Wagy, Weiler, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 46—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 46 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkox, Sinter, Tabbis, Wagy, Weiler, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An act to amend sections 1 and 2 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, relating to the occupations to which the act applies, the weight of receptacles and the carrying of boxes, trays or other receptacles up or down stairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam,



Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF BILL.

The following resolution was offered:

By Senators Breed and Maloney:

SENATE CONCURRENT RESOLUTION No. 31.

Relative to the passing of the mother of H. L. Carnahan.

WHEREAS, The members of the Legislature of the State of California have this day learned, with profound regret, of the death of Mrs. Jennie Carnahan, the beloved mother of H. L. Carnahan, our respected and honored Lieutenant Governor; and

WHEREAS, Our hearts are touched by this sudden death and we realize the loss sustained by our presiding officer in the passing of his mother, thus depriving him of the loving companionship of a parent; now, therefore, be it

*Resolved by the Senate, the Assembly concurring,* That the members of the Legislature of the State of California extend to the family of the deceased their deepest sympathy in this their hour of great bereavement; and, be it further

*Resolved,* That the Secretary of the Senate and the Chief Clerk of the Assembly are hereby directed to convey to the family this expression of sympathy and regret at the passing of their beloved mother.

Resolution read.

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called and Senate Concurrent Resolution No. 31 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 31 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 646—An act to create a fish and game refuge; relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Young moved to refer Assembly Bill No. 646 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 3, line 27, of the printed bill, insert the following:

"The term fish as used herein is intended to include all fish which are protected or fostered by any of the laws of this State."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 646, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Young adopted.

Bill ordered to print.

Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15 and 16 of the General Dairy Law of California, approved June 15, 1923, as amended.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boggs moved to refer Assembly Bill No. 304 to Senator Sharkey, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE

On page 14, line 40, of the printed bill, as amended, after the word "to", insert the following: "private homes manufacturing for their own use or to".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 304, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

## ADJOURNMENT OUT OF RESPECT.

On motion of Senator Breed, duly seconded by Senator Maloney, the Senate decided by rising vote that when adjournment for this day should be had, such adjournment should be out of respect to the memory of Mrs. Jennie Carnahan, mother of Lieutenant Governor H. L. Carnahan.

## ADJOURNMENT.

At eleven o'clock and twenty minutes p.m., on motion of Senator Breed, the Presiding Senator declared the Senate adjourned out of respect to the memory of Mrs. Jennie Carnahan, mother of Lieutenant Governor H. L. Carnahan, until nine o'clock a.m., Saturday, May 11, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Saturday, May 11, 1929.

The Senate met at nine o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy,

Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—28.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, May 10, 1929, the further reading was dispensed with, on motion of Senator Slater.

LEAVES OF ABSENCE.

Senator Cassidy was, on motion of Senator Waggy, granted leave of absence for this day.

Senator McKinley was, on motion of Senator Lyon, granted leave of absence for this day.

Senator West was, on motion of Senator Edwards, granted leave of absence for this day.

Senator Christian was, on motion of Senator Hurley, granted leave of absence for this day.

Senators Crowley, Gray, and Canepa were, on motion of Senator Murphy, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Cleveland, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Al. Smith of San Francisco.

CONSIDERATION OF DAILY FILE.

UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 581—An act to amend section 363b of the Political Code, and to add thereto a new section to be numbered 363o, relating to the Department of Public Works.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED EIGHTY-ONE.

AMENDMENT NUMBER ONE.

On page 2, line 36, of the printed bill, strike out lines 36 and 37, and insert in lieu thereof the word "crossing."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 581?

The roll was called, and Assembly amendment to Senate Bill No. 581 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—23.

NOES—None.

Senate Bill No. 581 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 832—An act to amend section 5 of an act entitled "An

act to provide for the burial of ex-Union soldiers, sailors and marines dying without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED  
THIRTY-TWO.

AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out all of said line after the period following the numeral "5" in said line; also on page 1, strike out all of lines 7 and 8, and insert in lieu thereof the following: "The board of supervisors of each county may fix the compensation, if any, to be paid to the person appointed pursuant to the provisions of section 1 of this act, and may allow such person such amounts for expenses incurred in the performance of duties performed by him under the provisions of this act, as it may deem proper."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 832?

The roll was called, and Assembly amendment to Senate Bill No. 832 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Deval, Edwards, Fellom, Handy, Hurley, Maloney, McCormack, McCreary, Murphy, Nease, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Wagy, Webber, and Young—25.  
NOES—None.

Senate Bill No. 832 ordered to print, and enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 599—An act relating to the support of junior colleges.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED  
NINETY-NINE.

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out all of said line 1, and insert in lieu thereof the following:

"An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof."

AMENDMENT NUMBER TWO.

On page 1, line 23, of the printed bill, after said line 23, insert the following:

"SEC. 2. The provisions of sections 2 670-2 674, inclusive, of this act shall supersede the provisions of sections 2 670-2 674, inclusive, of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article one, chapter eleven of part one of division two of said School Code.

Sec. 2 670. A junior college district is one organized in any high school district having a total average daily attendance of one thousand pupils or more in the high schools of the district as shown by the principal's report of the preceding school year, and an assessed valuation of at least twenty-five million dollars as shown by the last equalized assessment roll. The provisions of this section shall not apply to junior college districts organized before this section takes effect.

Sec. 2 671. A union junior college district is a district organized so as to include two or more contiguous high school districts in the same county having a total average daily attendance of one thousand pupils or more in the high schools of the districts as shown by the principals' report of the preceding school year and an assessed valuation of at least twenty-five million dollars as shown by the last equalized assessment roll. The provisions of this section shall not apply to junior college districts organized before this section takes effect.

Sec. 2 672. A joint union junior college district is one organized so as to include two or more contiguous high school districts in two or more contiguous counties having a total average daily attendance of one thousand pupils or more in the high schools of the district as shown by the principals' reports of the preceding school year and an assessed valuation of at least twenty-five million dollars as shown by the last equalized assessment roll. The provisions of this section shall not apply to junior college districts organized before this section takes effect.



Sec. 2,673. A county junior college district is one organized so as to embrace all the territory of a county not included in any other type of junior college district, and having a total average daily attendance of one thousand pupils or more in the high schools of the district as shown by the principals' report of the preceding school year and an assessed valuation of at least twenty-five million dollars as shown by the last equalized assessment roll. The provisions of this section shall not apply to junior college districts organized before this section takes effect.

Sec. 2,674. A joint county junior college district is one organized so as to comprise contiguous territory in two or more counties and having a total average daily attendance of one thousand pupils or more in the high schools of the district as shown by the principals' reports of the preceding school year, and an assessed valuation of at least twenty-five million dollars as shown by the last equalized assessment roll. The provisions of this section shall not apply to junior college districts organized before this section takes effect.

Sec. 3. The provisions of sections 2,690 and 2,691, inclusive, of this act shall supersede the provisions of sections 2,690 and 2,691, inclusive, of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article three of chapter eleven of part one of division two of said School Code.

Sec. 2,690. Whenever five hundred or more qualified electors residing in any proposed district, union, or county junior college district shall unite in a petition to the superintendent of schools of the county asking for the formation of a junior college district of the type and name specified in the petition, and whenever the petition shall be accompanied by a separate petition signed by a majority of the high school board of each high school district proposed to be included in the junior college district, the superintendent of schools, after verifying the signatures to the petitions and satisfying himself that the signatures are sufficient shall transmit the petitions to the state board of education and the department of finance for approval.

Sec. 2,691. If the state board of education and the department of finance shall approve the petition, the county superintendent of schools shall submit the question for determination at an election.

Sec. 4. The provisions of section 2,750 of this act shall supersede the provisions of section 2,750 of the School Code as adopted at the forty-eighth session of the Legislature and shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of article eight of chapter eleven of part one of division two of said School Code.

Sec. 2,750. When the average daily attendance of students in any junior college district organized after this section takes effect during the whole of any school year after the second school year shall be two hundred or less than two hundred, or, in the case of junior college districts organized before this section takes effect, when such average daily attendance shall be seventy-five or less than seventy-five, the superintendent of schools having jurisdiction over the junior college district shall suspend the junior college in the junior college district and shall report the fact to the board of supervisors of his county.

Sec. 5. The provisions of article six *a* of this act shall be interpreted in the same manner and shall be construed as having the same scope and application as would be the case were they a part of chapter two of part one of division six of the School Code as adopted at the forty-eighth session of the Legislature.

Article six *a* of this act reads as follows:

#### Article VIa Junior College Buildings.

Sec. 6,90a. The governing board of any county or joint county junior college district shall have power, when in its judgment it is deemed necessary, to construct and maintain dormitories in connection with any junior college within the district for use and occupancy by pupils in attendance at such junior college and shall fix the rates to be charged such pupils for quarters therein."

#### AMENDMENT NUMBER THREE.

On page 2, line 40, of the printed bill, as amended in Assembly April 1, 1929, strike out the words "one thousand", in said line, and insert in lieu thereof the words "five hundred".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 599?

The roll was called, and Assembly amendments to Senate Bill No. 599 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Maloney, McCormack, Merriam, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—22.

NOES—None.

Senate Bill No. 599 ordered to print, and enrollment.

## POSTPONEMENT OF RECONSIDERATION.

On motion of Senator Pedrotti, further consideration of the motion to reconsider the vote whereby Assembly Bills Nos. 1059 and 840 were passed was continued until the next legislative day.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILL.

Assembly Bill No. 781—An act to add a new section to the Political Code, to be numbered 625*b*, relating to bonds and undertakings of corporate sureties.

Bill read second time, and ordered on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, describing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young. 25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes thereon," approved May 29, 1915, amended April 27, 1927, by adding new sections thereto to be numbered sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, and relating to the formation, government and operation of said districts embraced in territory in more than one county, and adding territory to districts already formed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 568 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young. 24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527—An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 527 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Duval, Edwards, Fellom, Handy, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Swing moved to refer Assembly Bill No. 11 to Senator Cobb, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, after the comma following the word "Inyo", strike out balance of line, and insert "San Bernardino, Riverside, Orange, San Diego and Imperial".

##### AMENDMENT NUMBER TWO.

On page 1, line 11, of the printed bill, after the comma following the word "Kern", insert "San Bernardino, Riverside, Orange, San Diego, Imperial".

##### AMENDMENT NUMBER THREE.

On page 1, line 12, of the printed bill, strike out the word "and", and lines 13 and 14, and the first three words of line 15.

##### AMENDMENT NUMBER FOUR.

On page 1, line 22, of the printed bill, strike out the comma following the word "Fresno", and insert "during the months of January, February, March and April of each calendar year, and at San Diego during the months of May, June, July and August of each calendar year, and at San Bernardino during the months of September, October, November and December of each calendar year".

##### AMENDMENT NUMBER FIVE.

On page 2, line 10, of the printed bill, strike out the first word "one", and insert the word "three".

##### AMENDMENT NUMBER SIX.

On page 2, line 15, of the printed bill, strike out the period following the word "district", and insert the following: "and may also employ and appoint such assistants, secretaries, librarians and other employees as it may deem necessary for the performance of the duties and the exercise of the powers conferred by law upon said court and the members thereof, and except as otherwise provided by law, to determine the duties and fix the compensation of said assistants, secretaries, librarians and other employees."

All salaries and expenses incurred under the provisions of this section by said court shall be paid from the funds appropriated for the use of said court, when approved by the order or orders of said court, and approved by the department of finance."

##### AMENDMENT NUMBER SEVEN.

On page 2 of the printed bill, after line 23, insert the following:

"SEC. 8. Each justice of the fourth appellate district shall be entitled to receive actual and necessary traveling expenses while engaged in the duties of the court in only two of any of the cities in which sessions of the court are held."

## AMENDMENT NUMBER EIGHT.

On page 2, line 18, of the printed bill, strike out lines 18 to 22, inclusive, and insert in lieu thereof the following:

"Sec. 7. In addition to any other moneys otherwise appropriated for such purpose, for support, during the eighty first and eighty second fiscal years, of the district court of appeal for the fourth appellate district, the sum of one hundred thousand dollars is hereby appropriated out of moneys in the state treasury, of which sum the sum of twenty four thousand dollars is appropriated from the appropriation "for support of judicial council, one hundred seventy thousand dollars (\$170,000.00)" made by chapter thirty nine of statutes of 1929 and the balance thereof, the sum of seventy six thousand dollars, out of moneys in the general fund in the state treasury not otherwise appropriated."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

SWING, Special Committee.

Report read, and on motion of Senator Cobb adopted.

Bill ordered to print.

Assembly Bill No. 733—An act to amend section 633c of the Penal Code, relating to insurance adjusters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 733 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Duval, Edwards, Fellom, Handy, Hurley, Lyon, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 956 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 251—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of



said committee and of the Veterans' Welfare Board and other State offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 251 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 255—An act creating a State Emergency Council, prescribing the powers and duties thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 255 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1134—An act to add a new section to the Political Code, to be numbered 363*p*, relating to pamphlets and bulletins of the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1134 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management thereof, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 523 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 421—An act to amend section 626 of the Penal Code, relating to the shooting of water fowl.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 421 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 803—An act to amend section 384c of the Penal Code, relating to hunting, injuring animals and penalty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 803 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 732—An act to amend section 2319 of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 732 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 866—An act authorizing the board of supervisors in any county to provide for the education of graduates of the elementary schools of such county at the California Polytechnic School and to pay the costs thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 866 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173—An act to amend the title of, and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, as amended, and approved April 20, 1917, by including counties and cities and counties within the provisions thereof, and to add three new sections to said act to be numbered sections 8, 9 and 10, respectively, relating to the procedure and law for enforcement and collection of special assessments created by said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1164—An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1164 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—Senator Merriam—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 968—An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness of cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 900—An act to amend sections 5 and 19 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 900 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 521—An act to add a new section to the Political Code, to be known as section 3670*d*, relating to settlement by the State on account of payment of principal and interest of bonded debt created and outstanding by any city, city and county, county, town, township or district prior to November 8, 1910.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 521 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 511—An act to validate and legalize all proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street Opening Act of 1903," as amended, approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 511 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1096—An act authorizing any municipal corporation to institute suits against the State of California in any county of said State to cancel tax assessments and sales erroneously made against municipally owned property exempt from taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1096 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 367—An act to amend sections 3, 5, 10, 19 and 25 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, property or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to street improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 367 passed by the following vote:

AYES—Senators Allen, Breed, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—24.

NOES—None.

#### AMENDMENT TO TITLE.

The following amendment to the title was offered, and its adoption moved by Senator Lyon:

#### AMENDMENT NUMBER ONE.

On page 1, in lines 1 and 2 of the title of said bill, strike out the following: "41 and 79b", and insert in lieu thereof the following: "41, 79b and 79c".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvement; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 451 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cobb, Duval, Edwards, Fellom, Handy, Lyon, Muloney McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 363 - An act to amend the Street Opening Bond Act of 1911 as amended, by striking out sections 15, 16, 17, 18 and 19 thereof and by amending sections 4, 10, 11, 12, 13 and 14 thereof, relating to default, delinquency and foreclosure of bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 363 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wag, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 78—An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 78 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 107—An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 107 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An act to add a new section to the Political Code, to be numbered 4257½, relating to office hours of certain county officers in counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 297—An act to amend section 4244 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298—An act to amend section 19.15 of the Juvenile Court Law, relating to compensation of probation officers in counties of the fifteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 298 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer Assembly Bill No. 340 to Senator Edwards, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 4, lines 24 and 25, of the printed bill, strike out the words "and one typist at a salary not to exceed one thousand two hundred dollars per annum".

AMENDMENT NUMBER TWO.

On page 4, line 25, of the printed bill, after the word "such", add the words "office and".

AMENDMENT NUMBER THREE.

On page 4, line 26, of the printed bill, after the comma following the word "require", strike out the word "and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 340, with instructions to amend, respectfully reports the same back, amended as per instructions.

EDWARDS, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print.

Assembly Bill No. 871—An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the powers and jurisdiction of municipal courts, and of the judges and other officers thereof and creating a night court in the city of Los Angeles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 871 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.  
NOES—None.



## AMENDMENT TO TITLE.

The following amendment to the title was offered, and its adoption moved by Senator Lyon:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, as amended, strike out the word "of".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 997—An act to amend section 19 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years: and in certain cases providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method, procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young 25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 431 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young 26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Merriam moved to refer Assembly Bill No. 965 to Senator Handy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 4, line 19, of the printed bill, after the word "text" in said line, insert the words "general or special."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 965, with instructions to amend, respectfully reports the same thus amended as per instructions:

HANDY, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print.

Assembly Bill No. 243—An act to amend section 4281 of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 243 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Murphy, Nelson, Poltrotti, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An act to amend section 2322/20 of the Political Code, relating to the compensation of the horticultural commissioner in counties of the twentieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 339 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Dunsal, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Poltrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 461—An act to amend section 4273 of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 461 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 667 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An act creating a commission to investigate and report upon the subject of home rule for counties, providing for the appointment of the members thereof, the powers and duties of such commission, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 686 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 849—An act to amend section 16x15 of the Weights and Measures Act, approved June 16, 1913, as amended, relating to compensation of the sealer of weights and measures in counties of the fifteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 849 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 850—An act to amend section 2322 of the Political Code, relating to county horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 850 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 864—An act to amend section 2322.30 of the Political Code, relating to the salary of the horticultural commissioner of counties of the thirtieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 864 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252—An act to add a new article to chapter 3 of title I part III of the Political Code, to be numbered article 11k, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

On motion of Senator Cleveland, Assembly Bill No. 252 was ordered re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1128—An act to provide for the organization and government of community or memorial hall districts and to provide for the acquisition or construction and maintenance of community or memorial halls for the use of the inhabitants of the district for recreational, educational and related activities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1128 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read third time.



## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lyon moved to refer Assembly Bill No. 882 to Senator McCormack, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 10, line 6, of the printed bill, as amended, strike out the word "monthly".

## AMENDMENT NUMBER TWO.

On page 11, line 50, of the printed bill, as amended, immediately following said line 50, insert the following paragraph: "*Provided, further, that in townships having a population of fifteen thousand and less than fifty thousand there shall be one justice's clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum said clerk to be appointed by the justice of the peace of said township and shall perform such duties as are required of them by law of the justice of said township; the salary of said clerk shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid.*"

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 882, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCORMACK, Special Committee.

Report read, and on motion of Senator West adopted.

Bill ordered to print.

Assembly Bill No. 197—An act to provide for the extermination of rats by mosquito abatement districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227—An act to amend section 7 of an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, relating to mosquito abatement districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## ASSEMBLY CONCURRENT RESOLUTION No. 45.

Relative to leaves of absence of the Governor, Lieutenant Governor and the members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California.

*Resolved by the Assembly, the Senate concurring.* That leave of absence from the State of California for a longer period than 60 days, during their term of office, is hereby granted to His Excellency, C. C. Young, Governor of the State of California, to H. L. Carnahan, Lieutenant Governor of the State of California, and to the following members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California:

Senators James M. Allen, C. C. Baker, Frank S. Boggs, Arthur H. Breed, Victor J. Canepa, Henry E. Carter, Bert A. Cassidy, E. H. Christian, George C. Cleveland, Chas. H. Cobb, John Joseph Crowley, Walter H. Duval, Nelson T. Edwards, Herbert J. Evans, Roy Fellom, J. C. Garrison, P. J. Gray, Fred C. Handy, Edgar S. Hurley, J. M. Inman, Herbert C. Jones, Ray Jones, Charles W. Lyon, Thomas A. Maloney, Thomas McCormack, J. W. McKinley, Frank F. Merriam, Eldon A. Mendenhall, C. Murphy, H. C. Nelson, J. L. Pedrotti, George W. Rochester, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, Tallant Tubbs, J. I. Wagy, Frank C. Weller, T. C. West and Sanborn Young.

Assemblymen Elbert G. Adams, Roscoe J. Anderson, Emory J. Arnold, Willard E. Badham, Willis M. Baum, Van Bernard, Roy Bishop, George R. Bliss, Archibald E. Brock, William M. Byrne, Harold C. Cloudman, F. C. Cleveland, Frank R. Collier, Frank L. Coombs, Edward Craig, James C. Crawford, Bradford S. Cullender, Melvin I. Cronin, Ernest C. Crowley, Charles H. Deane, A. C. DeYon, H. E. Dillinger, Robert P. Basley, Crowell D. Eddy, Dan W. Emmott, Walter W. Farley, B. J. Ferguson, Robert P. Fisher, James C. Flynn, Robert B. Fox, Joseph P. Gilmore, William E. Harper, Fred C. Hayes, S. L. Heninger, William W. Hoffman, William B. Hornblower, Ray R. Ingels, Chris N. Jespersen, Augustus F. Jewett, Isaac Jones, William F. Jost, Morgan Keaton, Chester N. Kline, Edgar C. Lewis, Walter J. Little, Frank W. Luttrell, Harry Lyons, M. J. McDonough, Frank McGeeley, Henry McGinness, M. S. Meeker, Eleanor Miller, James A. Miller, Frank W. Minter, Albert H. Morgan, Jr., Harry F. Morrison, Roy J. Nelson, Fred B. News, Charles A. Oliva, Harry L. Parkman, Robert Lincoln Patterson, James L. Quigley, Charles F. Rindollar, Frederick M. Roberts, Eugene W. Roland, Jerome V. Scofield, Hubert B. Seender, Jerrold L. Seawell, Harry F. Sewell, Bert B. Snyder, C. C. Spaulding, James E. Stockwell, Percy G. West, Dan E. Williams, Ray Williamson, Myron D. Witter, Clare Woolwine, T. M. Wright, Forrest R. Young.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 45 adopted by the following vote:

**AYES**—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—25.

**NOES**—None.

Title read and approved.

Assembly Concurrent Resolution No. 45 ordered transmitted to the Assembly.

Assembly Bill No. 181—An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 passed by the following vote:

**AYES**—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 559—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 559 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1013—An act to amend section 8 of an act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907 (Statutes 1907, page 310), relating to duty of surveyors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1013 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 228—An act to amend section 737p of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 228 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 350—An act making an appropriation to pay the claim of Lew A. Norton against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 350 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, and Weller—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 375—An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act," approved March 24, 1911, as amended, approved May 23, 1925, as amended."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 375 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, and Weller—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 456—An act to amend section 412 of the Political Code, relating to appointees of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv and Weller—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 741—An act to amend section 363a of the Political Code, relating to the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Allen moved to refer Assembly Bill No. 940 to Senator Slater, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, as amended in Senate April 29, 1929, after the word "resources", insert a comma, and add the following: "with the approval of the department of finance".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 940, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print.

Assembly Bill No. 1097—An act making an appropriation to be used by the Department of Agriculture to carry out the provisions of an act entitled "An act to create a Cattle Protection Board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1097 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1171—An act to provide for the transferring of moneys in the contingent fund of the State Fire Marshal to the clothes cleaning establishment fund; abolishing the contingent fund of the State Fire Marshal; and providing for support of the Division of Industrial Fire Safety, in the Department of Industrial Relations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1171 passed by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 7

Relating to memorializing the Congress of the United States for federal aid in making provision for the national forests of the State.

WHEREAS, The national forests in California constitute a large and important part of the natural resource of the State;

WHEREAS, The adequate protection and successful management of this resource is of vital importance socially and economically to the people of California; and

WHEREAS, Large losses from fire continue to occur and operate to defeat the purposes for which these national forests were created; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the attention of Congress be respectfully called to the need for making additional provision for the national forests of the State. Among the immediate needs are those having to do with the proper housing, communication and travel of the existing protection force, such as lookout houses, firemen's cabins, telephone lines, roads, trails, and fire trucks. Lack of sufficient facilities of this nature results in many fires becoming conflagrations with large expenditures for their suppression and tremendous losses of timber and other forest resources. Second only to the need for additional facilities is the importance of augmenting the protection personnel to the end that the number of fires may be reduced through the employment of proper prevention activities and that the fires that do start may be held to minimum area through prompt and adequate attack.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.  
NOES—None.

Title read and approved.

Assembly Joint Resolution No. 7 ordered transmitted to the Assembly.

Assembly Bill No. 1138—An act to add new sections to chapter 2 of title III of part I of the Code of Civil Procedure, to be numbered 261, 261a, relating to superior courts in and for counties and cities and counties having a population of 900,000 or more; providing for the appointment and compensation of court commissioners, stenographers and other attaches of such court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1138 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—25.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 674 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239—An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 239 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Carter moved to refer Assembly Bill No. 446 to Senator McCormack, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend section 103 and to add a new section to be numbered 103b to the Code of Civil Procedure,".

#### AMENDMENT NUMBER TWO.

On page 3, line 13, of the printed bill, after said line 13, insert the following: "SEC. 2. A new section is hereby added to the Code of Civil Procedure to be numbered 103b and to read as follows:

103b. In counties of the first class the justices of the peace shall receive the following salaries to be paid in monthly installments in the manner and out of the same fund as county officers are paid, which salaries shall be in full for all services rendered by such justices of the peace: In townships having a population of thirty thousand or more, six thousand dollars per annum; in townships having a population of more than twenty thousand and less than thirty thousand, two thousand five hundred dollars per annum; in townships having a population of less than twenty thousand, one thousand five hundred dollars per annum."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 446, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCORMACK, Special Committee

Report read, and on motion of Senator Carter adopted.

Bill ordered to print.

Assembly Bill No. 452—An act to add a new section to the Code of Civil Procedure, to be numbered 1161a, relating to persons holding over in case of the sale of real property by virtue of execution, foreclosure of mortgage or under a power of sale contained in a deed of trust.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 452 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 467—An act to amend section 793 of the Civil Code, relating to the termination of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 467 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 468—An act to amend section 1946 of the Civil Code, relating to the hiring of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 468 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98—An act to amend section 1861a of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished bungalow courts.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 98 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1129—An act making an appropriation for the Woman's Relief Corps Home.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1129 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 646—An act to create a fish and game refuge; relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 646 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Fellom, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59—An act to amend section 628 of the Penal Code, relating to fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 59 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 60—An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 60 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 287—An act to amend section 2528 and to repeal sections 2529, 2530, 2533 and 2535 of the Political Code, all relating to moneys received or collected or coming into the possession of the Board of State Harbor Commissioners and the disposition and expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly bill No. 287 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 373—An act granting to the city of Los Angeles the tidelands and submerged land, of the State within the boundaries of said city.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 373 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Duval, Edwards, Handy, Hurley, Jones, Ray; Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagv, Weller, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 140—An act to add new sections to the Penal Code, to be numbered sections 526 and 527, relating to the making, distribution, or use of matter resembling any process of a court.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Weller moved to refer Assembly Bill No. 140 to Senator Young, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out lines 1 to 3, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to add two new sections to chapter seven of title thirteen of part one of the Penal Code to be numbered sections 526 and 527, relating to the making, distribution, and use of written matter resembling processes of courts."

## AMENDMENT NUMBER TWO.

On page 1, of the printed bill, strike out line 17, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to chapter seven of title thirteen of part one of the Penal".

## AMENDMENT NUMBER THREE.

On page 1, of the printed bill, strike out lines 4 to 16, inclusive, and insert in lieu thereof the following: "person any money, article of personal property or other thing of value, shall deliver or cause to be delivered to such other person any paper, document or written, typed or printed form purporting to be order or other process of a court, or designed or calculated by its writing, typing or printing, or the arrangement thereof, to cause or lead such other person to believe it to be an order or other process of a court, when in fact such paper, document or written, typed or printed form is not an order or process of a court, is guilty of a misdemeanor, and each separate delivery of any such paper, document or written, typed or printed form shall constitute a separate offense."

## AMENDMENT NUMBER FOUR.

On page 1, of the printed bill, strike out line 17, and insert in lieu thereof the following:

"SEC. 2. A new section is hereby added to chapter seven of title thirteen of part one of said code, to be".

## AMENDMENT NUMBER FIVE.

On page 1, of the printed bill, strike out lines 20 to 25, inclusive, and on page 2 of the printed bill, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following: "publish, or distribute any paper, document or written, typed or printed form, designed or calculated by its writing, typing or printing, or the arrangement thereof, to cause or lead any person to believe it to be, or that it will be used as an order or other process of a court when in fact such paper, document or written, typed or printed form is not to be used as the order or process of a court, is guilty of a misdemeanor, and each separate publication, printing, distribution, sale or offer to sell any such paper, document or written, typed or printed form shall constitute a separate offense, and upon conviction thereof in addition to any other sentence imposed the court may order that all such papers or documents or written, typed or printed forms in the possession or under the control of the person found guilty of such misdemeanor shall be delivered to such court or the clerk thereof for destruction."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 140, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee.

Report read, and on motion of Senator Weller adopted.

Bill ordered to print.

Assembly Bill No. 475—An act to add a new section to the Penal Code, to be numbered 530½, relating to false impersonation of peace officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 475 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cleveland, Duval, Edwards, Handy, Hurley, Jones, Ray, Lyon, McCormack, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes, across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; providing for the collection and rates of tolls for the use thereof by the public, and providing penalties for charging or demanding unlawful tolls.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Handy moved to refer Assembly Bill No. 1149 to Senator Slater, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 5, of the title to the printed bill, strike out the semicolon, and insert in lieu thereof the word "and".

AMENDMENT NUMBER TWO.

On page 1, line 6, of the title to the printed bill, strike out the comma following the word "public", and insert in lieu thereof a period.

AMENDMENT NUMBER THREE.

On page 1, line 7, of the title to the printed bill, strike out lines 7 and 8.

AMENDMENT NUMBER FOUR.

On page 1, line 11, of the printed bill, strike out the words "board of supervisors of the proper county", and lines 12 and 13, and insert in lieu thereof "the officer, board or department empowered by law to grant franchises for such purposes".

AMENDMENT NUMBER FIVE.

On page 1, line 13, of the printed bill, strike out the period after the word "situate", and insert in lieu thereof a semicolon and the following: "*provided, however, that nothing in this section shall be construed to affect any franchises heretofore granted for such purposes.*"

AMENDMENT NUMBER SIX.

On page 1, line 14, of the printed bill, strike out lines 14 to 21, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1149, with instructions to amend, respectfully reports the same back, amended as per instructions.

SLATER, Special Committee.

Report read, and on motion of Senator Handy adopted.

Bill ordered to print.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, May 11, 1929.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 17—A resolution to propose to



the people of the State of California an amendment to section 18 of article VI of the constitution, relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary;

Also: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII $\frac{1}{2}$ , relating to revenue and taxation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they be adopted as amended.

Committee membership -10; committee vote: Ayes -6; absent—4.

SWING, Chairman.

Assembly Constitutional Amendments Nos. 17 and 24 ordered on file.  
Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 3 of article IV thereof, relating to the election and term of office of members of the Assembly;

Also: Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to section 17 of article VI of the constitution of the State of California, relating to the compensation of judicial officers;

Also: Assembly Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article IV thereof a new section to be numbered section 22a, relating to retirement salaries for State employees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—10; committee vote: Ayes—6; absent—4.

SWING, Chairman.

Assembly Constitutional Amendments Nos. 1, 36 and 37 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the constitution of said State by adding a new article thereto to be known as article XIII $\frac{1}{2}$ , relating to revenue and taxation.

#### COMMITTEE AMENDMENT.

During the reading of the amendment, the following committee amendment was offered:

#### AMENDMENT NUMBER ONE.

On page 2, line 17, of the printed measure, after the period in said line, insert the following: "No bill passed under or pursuant to the provisions of this article shall become a law without the concurrence of two-thirds of all the members elected to each house of the Legislature."

Amendment adopted.

Assembly Constitutional Amendment No. 24 ordered to print, and on file.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to section 18 of article VI of the constitution, relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary.

## COMMITTEE AMENDMENT.

During the reading of the amendment, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, as amended, strike out the period and insert in lieu thereof a semicolon and the following: "provided, however, that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge. Section 22 of article six of this constitution is repealed."

Amendment adopted.

Assembly Constitutional Amendment No. 17 ordered to print, and on file.

## ADJOURNMENT OUT OF RESPECT.

On motion of Senator Slater, duly seconded by Senator Sharkey, the Senate decided by rising vote that when adjournment for this day should be had such adjournment should be out of respect to the memory of the mothers of this State and of the world.

## ADJOURNMENT.

At twelve o'clock and thirty minutes p.m. on motion of Senator Slater, the President pro tempore declared the Senate adjourned out of respect to the memory of the mothers of this State and of the world, until ten o'clock a.m., Monday, May 13, 1929.

HAROLD J. POWERS, Minute Clerk

## IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, May 13, 1929.

The Senate met at ten o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Felton, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Morrison, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swang, Tabbs, Wagy, Weller, West, and Young—38.

Quorum present.

## PRAYER.

Prayer was offered by the chaplain, Rev. Bryant Wilson.

## READING OF THE JOURNAL.

During the reading of the Journal of Saturday, May 11, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Crowley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Nonie Schlund and Theresa Toomey of Los Angeles.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge

Morgan W. Galbreth, post department commander United Spanish War Veterans.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John R. Tyrrell of San Francisco, former Senator, first lieutenant Company I, Eighth Regiment, California Volunteers, United Spanish War Veterans.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Otto Poulsen of Richmond.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. L. Jennings and Mr. Tambllyn of Nevada City.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to civic class Nevada City High School, A. F. Iscacee, principal; H. E. Kjorlie, civics teacher, and pupils as follows: Teresa Alaria, Carl Baker, Francis Bernard, Gladys Clark, Vivian Cerro, Jean Gleason, Margaret White, Pauline Rohrig, Ruth Moyle, Ethel Brown, Ide Fradelizio, Mary Costa, Fae Murphy, James Davis, Marie Odgers, Margery Odgers, Ruth Clemo, Jack Rayner, Ronald Macari, Melba Huson, Zoe Tudennick, Perrine Helme, Barbara McMin, Curtis Roberts, Betty Bettles, Wm. Tambllyn, Edgar Davey, Eleanor Schreiber, Nadine Naegle, John Doctor and Malcolm Graham.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. General Frederick Funston, Mrs. Adeline Merry, sister of Senator Inman, of Los Angeles, and Mrs. Kluegel, wife of city manager of Sacramento.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel William L. Grayson, Commander-in-chief, United Spanish War Veterans, Savannah, Georgia.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to General Robert Wankowski, president of the First National Bank of Culver City.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank E. Russell, mechanical engineer, Southern Pacific Company, United Spanish War Veterans of California.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. A. Forsterer, Congressional Medal of Honor.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain L. L. McClary and W. G. Luigon of Los Angeles and Clarence A. Son, Department Commander, United Spanish War Veterans of San Francisco.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 751—An act to amend section 791 of the Political Code, relating to the appointment of notary publics in counties of the second class—has had the

same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and it do pass as amended.

(Signed out)

CHRISTIAN, Chairman.  
CLEVELAND,  
SLATER,  
FELLOM,  
YOUNG.

Assembly Bill No. 751 ordered on file for second reading.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, MAY 11, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 320—An act to amend section 634 of the Penal Code relating to the protection of fish and game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—45; committee vote: Ayes—12, absent—3.

YOUNG, Chairman.

Assembly Bill No. 320 ordered on file for second reading.

#### RESOLUTION.

The following resolution was offered:

By Senator Allen:

That Assembly Bill No. 650 be recalled from the Committee on Finance and that it forthwith be placed on file.

Resolution read.

#### SPECIAL ORDER.

Senator Allen moved that his resolution to withdraw Assembly Bill No. 650 from Committee on Finance be made a special order for two o'clock and thirty minutes p.m. of this day.

Motion carried.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 10, 1929.

MR. PRESIDENT: Your Committee on Free Conference considering Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; prohibiting any attempt to place other requirements for the recording of such maps and providing a penalty against any city, city and county, or county illegally delaying the recording of any such map; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof except by reference to a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith—reports that it has met a like committee of the Assembly, consisting of Assemblymen Snyder, Roland and Jones, and reports that the Committee on Free Conference has agreed to recommend the following: That the bill as last amended (May 1, 1929), together with the following amendments, be adopted:

#### AMENDMENT NUMBER ONE.

In line 10 of the title of the printed bill, as amended in Assembly May 1, 1929, strike out the word "except".

#### AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, as amended in Assembly May 1, 1929, after the word "that", insert the following: "in any local subdivision regulations adopted under authority of this act it may be provided that".

#### AMENDMENT NUMBER THREE.

On page 3, line 7, of the printed bill, as amended in Assembly May 1, 1929, strike out the words "or size".



## AMENDMENT NUMBER FOUR.

On page 3, line 23, of the printed bill, as amended in Assembly May 1, 1929, strike out the word "only."

## AMENDMENT NUMBER FIVE.

On page 3, line 24, of the printed bill, as amended in Assembly May 1, 1929, after the word "sale", insert the word "any".

## AMENDMENT NUMBER SIX.

On page 3, line 27, of the printed bill, as amended in Assembly May 1, 1929, strike out the word "filed", following the word "and" in said line, and insert in lieu thereof the word "recorded."

## AMENDMENT NUMBER SEVEN.

On page 3, line 30, of the printed bill, as amended in Assembly May 1, 1929, strike out lines 30 and 31, and insert in lieu thereof the following: "and no person shall sell or offer for sale any subdivision or any part thereof by reference to any map or plat other than such".

## AMENDMENT NUMBER EIGHT.

On page 4, line 30, of the printed bill, as amended in Assembly May 1, 1929, strike out the words "or city engineer" in lines 30 and 31.

## AMENDMENT NUMBER NINE.

On page 4, line 32, of the printed bill, as amended in Assembly May 1, 1929, after the word "engineer", insert the following: "or city engineer".

## AMENDMENT NUMBER TEN.

On page 9, line 1, of the printed bill, as amended in Assembly May 1, 1929, strike out the word "action", and insert in lieu thereof the word "section".

## AMENDMENT NUMBER ELEVEN.

In line 5 of the title of the printed bill, as amended in Assembly May 1, 1929, after the semicolon following the word "thence", and the following: "authorizing cities, cities and counties, and counties to adopt by ordinance subdivision regulations in addition to those provided hereby."

McKINLEY,  
WELLS,  
BREED.

Senate Committee on Free Conference.

JONES,  
SNYDER,  
ROLAND.

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and amendments.

The roll was called, and the report of Committee on Free Conference and amendments adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray, Lyon, McKinley, Merriam, Mueller, Slater, Swing, Tubbs, Waggy, and Weller—22.

NOES—None.

Senate Bill No. 614 ordered to print, and enrollment.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and

regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, and or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith — reports that it has met a like committee of the Assembly, consisting of Assemblymen Snyder, Roland and Jones, and reports that the Committee on Free Conference has agreed to recommend that the Senate concur in the Assembly amendments.

McKINLEY,

WELLER,

BREED,

Senate Committee on Free Conference.

JONES,

SNYDER,

ROLAND,

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Crowley, Deval, Edwards, Evans, Garrison, Handy, Harley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Slater, Swing, Tabbs, Waggy, and Weller—25

NOES—None.

Senate Bill No. 615 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 560—An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53, to repeal sections 2, 25 and 31, and to add seven new sections to be numbered *8a*, *8b*, *8c*, *8d*, *14a*, *16a* and *17a* of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to the regulation, control, operation and abandonment of oil and gas producing wells; relating to taxation of oil and gas and oil and gas producing lands; conferring certain powers on the Department of Natural Resources, its agents and employees; abolishing the jurisdiction of the State Mining Bureau and the State Mineralogist over the natural resources of petroleum and gas and providing for the protection of the natural resources of petroleum and gas from waste and destruction.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SIXTY.

#### AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in the Senate April 5, 1929, strike out lines 3, 4 and 5, and insert in lieu thereof the following: "41, 43, 44, 46, 48, 50, 51 and 53 and to repeal sections 2, 25 and 31 of an act entitled "An act estab-

## AMENDMENT NUMBER TWO.

In the title of the printed bill, as amended in the Senate April 5, 1929, strike out lines 21 to 29, inclusive, and insert in lieu thereof the following: "June 10, 1915, as amended, and to add eight new sections thereto to be numbered *8a*, *8b*, *8c*, *8d*, *14a*, *14b*, *16a* and *17a*, relating to a division in the department of natural resources for the supervision of petroleum and gas, relating to the appointment of agents for service of orders and notices, declaring the unreasonable waste of natural gas to be opposed to the public interest, permitting and authorizing agreements in the interests of conservation and providing for their specific enforcement, relating to the filing and the hearing of complaints concerning the waste of gas, relating to proceedings instituted by the director of the department of natural resources to prevent the unreasonable waste of gas, relating to certain requirements concerning removal of operating structures and casing from wells, and relating to certain requirements concerning the sale, exchange or other transfer of wells and land, creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof, making an appropriation for the purposes of this act, and generally providing for the protection of the natural resources of petroleum and gas from waste and destruction, and declaring the same to be an urgency measure to take effect immediately."

## AMENDMENT NUMBER THREE.

On page 2 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 18 and 19, and insert in lieu thereof the following: "gas from waste and destruction; relating to the creation of a division in the department of natural resources for the prevention".

## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 26 to 30, inclusive, and insert in lieu thereof the following: "reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act".

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 33 to 36, inclusive, and insert in lieu thereof the following:

"SECTION 1. The division of the department of natural resources now or hereafter created for the supervision of petroleum and gas shall be in charge of a chief to be known as "state oil and gas supervisor."

## AMENDMENT NUMBER SIX.

On page 3 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 11 to 14, inclusive, and insert in lieu thereof the following: "serve during the pleasure of the supervisor. The director of natural resources shall have power to appoint two attorneys; one attorney so appointed shall receive a salary to be fixed by the director not exceeding three thousand dollars per annum and the other shall receive a salary to be fixed by the director of natural resources subject to the approval of the governor. The supervisor, the deputies and the attorneys shall not be subject to".

## AMENDMENT NUMBER SEVEN.

On page 7 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 28 to 30, inclusive, and insert in lieu thereof the following: "resources. The director, unless said order is complied with voluntarily, shall have proceedings instituted in the name of the".

## AMENDMENT NUMBER EIGHT.

On page 7 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 41 to 44, inclusive, and insert in lieu thereof the following: "prospective oil or gas field. In such suits".

## AMENDMENT NUMBER NINE.

On page 8 of the printed bill, as amended in the Senate April 5, 1929, strike out line 7, and insert in lieu thereof the following:

"SEC. 14. A new section, to be numbered 14b, is hereby added to said act, to read as follows:

Sec. 14b. Whenever it appears to the director of the department of natural resources that the owners, lessors, lessees or operators of any well or wells producing oil and gas or oil or gas are causing or permitting an unreasonable waste of gas, he may institute, or have proceedings instituted, in the name of the people of the State of California, to enjoin such unreasonable waste of gas regardless of whether proceedings have or have not been instituted under section 8 hereof, and



regardless of whether an order has or has not been made therein. Such proceedings shall be instituted in the superior court for the county in which the well or wells from which the unreasonable waste of gas is occurring or any thereof are situated. The owners, lessors, lessees or operators causing or permitting an unreasonable waste of gas in the same oil or gas field, although their properties and interests may be separately owned and their unreasonable waste separate and distinct, may be made parties to said action. In such suits no restraining order shall be issued ex parte, but otherwise the procedure shall be governed by the provisions of chapter three, title seven, part two of the Code of Civil Procedure of the State of California and no temporary or permanent injunction issued in such proceedings shall be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking, or otherwise.

SEC. 15. Section 16 of said act is hereby amended to read".

AMENDMENT NUMBER TEN.

On page 8, line 14, of the printed bill, as amended in the Senate April 5, 1929, strike out the period following the word "well", and insert the following "; and protect any underground water suitable for irrigation from infiltration of any detrimental substances."

AMENDMENT NUMBER ELEVEN.

On page 9, line 8, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "15", and insert in lieu thereof the numerals "16".

AMENDMENT NUMBER TWELVE.

On page 9, line 36, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "16", and insert in lieu thereof the numerals "17".

AMENDMENT NUMBER THIRTEEN.

On page 10, line 13, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "17", and insert in lieu thereof the numerals "18".

AMENDMENT NUMBER FOURTEEN.

On page 11, line 21, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "18", and insert in lieu thereof the numerals "19".

AMENDMENT NUMBER FIFTEEN.

On page 11, line 44, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "19", and insert in lieu thereof the numerals "20".

AMENDMENT NUMBER SIXTEEN.

On page 12, line 15, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "20", and insert in lieu thereof the numerals "21".

AMENDMENT NUMBER SEVENTEEN.

On page 12, line 33, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "21", and insert in lieu thereof the numerals "22".

AMENDMENT NUMBER EIGHTEEN.

On page 12 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 43 and 44, and insert in lieu thereof the following: "for the support and maintenance of the division of the department of natural resources charged with the supervision of petroleum and gas, and shall be assessed and".

AMENDMENT NUMBER NINETEEN.

On page 12, line 47, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "22", and insert in lieu thereof the numerals "23".

AMENDMENT NUMBER TWENTY.

On page 13, line 11, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "23", and insert in lieu thereof the numerals "24".

AMENDMENT NUMBER TWENTY-ONE.

On page 13, line 19, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "24", and insert in lieu thereof the numerals "25".

AMENDMENT NUMBER TWENTY-TWO.

On page 13, line 30, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "25", and insert in lieu thereof the numerals "26".

AMENDMENT NUMBER TWENTY-THREE.

On page 14, line 3, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "26", and insert in lieu thereof the numerals "27".

AMENDMENT NUMBER TWENTY-FOUR.

On page 14, line 9, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "27", and insert in lieu thereof the numerals "28".



## AMENDMENT NUMBER TWENTY-FIVE.

On page 14, line 20, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "28", and insert in lieu thereof the numerals "29".

## AMENDMENT NUMBER TWENTY-SIX.

On page 14 of the printed bill, as amended in the Senate April 5, 1929 strike out lines 37 to 40, inclusive, and insert in lieu thereof the following:

"SEC. 30. Section 35 of said act is hereby amended to read as follows:

Sec. 35. The director of the department of natural resources and the director of the department of finance and the chairman".

## AMENDMENT NUMBER TWENTY-SEVEN.

On page 15, line 1, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "30", and insert in lieu thereof the numerals "31".

## AMENDMENT NUMBER TWENTY EIGHT.

On page 15, line 33, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "31", and insert in lieu thereof the numerals "32".

## AMENDMENT NUMBER TWENTY-NINE.

On page 15, line 45, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "32", and insert in lieu thereof the numerals "33".

## AMENDMENT NUMBER THIRTY.

On page 16, line 17, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "33", and insert in lieu thereof the numerals "34".

## AMENDMENT NUMBER THIRTY-ONE.

On page 16, line 51, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "34", and insert in lieu thereof the numerals "35".

## AMENDMENT NUMBER THIRTY-TWO.

On page 17, line 12, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "35", and insert in lieu thereof the numerals "36".

## AMENDMENT NUMBER THIRTY-THREE.

On page 17 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 36 and 37, and insert in lieu thereof the following: "attorneys employed by the director of the department of natural resources must defend such action; *provided, however,* the director of the department of natural resources upon the application of the supervisor may".

## AMENDMENT NUMBER THIRTY-FOUR.

On page 17, line 49, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "36", and insert in lieu thereof the numerals "37".

## AMENDMENT NUMBER THIRTY-FIVE.

On page 18 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 9 to 14, inclusive, and insert in lieu thereof the following:

"The attorneys for the state oil and gas supervisor shall commence and prosecute such action to final judgment and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. The director of the department of natural resources, upon the application of the state oil and gas supervisor, may employ additional counsel and the".

## AMENDMENT NUMBER THIRTY-SIX.

On page 18, line 31, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "37", and insert in lieu thereof the numerals "38".

## AMENDMENT NUMBER THIRTY-SEVEN.

On page 18, line 46, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "38", and insert in lieu thereof the numerals "39".

## AMENDMENT NUMBER THIRTY-EIGHT.

On page 19, line 15, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "39", and insert in lieu thereof the numerals "40".

## AMENDMENT NUMBER THIRTY-NINE.

On page 19 of the printed bill, as amended in the Senate April 5, 1929, strike out lines 50 and 51, and on page 20, strike out lines 1 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 41. Section 51 of said act is hereby amended to read as follows:

Sec. 51. Out of any moneys in the state treasury, not otherwise appropriated, there is hereby appropriated the sum of thirty thousand dollars, which said sum shall be immediately transferred by the state controller on the books of his office

from the general fund to the "petroleum and gas fund" created by section 46 of this act.

The above mentioned fund shall be expended by the department of natural resources in carrying out the provisions of this act and for the necessary expenses of the controller in carrying out the provisions of this act.

On or before July 1, 1930, the sum of thirty thousand dollars shall be returned into the general fund from moneys in the "petroleum and gas fund." All the moneys in the petroleum and gas fund at any time and from time to time are hereby appropriated and made available for the purpose of carrying out the provisions of this act.

SEC. 42. Section 53 of said act is hereby amended to read:

#### AMENDMENT NUMBER FORTY

On page 20, line 21, of the printed bill, as amended in the Senate April 5, 1929, after the word "the", insert the following "director of the department of natural resources and the".

#### AMENDMENT NUMBER FORTY ONE

On page 20, line 28, of the printed bill, as amended in the Senate April 5, 1929, strike out the numerals "42", and insert in lieu thereof the numerals "43".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 560?

The roll was called, and Assembly amendments to Senate Bill No. 560 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Crowley, Duval, Edwards, Evans, Garrison, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Padraffi, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and Young—25.

NOES—None.

Senate Bill No. 560 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 33. A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article II of said constitution, relative to elections and eligibility of voters, disabilities and absent voters.

#### ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT NUMBER THIRTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the title of the printed bill, strike out the word "eleven", and insert in lieu thereof the word "two".

##### AMENDMENT NUMBER TWO.

On page 1, line 4, of the printed bill, strike out the word "eleven", and insert in lieu thereof the word "two".

##### AMENDMENT NUMBER THREE.

On page 2, line 8, of the printed bill, beginning with the comma, strike out all of the printed matter down to and including the period on page 2, line 40, and insert in lieu thereof the following: "expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held."

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 33?

The roll was called, and Assembly Amendments to Senate Constitutional Amendment No. 33 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack,

McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—30.  
 NOES—None.

Senate Constitutional Amendment No. 33 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees and attaches.

#### ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT NUMBER THIRTY.

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 9 to 23, inclusive, and insert in lieu thereof the following:

"Sec. 23a. Each house of the Legislature may, by resolution, provide for the employment of help, prescribe the duties and fix the compensation thereof; but in no case shall the total expense for officers, employees and attaches exceed the sum of four hundred dollars per day for the Senate and four hundred fifty dollars per day for the Assembly, at any regular session, exclusive of the salary of the secretary of the Senate and the chief clerk of the Assembly, who shall each receive such salary as shall be fixed by law, nor the sum of one hundred fifty dollars per day for each house at any special or extraordinary session, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly. Except as herein otherwise specified, the provisions of this section shall be self-executing."

##### AMENDMENT NUMBER TWO.

On page 2, line 7, of the printed constitutional amendment, as amended May 6, 1929, strike out the word "law", and insert in lieu thereof the word "resolution".

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 30?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 30 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, and Young—28.

NOES—None.

Senate Constitutional Amendment No. 30 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED TWENTY.

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out lines 6 to 9, inclusive, and insert in lieu thereof the following: "or cushion, which could be used in any way for sleeping or reclining purposes."



## AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out lines 11 to 13, inclusive, and insert in lieu thereof the following: "Fabric or material from which shoddy is constructed; or sweepings; *provided, however*, that the word "sweepings" shall not, for the purposes of this act, apply to new materials free from refuse, dirt or other contamination; or any material, not otherwise prohibited by this act."

## AMENDMENT NUMBER THREE.

On page 3, line 19, of the printed bill, strike out line 19, and insert in lieu thereof the following: "or old, or secondhand or shoddy, and the name and address of the vendor or manufacturer."

## AMENDMENT NUMBER FOUR.

On page 3, line 26, of the printed bill, strike out line 26, and insert in lieu thereof the following: "length and breadth thereof, also percentage of each".

## AMENDMENT NUMBER FIVE.

On page 3, line 48, of the printed bill, strike out the words "division of weights and", all of lines 49 to 52, inclusive, and insert in lieu thereof the following: "department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act."

## AMENDMENT NUMBER SIX.

On page 5, line 39, of the printed bill, strike out line 39, and insert in lieu thereof the following:

"Sec. 9. Any mattress made from any material of which prior use has been made or known as".

## AMENDMENT NUMBER SEVEN.

On page 5, line 41, of the printed bill, strike out lines 41 to 42, inclusive, and insert in lieu thereof the following: "sweepings; *provided, however*, that the word "sweepings" shall not, for the purposes of this act, apply to new materials free from refuse, dirt or other contamination;" shall have stamped or printed upon"

## AMENDMENT NUMBER EIGHT.

On page 5, line 49, of the printed bill, strike out line 49, and insert in lieu thereof the following: "provisions of this act shall be approved by".

## AMENDMENT NUMBER NINE.

On page 6, line 41, of the printed bill, strike out line 41, and insert in lieu thereof the following: "to any premises where mattresses are made, remade,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 620?

The roll was called, and Assembly amendments to Senate Bill No. 620 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Mueller, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—28.

NOES—None.

Senate Bill No. 620 ordered to print, and enrollment.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 652—An act appropriating money for the support of the State Department of Public Health for the conduct of research and investigation of sewage and industrial wastes to determine upon proper methods of treatment and disposal.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED FIFTY-TWO.

## AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, as amended in Senate April 3, 1929, after the word "audited", strike out the remainder of said line 13 and the words "state department of finance," in line 14, and insert in lieu thereof the words "according to the provision of law,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 652?



The roll was called, and Assembly amendment to Senate Bill No. 652 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Crowley, Duval, Edwards, Evans, Garrison, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Slater, Swing, Tubbs, Wagye, Weller, and Young—23.

NOES—None.

#### AMENDMENT TO TITLE.

The following amendment to the title of the bill was offered and its adoption moved by Senator Inman:

#### AMENDMENT NUMBER ONE.

Strike out lines 1 to 4, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act relating to the powers and duties of the department of public health and making an appropriation for its use."

Amendment adopted.

Senate Bill No. 652 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the care and feeding of the offspring of certain cattle, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED EIGHTY-ONE.

##### AMENDMENT NUMBER ONE.

In line 13 of the title of the printed bill, as amended in the Senate April 16, 1929, following the word "cattle," insert the following: "to provide for the eradication of bovine tuberculosis among calves by areas;"

##### AMENDMENT NUMBER TWO.

In line 14 of the title of the printed bill, as amended in the Senate April 16, 1929, following the word "cattle", insert the word "therein".

##### AMENDMENT NUMBER THREE.

On page 2 of the printed bill, as amended in the Senate April 16, 1929, following line 16, insert a new paragraph as follows:

"(c) The term "tuberculosis eradication calf raising area" shall be construed to mean an area established and delineated by proclamation of the director of agriculture of the State of California for the purpose of promoting the eradication of bovine tuberculosis among calves in said area."

## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, as amended in the Senate April 16, 1929, in line 17 strike out "(e)", and insert in lieu thereof "(f)".

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended in the Senate April 16, 1929, in line 19, strike out "(f)", and insert in lieu thereof "(g)".

## AMENDMENT NUMBER SIX.

On page 2 of the printed bill, as amended in the Senate April 16, 1929, in line 24, strike out "(g)", and insert in lieu thereof "(h)".

## AMENDMENT NUMBER SEVEN.

On page 4 of the printed bill, as amended in the Senate April 16, 1929, in line 7, following the word "place", strike out the word "designed", and insert in lieu thereof the word "designated."

## AMENDMENT NUMBER EIGHT.

On page 4 of the printed bill, as amended in the Senate April 16, 1929, in line 38, strike out the word "groups", and insert in lieu thereof the word "group."

## AMENDMENT NUMBER NINE.

On page 6 of the printed bill, as amended in the Senate April 16, 1929, in line 9, strike out the word "research", and insert in lieu thereof the word "regents".

## AMENDMENT NUMBER TEN.

On page 6 of the printed bill, as amended in the Senate April 16, 1929, following line 25, insert a new section as follows:

"SEC. 12. Following public hearing before the board of supervisors of any county on the subject of the formation of a tuberculosis eradication calf raising area, such board of supervisors may request the director of agriculture of the State of California to declare such county a tuberculosis eradication calf raising area, and thereupon the director of agriculture shall establish by proclamation such tuberculosis eradication calf raising area in accordance with the provisions of this act. Such proclamation shall designate the territorial boundaries of such area and shall be published for three successive weeks in one newspaper of general circulation printed and published in said county."

## AMENDMENT NUMBER ELEVEN.

On page 6 of the printed bill, as amended in the Senate April 16, 1929, strike out all of lines 26 and 27, and insert in lieu thereof the following:

"SEC. 13. The offspring of all bovine animals within any tuberculosis eradication calf raising area shall be removed from such animals within forty."

## AMENDMENT NUMBER TWELVE.

On page 6, line 51, of the printed bill, as amended in the Senate April 16, 1929, following the word "beef", insert the words "or veal".

## AMENDMENT NUMBER THIRTEEN.

On page 7, line 1, of the printed bill, as amended in the Senate April 16, 1929, strike out "SEC. 13", and insert in lieu thereof "SEC. 14".

## AMENDMENT NUMBER FOURTEEN.

On page 7, line 15, of the printed bill, as amended in the Senate April 16, 1929, strike out "SEC. 14", and insert in lieu thereof "SEC. 15".

## AMENDMENT NUMBER FIFTEEN.

On page 7, line 20, of the printed bill, as amended in the Senate April 16, 1929, strike out "SEC. 15", and insert in lieu thereof "SEC. 16".

## AMENDMENT NUMBER SIXTEEN.

On page 7, line 24, of the printed bill, as amended in the Senate April 16, 1929, strike out "SEC. 16", and insert in lieu thereof "SEC. 17".

## AMENDMENT NUMBER SEVENTEEN.

On page 7, line 40, of the printed bill, as amended in the Senate April 16, 1929, strike out "SEC. 17", and insert in lieu thereof "SEC. 18".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 481?

The roll was called, and Assembly amendments to Senate Bill No. 481 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and West—27.

NOES—None.

Senate Bill No. 481 ordered to print, and enrollment.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 642—An act to add three new sections to article III of title I, of part III, of the Political Code to be numbered 372*h*, 372*i*, and 372*j*, creating a Division of Weights and Measures in the Department of Public Health and providing for the administration thereof.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED FORTY-TWO.

##### AMENDMENT NUMBER ONE.

On page 3, line 47, of the printed bill, as amended in Senate May 1, 1929, strike out all of lines 47 to 52, inclusive, and also strike out on page 4 all of lines 1 and 2, inclusive, and insert in lieu thereof the following: "the State of California shall attend such meetings as the board of supervisors of the county wherein he is employed, shall require. He shall be allowed all actual and necessary traveling expenses incurred while on any service that requires him to go outside the county. Said expenses shall not exceed the sum of fifty dollars in any calendar year and .

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 642?

The roll was called, and Assembly amendment to Senate Bill No. 642 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Inman, Jones, Ray, Lyon, McCormack, Mueller, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 642 ordered to print, and enrollment.

#### LIEUTENANT GOVERNOR IN THE CHAIR.

At ten o'clock and fifty minutes a.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

#### CONSIDERATION OF DAILY FILE.

##### SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 751—An act to amend section 791 of the Political Code, relating to the appointment of notary publics in counties of the second class.

##### COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, as amended in Assembly March 4, 1929, strike out the words "two hundred", and insert in lieu thereof the words "one hundred ninety".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 320—An act to amend section 634 of the Penal Code, relating to the protection of fish and game.

COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

AMENDMENT NUMBER ONE.

On page 3 of the printed bill, strike out all of paragraph 12, after the figures "12", in line 1, and insert in lieu thereof the following:

"Every person who, in fish and game districts twelve, and thirteen between the first day of June and thirty first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "IV" between the sixteenth day of June and the thirty first day of July, both dates inclusive, and every person who in fish and game districts twelve, twelve "IV" and thirteen between the seven teenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading

MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day Senator Carter moved to reconsider the vote whereby Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 1098 was passed carried by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Wagy moved to refer Assembly Bill No. 1098 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 20, of the printed bill, strike out the period after the word "misdemeanor", and insert in lieu thereof a semicolon and the following: "*provided, however, that the provisions of this section relating to the sheltering of animals shall not be construed to apply to animals or live stock allowed to graze or grazing on the open range.*"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1098, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Wagy adopted.

Bill ordered to print.



CONSIDERATION OF DAILY FILE.  
THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1048—An act to add eleven new sections, to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, and ascertainment of their indebtedness and the distribution of their assets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1048 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Swing moved to refer Assembly Bill No. 11 to Senator Nelson, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 8 and 9, and line 10 to and including the colon following the word "follows".

AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed amended bill, after the word "Imperial", strike out the comma and insert in lieu thereof a period.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print.

Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Assembly Bill No. 853 to Senator Garrison, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out lines 3 to 26, inclusive, also strike out pages 2, 3, 4, 5 and 6, and insert in lieu thereof the following:

"4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at two thousand one hundred dollars per annum, one at one thousand eight hundred dollars per annum, and one at one thousand two hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of two thousand one hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand eight hundred dollars per annum, also one deputy who shall receive a salary of three hundred dollars per annum, and two deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum, and one deputy who shall receive one hundred and seventy-five dollars per month and furnish his own transportation. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and also provided*, that the sheriff may employ from one to two persons to act as deputy sheriffs at salaries not to exceed five dollars per day each when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation of such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand dollars per annum; *and also provided*, that the compensation of the last mentioned deputies shall be paid on presentation of duly verified claims filed with the board of supervisors of the said county and in the same manner that other claims are filed and paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected.

3. The recorder three thousand dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensations as follows: one chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; the said deputies to be paid at the same time and out of the same fund as the recorder's salary is paid. Said recorder may employ as many copyists as he may deem necessary at six cents per folio by certifying to the auditor the names, the number of folios copied and the time required. The auditor shall thereupon draw his warrant in favor of such copyist. *Provided, further*, that all comparing shall be done by the paid deputies and in no event is the recorder to receive for his own use any fees of any description notwithstanding a statute may provide otherwise.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class the auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that in counties of this class the auditor shall be allowed such additional clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one calendar year. The deputy, clerks and copyists named herein shall be

appointed by the auditor and their salaries shall be paid in the same manner and at the same time and out of the same funds as the salary of the auditor is paid.

5. The treasurer and tax collector, three thousand dollars per annum and such fees as are allowed by law; *provided*, that in counties of this class the treasurer and tax collector shall be allowed one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and one deputy who shall be paid a salary of one thousand two hundred dollars per annum; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the treasurer and tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred dollars in one calendar year.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand eight hundred dollars per annum; one draftsman at a salary of two thousand one hundred dollars per annum; and one rural appraiser who would be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy and said draftsman and said rural appraiser shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of seven thousand five hundred dollars in any one year. Said field deputies, assistants, clerks and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each.

7. The district attorney, three thousand dollars per annum; *provided*, in counties of this class there shall hereby be allowed to the district attorney, one deputy at an annual salary of six hundred dollars; *provided*, that the deputy shall be employed in a place other than the county seat. In addition to the deputy, the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. All salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested.

8. The coroner, such fees as are now or may be hereafter allowed by law.

9. The public administrator, such fees as are now or may be hereafter allowed by law.

10. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

11. The county surveyor shall receive three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars.

12. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses. The supervisors while acting as road commissioners shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise provided by law shall meet on the seventh of each month or on the next legal day following the seventh.

13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum, and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand eight hundred dollars per annum and clerical help not to exceed six hundred dollars in each year, and the board of supervisors shall provide him with the necessary office room.

14. In each of the townships herein provided for, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the services



of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services at process; also the transportation of prisoners to the county jail, the constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases, and also all fees now allowed him by law for the arrest of violators of the fish and game laws.

15. The official reporter of the superior court shall receive the fees allowed by law.

16. In fixing the compensation of the above named officers in the present law herein above specified, it is hereby expressly provided that the salaries and emoluments provided shall be in full compensation for all services of each kind and description rendered by the officers named herein, either as officers or as deputy officers, their deputies and assistants; and it is hereby further expressly provided that none of the fees, commissions, per diem and expenses provided for in section 4200 of the Penal Code of the State of California, and all other moneys coming from the funds of the county and township officers, no matter from what source derived or received as officials, shall belong to and be the property of the county. If counties of this class and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this act herein shall not apply to the offices of sheriff, treasurer, and superintendent of schools, and they are expressly exempted from the provisions of this act. And as to said offices herein last named, to wit, sheriff, treasurer, and superintendent of schools, they shall receive the salaries, fees and emoluments provided for in law and as provided for in subdivisions two, five, seven and ten of this act.

17. All officers who are allowed extra compensation are entering out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount, and the auditor shall draw his warrant in favor of such person.

18. In counties of this class grand jurors, and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the court house in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during each session such jurors are required to attend.

19. The salary of any person who may be appointed by said board of supervisors to any office created by statute and the salary of which is fixed by law shall not exceed that of the highest paid deputy employed by any county official.

20. When any official for whom transportation is supplied by the county, the board of supervisors shall decide whether the official shall receive going or be allowed a fixed mileage.

21. The sealer of weights and measures shall receive a salary of two thousand one hundred dollars per month and the supervisors shall provide the necessary transportation.

22. If any part of this act is found unconstitutional the balance shall still be in force and effect.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 853, with instructions to amend, respectfully reports the same back, approved as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats.



1915, page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 170 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray; Lyon, McCormack, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and West—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1092 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Inman, Jones, Ray; Lyon, McCormack, Merriam, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—27.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 161—An act appropriating money to pay the claim of Annie Locatelli against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 161 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Handy, Hurley, Inman, Jones, Ray; Lyon, McCormack, Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—29.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 714—An act creating the Napa State Farm revolving fund and making an appropriation therefor; providing for the disposition of any accrued surplus over and above such appropriation.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency section.

The roll was called, and the urgency section adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Handy, Hurley, Inman, Jones, Ray; Lyon, McCormack,

Merriam, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 714 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Murphy, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 262 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Lyon, McCormack, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Waggy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 801—An act to amend section 133 of the Code of Civil Procedure, relating to proceedings in case of absence of judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Mueller, Murphy, Sharkey, Slater, Swing, Tubbs, Waggy, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An act granting in trust to the city and county of San Francisco the interest of the State in and to and the control and

management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Crowley moved to refer Assembly Bill No. 94 to Senator Murphy, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 7, line 50, of the printed bill, strike out the period at the end of said line, and insert the following: "through the center of which the inshore line or line nearest the mainland, bounding said property runs. The commission may also remove any unlawful obstruction thereon, after the owner, possessor or occupant of such obstructions thereon shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant, or posted upon said obstruction by a person designated by the commission. After the issuance of the proclamation by the governor of the State of California, as hereinafter in this act provided, all of the powers herein by this section granted may be exercised by the city and county of San Francisco through said commission and actions may be commenced in behalf of the city and county of San Francisco for the purposes herein stated.

Sec. 8. The commission shall have the following jurisdiction and powers:

First.—The commission shall have possession and control of that portion of the bay of San Francisco described in section 1 of this act, together with all the improvements, rights, privileges, easements and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes in this act provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the commission to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases; provided, that no harbor embankment or seawall shall be constructed outside of the following named points at said lines, to wit:

Commencing at the point where the eastern boundary line of the Presidio reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water line front, as described in an act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord 1851, to a point at or near the intersection of Second and Berry streets; thence continuing southerly upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water line front, as established by the board of state tideland commissioners, to the southerly boundary of said city and county of San Francisco.

Second.—The commission in addition to a general control over said property shall have authority to use for loading and landing merchandise, with the right to collect dockage, wharfage and tolls thereon, such portion of the streets of the city and county of San Francisco, ending or fronting upon the waters of said bay as may be used for such purposes without obstructing the same as thoroughfares."

#### AMENDMENT NUMBER TWO.

On page 9, line 26, of the printed bill, strike out the last word "the" following the word "issue" in said line, and insert in lieu thereof the word "his".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 94, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee.

Report read, and on motion of Senator Crowley adopted.

Bill ordered to print.

Assembly Bill No. 717—An act to amend the title as amended, to amend section 1 and to add a new section, to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 717 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Lyon, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, and to add a new section to said act, to be numbered section 76½, relating to the foreclosure of bonds.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED FIFTY-NINE.

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the comma.

##### AMENDMENT NUMBER TWO.

On page 2, line 11, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted".

##### AMENDMENT NUMBER THREE.

On page 2, line 37, of the printed bill, following the word "after", strike out the following: "three (3)", and insert in lieu thereof the following: "four (4)".

##### AMENDMENT NUMBER FOUR.

On page 3, line 6, of the printed bill, strike out the following: "the improvement of-----", and insert in lieu thereof the following: "an improvement".

##### AMENDMENT NUMBER FIVE.

On page 3, commencing with the word "the", in line 9 thereof, strike out all of the printed matter down to and including the bracket following the word "demand"



in line 10, and insert in lieu thereof the following: "thirty days after the service on you of this demand, the date of such service being this----day of-----, 19--,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 359?

The roll was called, and Assembly amendments to Senate Bill No. 359 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, McCormack, Mueller, Murphy, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 359 ordered to print, and enrollment.

Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Mueller moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Inman, Jones, Ray; McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—30.

The Secretary announced the absentees.

Time, eleven o'clock and forty minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-one minutes a.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Mueller.

The Secretary was directed to call the roll.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Mueller moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Follom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

The Secretary announced the absentees.

Time, eleven o'clock and forty-two minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

PROCEEDINGS UNDER CALL OF THE SENATE.

Assembly Bill No. 259—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Assembly Bill No. 259 to Senator Garrison, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 3, line 4, of the printed bill, as amended, strike out all of lines 4 to 29, inclusive, and insert in lieu thereof the following:

"Sec. 7. Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file the bond required by law.

Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Necessity of requiring a bank or trust company to give bond when acting as guardian shall be governed by act 652 entitled "An act to define and regulate the business of banking," approved March 1, 1900, Statutes 1900, page 87, as amended.

Sec. 8. Every guardian, whether appointed under this act or prior to the effective date of this act, who shall receive on account of his ward any moneys from the bureau, shall file with the court annually, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such".

AMENDMENT NUMBER TWO.

On page 4, line 21, of the printed bill, as amended, strike out all of lines 21 to 30, inclusive, and insert in lieu thereof the following:

"Sec. 14. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States veterans' bureau hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this state are hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate of eligibility from the official in charge of such hospital the court may then direct such veterans' commitment to such United States veterans' bureau hospital. Thereafter".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 259, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions of terms used therein and to rear yards of apartment houses.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Crowley moved to refer Assembly Bill No. 1177 to Senator Murphy, as a Special Committee of One; to amend as follows:

## AMENDMENT NUMBER ONE.

On page 7 of the printed bill, strike out all of lines 31 to 35, inclusive, and insert in lieu thereof the following: "Height of building measured from top of rear wall of the building to the ground. Depth of rear yard".

## AMENDMENT NUMBER TWO.

On page 7 of the printed bill, strike out all of line 47, and insert in lieu thereof the words: "yard shall extend from the".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1177, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee.

Report read, and on motion of Senator Crowley adopted.  
Bill ordered to print.

Assembly Bill No. 241—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein and protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the reorganization of the Tamalpais Forest Fire District.

Bill read third time.

## URGENCY CLAUSE.

SEC. 2. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that the land situate within such district be included in the taxable property of the county of Marin on or before the first Monday of July, 1929, and that this act therefore constitutes an urgency measure, which under the provisions of section 1 of article IV of the constitution of the State of California shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency section.

The roll was called, and the urgency section adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40—An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-seven minutes a.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Mueller.

The Secretary was directed to call the roll.

The roll was called, and Assembly Bill No. 965 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Cassidy, Christian, Crowley, Duval, Evans, Gray, Handy, Jones, Ray; McCormack, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Weller, West, and Young—23.

NOES—Senators Breed, Canepa, Cleveland, Cobb, Edwards, Fellom, Garrison, Hurley, Inman, McKinley, Murphy, Nelson, Slater, and Waggy—14.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 346—An act to add a new section to the Civil Code, to be numbered 69b, providing for the filing of a health certificate before marriage licenses are issued, and making the issuance of false certificates a felony.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 346 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Duval, Edwards, Evans, Handy, Jones, Ray; Lyon, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Weller, and Young—24.

NOES—Senators Christian, Cleveland, Crowley, Fellom, Garrison, Gray, Hurley, Inman, Sharkey, Tubbs, and West—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Murphy gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 346 was passed.

Assembly Bill No. 683—An act to amend section 1763 of the Code of Civil Procedure, relating to guardians of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 683 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones Ray; Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 940 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Jones, Ray; Lyon, McCormack, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 395—An act to add a new article to chapter 3 of title I of part III of the Political Code to be numbered article XI<sup>o</sup>, embracing sections 37s to 37sf, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley,

Jones, Ray; Lyon, McCormack, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

During the third reading of the bill, Senator Christian moved to refer Assembly Bill No. 446 to Senator Hurley, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, lines 2 and 3 of the title of the printed bill, strike out the following words: "and to add a new section to be numbered 1033 to", and insert in lieu thereof the word "of".

##### AMENDMENT NUMBER TWO.

On page 2, line 24, of the printed bill, strike out the words "six thousand five", and insert in lieu thereof the words "four thousand eight".

##### AMENDMENT NUMBER THREE.

On page 2, beginning in line 25, down to line 28, strike out the following proviso: "provided, however, that after the first day of January, 1931, in cities of the second class, no city justice shall engage in the practice of law in any court of this state during the time that he holds office."

##### AMENDMENT NUMBER FOUR.

On page 3 of the printed bill, strike out all of lines 11 to 23, both inclusive.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 446, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.

Bill ordered to print.

Assembly Bill No. 1101—An act providing for the licensing of aircraft, airmen and air navigation facilities, and air traffic rules and to make uniform the law with reference thereto; and to provide for the enforcement thereof; and to repeal that certain act entitled "An act concerning the registration, numbering, and the use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1101 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, McKinley, Murphy, Nelson, Rochester, Slater, Swing, Tubbs, Weller, and Young—28.

NOES—None.

## TITLE AMENDED.

Senator Duval moved to amend the title of Assembly Bill No. 1101 as follows:

## AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, as amended in Senate May 9, 1929, after the semicolon in said line, insert the following: "*providing*, in a certain contingency, for the creation of the aviation commission of California and prescribing the powers and duties of said commission including the licensing of aircraft and airmen and making an appropriation for the use of said commission";.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 957—An act to add a new section to the Political Code, to be numbered 594*b*, relating to burial contracts and certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 957 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 779—An act to add a new section to the "California Vehicle Act," approved May 30, 1923, as amended, to be known as section 152*a*, relating to the transportation of animals on motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—32.

NOES—Senators Tubbs and West—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 525 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 25, of the printed bill, strike out the words "or repossession".

## AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out lines 2 to 7, inclusive, and insert in lieu thereof the following: "supplies or materials for such automobiles; *provided, however*, that where the possession of, or lien upon, any automobile held under a claim of lien hereunder is lost by reason of fraud, trick or device, the repossession of said

automobile by said garage keeper shall revive the lien so lost; *provided further*, that any lien thus revived shall be subordinate to any sale lien, encumbrance, right, title or interest in such automobile acquired or exercised in good faith and for value by any person between the time of loss of possession and the time of repossession."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 525, with instructions to amend, respectfully reports the same back amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Inman adopted.  
Bill ordered to print.

Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Christian moved to refer Assembly Bill No. 882 to Senator Hurley, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 10, line 10, of the printed bill, strike out the words "five hundred."

AMENDMENT NUMBER TWO.

On page 12, line 43, of the printed bill, strike out the word "thirty" and insert in lieu thereof the words "twenty-five."

AMENDMENT NUMBER THREE.

On page 12, line 43, of the printed bill, strike out the word "thirty" and insert in lieu thereof the words "thirty-five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 882, with instructions to amend, respectfully reports the same back amended as per instructions.

HURLEY, Special Committee.

Report read, and on motion of Senator Christian adopted.  
Bill ordered to print.

Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Swing moved to refer Assembly Bill No. 498 to Senator Sharkey, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 11, of the printed bill, strike out the period and insert a comma and add the following: "and the investigation and study of the development of the



water resources of southern California, including the Santa Ana river and Mojave river."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 498, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print.

Assembly Bill No. 330—An act to amend section 19.17 of the Juvenile Court Law, approved June 5, 1915, relating to counties of the seventeenth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Edwards moved to refer Assembly Bill No. 330 to Senator Evans, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 6 to 8, inclusive, and insert in lieu thereof the following: "tation by said county. There shall also be one assistant".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 330, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to section 18 of article VI of the constitution, relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary.

Amendment read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the constitutional amendment, Senator Boggs moved to refer Assembly Constitutional Amendment No. 17 to Senator Sharkey, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

In line 3 of the title of the printed constitutional amendment, as amended, immediately following the word "amendment", strike out the words "to section 18 of article six of the constitution", and insert in lieu thereof the following: "to the constitution of said state by amending section 18 of article six and repealing section 22 of said article".

AMENDMENT NUMBER TWO.

On page 1, line 6, of the printed constitutional amendment, as amended, strike out all of lines 6 to 7, inclusive, and insert in lieu thereof the following: "California, the following amendments to the constitution of the State of California:

First—Section 18 of article six is hereby amended to read as follows:".

## AMENDMENT NUMBER THREE

On page 1, line 19, of the printed constitutional amendment, as amended, strike out the words "Section 22 of article", and also strike out all of line 20, and insert in lieu thereof the following paragraph:

"Second—Section 22 of article six of said constitution is hereby repealed."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Constitutional Amendment No. 17, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Assembly Constitutional Amendment No. 17 ordered to print.

Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1929, relating to the granting of franchises upon, and leases of, the tidelands therein granted in the county of Orange.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

During third reading of the bill, Senator Edwards moved to refer Assembly Bill No. 1191 to Senator Evans, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE

In line 4 of the title of the printed bill, strike out the numeral "7", in said line, and insert in lieu thereof the numeral "5".

## AMENDMENT NUMBER TWO

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said state upon certain trusts and conditions," approved May 25 1919 is hereby amended to read as follows:

Section 1. There is hereby granted to the county of Orange".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1191, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator Edwards adopted.

Bill ordered to print.

## RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 865—An act providing for the control, management and regulation of the San Francisco Harbor; creating the San Francisco Port Authority; providing for the disposition of revenues derived from the operation of said harbor; providing for the issuance and sale of revenue bonds; providing for the payment of interest from bonds and the redemption thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and be re-referred to this committee.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Senate Bill No. 865 ordered on file for second reading.

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 865—An act to amend sections 737nn and 737pp of the Political Code, relating to the salaries of judges of the superior court;

Also: Assembly Bill No. 986—An act providing for the allowance of traveling expenses of members of the State Curriculum Commission;

Also: Assembly Bill No. 1008—An act to amend sections 737k and 737zz of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class;

Also: Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture, and the officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent therewith and making an appropriation to carry out the provisions of the act;

Also: Assembly Bill No. 1147—An act making an appropriation for printing and binding copies of the report of the State Park Commission made and prepared pursuant to the provisions of chapter 764, Statutes of 1927, and declaring the urgency of the same;

Also: Assembly Bill No. 1148—An act making an appropriation to carry out the provisions of an act entitled "An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; and to provide penalties for the violations of any of the provisions thereof," as adopted at the forty eighth session of the Legislature of the State of California;

Also: Assembly Bill No. 1162—An act to amend section 15 of the Corporate Securities Act, relating to the State Corporation Department;

Also: Assembly Bill No. 1176—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1188—An act to amend the California Vehicle Act, approved May 30, 1923, as amended, by adding a new section thereto to be numbered 1594, relating to the motor vehicle fund;

Also: Assembly Bill No. 1196—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

Assembly Bills Nos. 865, 986, 1008, 1130, 1147, 1148, 1162, 1176, 1188 and 1196 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California;

Also: Assembly Bill No. 994—An act to provide for the investigation of the economic problems of agriculture, by the University of California;

Also: Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties, and making an appropriation therefor.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

Assembly Bills Nos. 519, 994 and 1174 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 535—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1181—An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School;

Also: Assembly Bill No. 1194—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole or such portions and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—14; absent—3.

INMAN, Chairman.

Assembly Bills Nos. 535, 1181 and 1194 ordered on file for second reading.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1061—An act making an appropriation to meet a deficiency in the appropriation for subsidies, of the Bureau of Tuberculosis of the Department of Public Health.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 311—An act providing for the annexation of elementary school districts to high school districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 949—An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 60—An act to amend section 6287 of the Penal Code, relating to the protection of fish and game.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 332—An act authorizing and empowering the boards of supervisors of the several counties to transfer lands to the United States of America and providing for a method to obtain said lands.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 59—An act to amend section 628 of the Penal Code, relating to fish and game.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 143—An act to amend section 4272 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-third class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 6—An act to amend section 632 of the Penal Code, relating to the protection of fish.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 457—An act providing for the organization of certain elementary or union elementary school districts into high school districts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 374—An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin Prison, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 345—An act to amend section 4014 of the Political Code, relating to township officers.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 802—An act to amend section 384c of the Penal Code, relating to killing or maiming live stock and providing penalties therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 279—An act to amend section 2322½ of the Political Code, relating to horticultural commissioners in counties of the twenty-eighth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 643—An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 749—An act to amend section 359b of the Political Code, relating to the Governor's Council.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 202—An act to revise an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1164—An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 174—An act regulating the practice of civil engineering.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 674—An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly bill No. 421—An act to amend section 6260 of the Penal Code, relating to the protection of game.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 945—An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 390—An act to amend section 1094 of the Political Code, relating to registration of electors and conduct of elections.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 671—An act to amend sections 1, 2, 11, 16 and 24b of an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919; as amended April 13, 1927, relating to contents of petitions, extent of district, award of contract, date and form of bonds, and reassessments, and to add thereto a new section numbered 24c, relating to rights of way.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 173—An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 451—An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 726—An act to amend section 107 of the Penal Code, relating to escapes and attempts to escape from county jails, city jails and county hospital and from the custody of the sheriff, approved May 5, 1923.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 367—An act to amend sections 3, 10, 19, 20, 21, 25, 27, 40, 41 and 79½ and to add certain new sections thereto to be numbered 20a, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i and 20j, to an act entitled "An act to provide work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to street improvements.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 183—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 107—An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 18—An act to



enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 166—An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 574—An act to amend the Political Code by adding a new section thereto to be numbered section 594c, relating to the sale of securities and capital stock of companies organized for the purpose of transacting an insurance business, and to brokers and agents engaged in the sale of such securities and capital stock, providing for the supervision thereof, defining the powers and duties of the Insurance Commissioner in relation thereto and prescribing penalties for violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 571—An act to amend section 596a of the Political Code, relating to the Insurance Commissioner and the rendering of opinions and the performance of other legal services by the attorney for the Insurance Commissioner and the Attorney General.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 117—An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1027—An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the State, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 733—An act to amend section 633e of the Political Code, relating to insurance adjusters.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 436—An act making an appropriation for permanent improvements at the San Francisco State

Teachers College, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 362: An act to amend sections 2, 3, 4, 5 and 7 and to add a new section to be numbered 7a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 790: An act to amend section 564 of the Code of Civil Procedure, relating to the appointment of receivers.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 798: An act authorizing and providing for report upon the methods of financing and financing irrigation, reclamation and other public improvement districts or agricultural regions, providing for commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1000: An act to amend section 70 of the Penal Code and to add a new section thereto to be numbered section 67½, relating to bribery.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1114: An act to add a new section to the Political Code to be numbered 1167a, relating to vacancies in the office of sheriff.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 734: An act to amend section 710 and 710a of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 534: An act to amend the title and sections 2, 4, 5, 6, 6½, 7, 8, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance Tax Act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance Tax Act,' and to repeal all acts

and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section to be numbered section 64, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 24.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 4—An act to amend section 653c of the Penal Code, relating to blacklisting and providing penalties for same.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 523—An act to provide for the establishment of a State Hospital for the Insane, providing for commitments thereto and the management thereof, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 78—An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 57—An act to amend section 540 of the Code of Civil Procedure, relating to the form of the writ of attachment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 832—An act to amend section 323 of the Political Code, relating to the time when statutes take effect.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 431—An act to amend section 1197 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1138—An act to add new sections to chapter 2 of title III of part I of the Code of Civil Procedure, to be numbered 261, 261a, relating to superior courts in and for counties and cities and counties having a population of 900,000 or more; providing for the appointment and compensation of court commissioners, stenographers and other attaches of such court.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1087—An act to

amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 98—An act to amend section 1861a of the Civil Code, relating to the liens of keepers of furnished apartment houses and furnished bungalow courts.

ARTHUR A. OHNIMUS, Chief Clerk  
By FRED J. DESCH, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 646—An act to create a fish and game refuge; relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

ARTHUR A. OHNIMUS, Chief Clerk  
By FRED J. DESCH, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 296—An act to add a new section to the Political Code to be numbered 3897a, relating to the termination of the right of redemption in tax-deeded lands.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 46—An act to amend section 1168 of the Penal Code, relating to sentences under the Indeterminate Sentence Law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

ARTHUR A. OHNIMUS, Chief Clerk  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 997—An act to amend section 19 of the "Juvenile Court Law," approved June 5, 1915, as amended, relating to the appointment and compensation of female referees in counties of the first and fifteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 298—An act to amend section 19a15 of the Juvenile Court Law, relating to compensation of probation officers in counties of the fifteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 977—An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners; and to repeal sections 18, 15a and 1588, of the Penal Code, relating to terms of imprisonment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 297—An act to amend section 4244 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 732—An act to amend section 2319i of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 568—An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, by amending sections 2, 3, 4, 7, 8 and 9 thereof, and adding new sections thereto to be numbered 3a, 3b, 3c, 7a, 7b, 7c, 7d, 7e, 12, 13 and 14, relating to the formation, government, operation, consolidation and dissolution of such districts, whether situate in one or in more than one county, and providing for the annexation of territory thereto.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 956—An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 178—An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States Soldiers, Sailors, and Marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1015—An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of recreational harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or counties or wholly or partially including territory

of one or more municipalities within such county or counties or lying within unincorporated territory of said county or counties and one or more municipalities therein, defining recreational harbors; and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, county and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the purchase of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; authorizing the establishment of appropriate funds in the manner provided by law for the impounding and disbursement of the moneys required to meet such costs and expenses; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the legislative body of the county or city assuming jurisdiction to call the election upon the question of the formation of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; providing the means whereby the legislative body of any city heretofore or hereafter granted any rights in respect to tidelands and submerged lands may permit the exercise of such rights by the board of governors in any harbor district formed hereunder and providing for the appointment within any such harbor district formed under this act of a board of governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors; and providing the means by which territory may be annexed to any harbor district formed hereunder, and appointed Assemblymen Estle, Sewell and Keaton as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Lyon, Merriam and Carter, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate Bill No. 797.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in those markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—and appointed Assemblymen Jones, Emmett and Bliss as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Boggs, Cobb and Slater as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate Bill No. 683.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

## RESOLUTION.

The following resolution was offered:  
By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant in favor of the Secretary of the Senate in the sum of three hundred forty-eight dollars and four cents (\$348.04) in payment of the items set forth below, and the Treasurer is hereby directed to pay the same:

State Department of Finance—Senate's pro rata on Capitol telephone service	\$84 50
Hotel Senator luncheon furnished Senate	54 05
N. H. Ebel, florist—wreath for Judge Hart	15 00
Pacific Telephone and Telegraph Company	116 85
Postal Telegraph Company	2 44
Cascade Towel Supply Company—towel service to Senate	75 11
Total	\$348 04

CARTER, Chairman.  
CASSIDY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Lyon, McCormack, Nelson, Pedrotti, Slater, Tubbs, and Wagy—22.

NOES—None.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 203—An act to promote the better education of social service workers; to provide for and regulate the examination of social service workers; to provide for the issuance of licenses as social service workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions hereof; to provide penalties for the violations of any of the provisions hereof.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Breed moved to refer Assembly Bill No. 203 to Senator Nelson, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2 of the printed amended bill, in line 18, strike out the word "board".

## AMENDMENT NUMBER TWO.

On page 2 of the printed amended bill, in line 31, following the word "worker.", strike out the remainder of the line and all of lines 32 to 37, inclusive, and insert in lieu thereof the following:

"Oral examinations conducted in accordance with the provisions of this section prior to July 1, 1931, shall be practical in nature and every written examination conducted in accordance with this section shall be based upon a reading list, prescribed by the social welfare board and publicly announced at or before the time of announcement of the examination. Examination papers shall be open to inspection of candidates who participated in such examination, or their properly authorized representatives."

Motion carried.



## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 203, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 865—An act to amend sections 737*aa* and 737*ap* of the Political Code, relating to the salaries of judges of the superior court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 986—An act providing for the allowance of traveling expenses of members of the State Curriculum Commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1008—An act to amend sections 737*d* and 737*e* of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products, defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture, and the officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent therewith and making an appropriation to carry out the provisions of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1147—An act making an appropriation for printing and binding copies of the report of the State Park Commission made and prepared pursuant to the provisions of chapter 764, Statutes of 1927, and declaring the urgency of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1148—An act making an appropriation to carry out the provisions of an act entitled "An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; and to provide penalties for the violations of any of the provisions thereof," as adopted at the forty-eighth session of the Legislature of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1162—An act to amend section 15 of the Corporate Securities Act, relating to the State Corporation Department.

Bill read second time, and ordered on file for third reading.



Assembly Bill No. 1176—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1188—An act to amend the California Vehicle Act, approved May 29, 1925, as amended, by adding a new section thereto to be numbered 1701, relating to the motor vehicle fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 515—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out the period following the word "California", in the last line of the title, and insert "including the Santa Ana river, Mojave river and all water resources of southern California."

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 4, of the printed bill, strike out the period following the word "California", and insert "including the Santa Ana river and its tributaries, the Mojave river and its tributaries, and all other water resources of southern California."

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 4, of the printed bill, after the period following the word "law", insert "or a legislative committee is appointed".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 6, of the printed bill, after the word "commission", before the semicolon, insert "or legislative committee".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 10, of the printed bill, after the word "commission", insert "or legislative committee".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 794—An act to provide for the investigation of the economic conditions of agriculturists, by the University of California.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended by Assembly May 1, 1929, strike out all of lines 4 to 15, inclusive, and on page 2 of it strike 1 to 20, inclusive, and insert in lieu thereof the following:

"SEC. 2. The college of agriculture of the University of California is hereby authorized and instructed to investigate the economic conditions of agriculturists of the state, to collect statistics and compile a manual from from whatsoever source

bearing upon the economic disadvantage and disability of agriculture; with particular reference to:

(a) The economic status of and outlook for California agricultural products;

(b) The cost of production and enterprise efficiency studies;

(c) The marketing of farm products and the development of new outlets;

(d) The factors affecting the behavior of prices of agricultural products;

(e) The improvement of credit facilities including a study of how farm loans may be more effectively obtained and renewed at lower rates than have in the past prevailed;

(f) The problem of taxation in its relation to agriculture, with particular reference to the burden of taxes now borne by agricultural lands in proportion to their value, as compared with that borne by other classes of taxable property, and how that burden may be more effectively equalized.

Sec. 3. It shall also be the duty of said college of agriculture of the University of California, after making such investigation, to make a report to the governor on or before December 1, 1930, said report to be transmitted by him to the Legislature not later than the opening of the legislative session of 1931, which report shall contain the said college of agriculture's determinations and findings on all matters hereinbefore mentioned and shall contain such recommendations as said college of agriculture may determine justifiable or helpful in carrying out the purposes of this act, having in mind".

Amendment adopted.

#### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, as amended in Assembly May 1, 1929, in line 27, after the word "Sec.", strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted.

#### AMENDMENT NUMBER THREE.

On page 2 of the printed bill, as amended in Assembly May 1, 1929, in line 30, strike out following the word "said", the word "university" and strike out all of line 31, and insert in lieu thereof the words "college of agriculture".

Amendment adopted.

#### AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, as amended in Assembly May 1, 1929, in line 32, strike out the words "Sec. 6. Said university", and insert in lieu thereof the following:

"Sec. 5. Said college of agriculture".

Amendment adopted.

#### AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended in Assembly May 1, 1929, in line 50, following the word "Sec.", strike out the figure "7", and insert in lieu thereof the figure "6".

Amendment adopted.

#### AMENDMENT NUMBER SIX.

On page 3 of the printed bill, as amended in Assembly May 1, 1929, in line 3, following the word "Sec.", strike out the figure "8", and insert in lieu thereof the figure "7".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties, and making an appropriation therefor.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

#### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, strike out the period after the word "navigation", and insert "for the purpose of securing federal aid in the development of the water resources of California."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 14, of the printed bill, after the word "California", strike out the period, and insert "for the purpose of ascertaining what federal aid, if any, is necessary or desirable for the development of the water resources of California."

**Amendment adopted.**

## AMENDMENT NUMBER THREE.

On page 1, line 23, of the printed bill, after the period following the word "Legislature", strike out the balance of line 23, all of lines 24, 25, 26 and 27.

**Amendment adopted.**

## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, following line 16, add a new section as follows:

"Sec. 5. Nothing in this act contained shall be deemed to authorize the commission herein provided for performing any of the duties or doing any of the things referred to in the act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 535—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1, lines 2 and 3, of the printed bill, as amended, strike out the words "seventy-nine thousand three hundred sixty-three dollars and twenty-nine", and insert in lieu thereof the following: "eighty thousand nine hundred seventy-six dollars and one".

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1181—An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School.

## COMMITTEE AMENDMENT.

During the second reading of the bill, the following committee amendment was offered:

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. "The unexpended bal-"."

**Amendment adopted.**

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1194—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit

In the event that said state treasurer employs monies in said sinking fund in the purchase of any bonds authorized, issued and theretofore sold under the authority of this act, then, at any time when the amount in said sinking fund shall have any relation to the calling of any such bonds, the state treasurer shall retire and cancel any bonds in said sinking fund authorized, issued and sold under the authority of this act, and the amount in said sinking fund remaining at the time, shall constitute the amount for the purposes of such calling.

At any time that any of such bonds are called for redemption and also at the maturity of said bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, except bonds authorized, issued and sold under the authority of this act, at the governing market rates, after advertising the sale thereof in the manner hereinabove provided for the sale of the bonds heretofore authorized to be issued, and shall use the proceeds for the payment of said bonds.

The state treasurer shall pay the interest on said bonds when the same falls due out of said sinking fund, on Controller's warrants drawn for that purpose.

Any bonds authorized to be issued under the authority of this act and remaining unsold at the maturity thereof shall, at said time, be delivered by the said board of state harbor commissioners, to the state treasurer for cancellation in the manner above provided.

All monies remaining in the San Francisco harbor revenue bond sinking fund after the principal of, and the interest upon, all bonds issued under the authority of this act have been paid in full, and each of such bonds and the interest coupons therefrom, have all been canceled, shall be paid into the San Francisco harbor improvement fund to be expended in accordance with law.

SEC. 13. All bonds issued under the authority of this act shall be negotiable instruments under the provisions of section 3088 of the Civil Code, and may be transferred by delivery and endorsement, and all bonds so issued shall be exempt from state, county and municipal taxation.

SEC. 14. All bonds which shall be issued under the authority of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks both commercial and savings and trust companies and for State school funds and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in said bonds issued under the authority of this act, in such manner as may be prescribed by law; and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public monies, the bonds issued under the authority of this act may be so used in such manner as may be now or hereafter prescribed by law.

SEC. 15. This act may be known and cited as the "San Francisco harbor revenue bond act of 1929."

Bill read second time, ordered to print, and re-referred to Committee on Commerce and Navigation.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 140—An act to add new sections to the Penal Code, to be numbered sections 526 and 527, relating to the making, distribution, or use of matter resembling any process of a court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of recreational harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or counties or wholly or partially including territory of one or more municipalities within such county or counties or lying within unincorporated territory of said county or counties and one or more municipalities therein; defining recreational harbors; and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; authorizing the establishment of appropriate funds in the manner provided by law for the impounding and disbursement of the moneys required to meet such costs and expenses; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the legislative body of the county or city assuming jurisdiction to call the election upon the question of the formation of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; providing the means whereby the legislative body of any city heretofore or hereafter granted any rights in respect to tidelands and submerged lands may permit the exercise of such rights by the board of governors in any harbor district formed hereunder and providing for the appointment within any such harbor district formed under this act of a board of governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors, and providing the means by which territory may be annexed to any harbor district formed hereunder—reports that it has met a like committee of the Assembly, consisting of Assemblymen Little, Sewell and Keaton, and that the Committee on Free Conference has agreed to recommend the following: That said bill as amended in the Assembly on May 7, 1929, be further amended as follows:

## AMENDMENT NUMBER ONE.

On page 18, section 30, line 31, insert the word "only" between the words "30" and "recreational"; page 18, section 30, line 31, strike out the word "only" which follows word "harbors"; page 18, section 30, line 32, insert the word "maintained" after the word "created"; page 18, section 30, line 38, between the words "on" and "any" insert the words "or behind or within any area protected by"; page 18, section 30, line 38, between the words "jetty" and "breakwater", insert the word "or"; page 18, section 30, line 38, between the words "or" and "portion", insert the words "on any"; page 18, section 30, lines 42 and 43, strike out the words "in the opinion of said board of harbor governors"; page 18, section 30, line 45, at the end of the line thereof, insert a new sentence reading: "Any harbor created under the provisions of this act and the lands, works and facilities incidental thereto shall retain its status and character as recreational as defined in this section"; page 19, section 33, line 48, strike out the word "supervisors", and insert the word "governors"; page 20, section 34, lines 34 and 35, strike out the words "or commercial and recreational."

## AMENDMENT NUMBER TWO.

On page 14, line 38, of the printed bill, strike out the word "six", in said line, and insert in lieu thereof the word "four".

## AMENDMENT NUMBER THREE.

On page 13, line 21, of the printed bill, the sentence commencing with the words "The board of supervisors" and all the balance of said line 21 and all of lines 22 to 40, inclusive, and that portion of line 41 ending with the words "to maintain the

said harbor", shall be stricken, and in lieu thereof the following language shall be substituted:

"The board of supervisors shall thereupon establish three funds within the county treasury, one denominated the harbor district bond fund, naming the particular harbor district to which the said fund relates; and the second fund to be denominated the harbor district premium, accrued interest and redemption money fund, naming the harbor district to which the same relates; and the third fund to be denominated the harbor district maintenance fund, naming the harbor district to which said fund relates; there shall be deposited in the harbor district bond fund the principal resulting from the sale of the bonds and there shall be disbursed therefrom moneys required to effect the acquisition, creation and improvement of harbor lands and works; in the harbor district premium, accrued interest and redemption fund there shall be deposited such sums, if any, as are received upon the sale of the bonds as a premium, along with all tax and other moneys collected for the purpose of meeting the harbor district bond redemption and interest charges, and there shall be disbursed from said second fund said sums as are required to meet the charges for redemption of bonds and for interest accrued on account thereof. In the third fund, to wit, the harbor district maintenance fund, there shall be deposited all moneys resulting from charges imposed and collections made in the course of operating the harbor and the works adjacent and appurtenant thereto, and all moneys resulting from taxes imposed for the purpose of maintaining the said harbor and improvements and works appurtenant thereto, and out of said maintenance fund there shall be disbursed the moneys required to maintain the said harbor, its works and appurtenances."

#### AMENDMENT NUMBER FOUR.

On page 23, line 49, of the printed bill, after the words "shall be", and before the words "of a sum", insert the following: "based upon the assessed valuation placed upon the parcels of land within each zone by the county assessor or the county assessors of the county or counties within which said harbor district is situate and".

LYON,  
CARTER,  
MERRIAM.

Senate Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted by the following vote.

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Innes, Jones, Rios, Lyon, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pasiretti, Sharkey, Slater, Swing, Tubbs, Waggy, West, and Young. 32

NOES—None.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of recreational harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or counties or wholly or partially including territory of one or more municipalities within such county or counties or lying within unincorporated territory of said county or counties and one or more municipalities therein; defining recreational harbors; and providing generally what may and may not be done in such harbors so classified and authorizing the governing of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; authorizing the establishment of appropriate funds

in the manner provided by law for the impounding and disbursement of the moneys required to meet such costs and expenses; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the legislative body of the county or city assuming jurisdiction to call the election upon the question of the formation of such harbor district to determine what zones, if any, within the harbor district are benefited to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvement and operations from the United States of America, the State of California, and from any person or persons; providing the means whereby the legislative body of any city heretofore or hereafter granted any rights in respect to tidelands and submerged lands may permit the exercise of such rights by the board of governors in any harbor district formed hereunder and providing for the appointment within any such harbor district formed under this act of a board of governors and fixing the qualifications, tenure of office, powers, duties, and manner of election of such board of governors, and providing the means by which territory may be annexed to any harbor district formed hereunder.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. Booth, Assistant Clerk.

Senate Bill No. 797 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the Division of Exhibits within the Department of Finance—and appointed Assemblymen Jespersen, Cloudsley and West as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. Booth, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Boggs, Inman and Duval as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 397.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 170—An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Statutes 1915, page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 717—An act to amend the title, to amend section 1 and to add a new section to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of



the whole or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1064—An act authorizing any municipal corporation to institute suits against the State of California or any county of said State to cancel tax assessments and sales erroneously made against municipal owned property exempt from taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 150—An act to amend section 4250 of the Political Code, relating to compensation of officers and jurors in counties of the twenty-first class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 760—An act relating to the employment of librarians in the elementary or secondary schools of this State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 871—An act to add two new sections numbered 28a and 25a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors thereon," approved May 23, 1925, as amended, relating to powers and duties of marshals of municipal courts and providing for the maintenance of a night court in cities of the first and one-half class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 786—An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 262—An act to amend section 5 of an act entitled "An act creating the Colorado River Commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927, and to add a new section thereto, to be numbered section 4½, making an appropriation for the use of said commission and extending the term of its existence.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1092—An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.



Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section to article XIII to be known as section 17, relating to revenue and taxation and reimbursements to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation.

Amendment read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the reading of the amendment, Senator Nelson moved to refer Assembly Constitutional Amendment No. 21 to Senator Breed, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 2, of the printed bill, after the word "the" and preceding the word "manner", insert the words "amount and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Constitutional Amendment No. 21, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Assembly Constitutional Amendment No. 21 ordered to print.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Senator Allen's resolution to withdraw Assembly Bill No. 650 from Committee on Finance heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

RESOLUTION.

The following resolution was offered by Senator Allen:

That Assembly Bill No. 650 be recalled from the Committee on Finance and that it forthwith be placed on file.

Resolution read.

PRESIDENT PRO TEMPORE IN THE CHAIR.

At two o'clock and forty minutes p.m., Hon. Arthur H. Breed, President pro tempore of the Senate, in the chair.

SENATOR BOGGS IN THE CHAIR.

At two o'clock and fifty minutes p.m., Senator Boggs of the Tenth District was called to the chair.

RECESS.

At three o'clock and forty minutes p.m., on motion of Senator Breed, the presiding Senator declared the Senate at recess for five minutes for the purpose of greeting distinguished guests from the Veterans of Foreign Wars.

RECONVENED.

At three o'clock and forty-five minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Senator Allen's resolution to withdraw Assembly Bill No. 650 from Committee on Finance resumed.

The question being on the adoption of the resolution.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Allen and Boggs.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Canepa, Carter, Cassidy, Christian, Crowley, Evans, Fellom, Gray, Hurley, Inman, Lyon, Maloney, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Wagy, Weller, and West—23.

NOES—Senators Baker, Boggs, Breed, Cobb, Cleveland, Cobb, Duval, Edwards, Garrison, Handy, Jones, Ray, McCormack, Merriam, Nelson, Rochester, Slater, and Young—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Inman gave notice that he would move to reconsider the vote by which Senator Allen's resolution was adopted.

The question being on the motion to reconsider the vote by which Senator Allen's resolution was adopted.

AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Garrison and Nelson.

The roll was called, and Senator Inman's motion to reconsider the vote by which Senator Allen's resolution was adopted lost by the following vote:

AYES—Senators Baker, Boggs, Breed, Cobb, Edwards, Garrison, Handy, Inman, Jones, Ray, McCormack, Nelson, Rochester, Slater, and Young—14.

NOES—Senators Allen, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Gray, Hurley, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Wagy, Weller, and West—25.

MOTION TO WITHDRAW ASSEMBLY BILL.

Senator Cleveland moved to have Assembly Bill No. 252 withdrawn from Committee on Governmental Efficiency, and placed on file.

Motion carried, and such was the order.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; absent—1.

CHRISTIAN, Chairman.

Senate Bill No. 699 ordered on file for second reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Merriam gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 965 was passed.

SECOND READING OF SENATE BILL.

Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out said line 1, and insert in lieu thereof the following:

"An act to add a new section to the Code of Civil Procedure to be numbered 103b."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 1 to 28, inclusive; also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 103b and to read as follows:

103b. In counties of the first class the justices of the peace shall receive the following salaries to be paid in monthly installments in the manner and out of the same fund as county officers are paid, which salaries shall be in full for all services rendered by such justices of the peace: In townships having a population of thirty thousand or more, six thousand dollars per annum; in townships having a population of more than twenty thousand and less than thirty thousand, two thousand five hundred dollars per annum; in townships having a population of less than twenty thousand, one thousand five hundred dollars per annum. In townships having a population of thirty thousand or more no person shall be eligible to the office of justice of the peace who has not been admitted to practice law in this state and no justice of the peace in a township having a population of thirty thousand or more shall be permitted to practice law while holding such office."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

## RECOMMENDATION BY PRESIDING OFFICER.

In accordance with Joint Rule No. 35, I hereby recommend that the Senate grant permission to vote on Senate Bill No. 699.

The question being: Shall the Senate grant permission to vote on Senate Bill No. 699?

The roll was called, and permission granted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Bill read third time, previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—Senator Garrison—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by others to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the Department of Industrial Relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Inman moved to refer Assembly Bill No. 1179 to Senator Breed, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the amended printed bill, strike out the word "others", and insert in lieu thereof the words "the general public".

##### AMENDMENT NUMBER TWO.

On page 1, line 6, of the amended printed bill, eliminate all of line 6 and the word "enterprise", from line 7 and substitute therefor "by, for, or on behalf of any person in service under any appointment or any contract of hire, or any apprenticeship, express or implied, oral or written".

##### AMENDMENT NUMBER THREE.

On page 1 of the amended printed bill, eliminate lines 11 to 19 and substitute therefor the following paragraph:

"The term 'employee' means and includes every person in the service of any employer as defined in the preceding paragraph under any appointment or any contract of hire, or any apprenticeship, express or implied, oral or written, including aliens and also including minors, while rendering actual service in any establishment or business for such employer, whether gratuitously or for wages or for pay and whether such wages or pay is measured by the standard of time, piece, task, commission or other method of calculating the same and whether such service is rendered on a commission basis, compensation basis, or any other basis whatsoever."

##### AMENDMENT NUMBER FOUR.

On page 2, line 5, of the amended printed bill, strike out the comma after the word "hire", and insert in lieu thereof the word "or".

##### AMENDMENT NUMBER FIVE.

On page 2, line 6, of the amended printed bill, strike out the comma after the word "discharge", and insert in lieu thereof the following: "any employee".

##### AMENDMENT NUMBER SIX.

On page 2, line 9, of the amended printed bill, eliminate the words "or left", and substitute therefor "or given to or left for any employee".

##### AMENDMENT NUMBER SEVEN.

On page 2, line 11, of the amended printed bill, after the word "due", insert "such establishment or enterprise".

##### AMENDMENT NUMBER EIGHT.

On page 2, line 12, of the amended printed bill, after the word "sold", insert "such patron or patrons".

##### AMENDMENT NUMBER NINE.

On page 2, line 24, of the amended printed bill, eliminate all of section 2 to line 49, and substitute therefor:

"Sec. 2. Every employer, or agent or any employer, who collects, takes or receives any tips or gratuities, or a part thereof, paid or given to or left for his employees by patrons, or who deducts any amount from wages due his employees on account of such tips or gratuities, or who requires his employees to credit the amount, or any part thereof, of such tips or gratuities received by them against and as a part of the wages due such employees from said employer, shall post and keep posted in a conspicuous place at the location or locations where the said business or enterprise is carried on, where it can easily be seen by the patrons thereof, a notice or notices, in lettering or printing of not less than forty-eight point black-face type, to the following effect, as the case may be:



(1) If not shared by the employees, that any tips or gratuities paid, given to or left for employees by patrons go to and belong to the establishment or employer and are not shared by the employees themselves.

(2) If shared by the employees, the extent to which such tips or gratuities are shared between employer and employees.

Such notice shall also state the extent to which the employees are required by such employer to accept such tips or gratuities in lieu of wages or the extent to which the employee is required to accept and credit such tips and gratuities against wages due such employees. Every employer shall also keep accurate records of all such tips or such gratuities received by such employer, whether received directly from the worker or indirectly by means of distribution from the wages of the worker or otherwise, which records shall be open to inspection at all reasonable hours by the department of industrial relations.

#### AMENDMENT NUMBER TEN

On page 3 line 18 of the recorded printed bill, after the word "agreement", strike out the period and add the following: "and as a part of the social public policy of this state, binding upon all departments of the state government."

Motion carried

#### REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 4479 with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Human adopted.

Bill ordered to print.

#### MESSAGE FROM THE ASSEMBLY

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste, to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919 as amended, and to add three new sections thereto to be numbered 8, 9 and 10, regulating fisheries of the State operating for commercial purposes—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS

The Senate took up for consideration Assembly amendments to Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste, to establish grades by which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add three new sections thereto to be numbered

8, 9 and 10, regulating fisheries of the State operating for commercial purposes.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED THIRTY-FOUR

AMENDMENT NUMBER ONE.

On page 3, line 44, of the printed bill, as amended in Senate May 1, 1929, strike out the following: "forty per cent (40%)", and insert in lieu thereof the following: "thirty per cent (30%)".

AMENDMENT NUMBER TWO.

On page 3, line 51, of the printed bill, as amended in Senate May 1, 1929, strike out the period after the word "used", and insert in lieu thereof a semicolon and the following: "provided, further, that plants other than packing or reduction plants which are solely engaged in the manufacture of products from fish which are fit to be used, intended to be used and are in fact used for human consumption and where either fifty per cent of the wet weight of the fish will be used in the manufacture of such product or that all of the oil extractable and extracted from such fish will be so used within the State of California, then the commission shall issue a permit authorizing the applicant to use in its plant the quantity of fish set forth and requested in said application for the purposes therein specified."

AMENDMENT NUMBER THREE.

On page 4, line 14, of the printed bill, as amended in Senate May 1, 1929, strike out the period after the word "condition", and insert in lieu thereof a semicolon and the following: "provided, further, that any of such fish so used in a reduction plant by a canner of sardines shall be deemed the equivalent of sardines and included within the percentage of the total amount of sardines received by such canner during each calendar month herein allowed to be used by such canner of sardines in a reduction plant."

AMENDMENT NUMBER FOUR.

On page 2, line 27, of the printed bill, as amended in the Senate May 1, 1929, strike out the word "unlawful", and insert in lieu thereof the word "lawful".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 434?

The roll was called, and Assembly Amendments to Senate Bill No. 434 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Hardy, Hurley, Lyon, McCormack, McKinley, Murphy, Rochester, Sharkey, Slater, Tubbs, Weller, West, and Young—26.

NOES—None.

Senate Bill No. 434 ordered to print, and enrollment.

Assembly Bill No. 1152—An act to amend section 1617 of the Penal Code, relating to prisoners in city jails.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Weller moved to refer Assembly Bill No. 1152 to Senator Young, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 13, of the printed bill, as amended, following the word "met", insert "at regularly called meetings at which two-thirds of the members are present".

AMENDMENT NUMBER TWO.

On page 2, line 14, of the printed bill, as amended, following the word "regulations", insert "in writing stating the reasons therefor".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1152, with instructions to amend, respectfully reports the same back, amended as per instructions.

YOUNG, Special Committee

Report read, and on motion of Senator Weller adopted.  
Bill ordered to print.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 167—An act to provide an institution for the confinement, care, training and rehabilitation of defective or psychopathic delinquents; to provide for the admission and commitment of such defective or psychopathic delinquents, providing penalties for certain violations hereof and making an appropriation to carry out the provisions of this act—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

GRAY, Chairman.  
CROWLEY,  
PEDROTTI.

Assembly Bill No. 167 ordered re-referred to Committee on Finance.

## RECESS.

At five o'clock and twenty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of nine o'clock p.m.

## RECONVENED.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation for the exclusion of Filipinos—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

EDWARDS, Chairman.

Assembly Joint Resolution No. 15 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 16—Relating to resurvey of north boundary of Hoopa Indian Reservation and modification of Klamath River Fish and Game District Initiative Act—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

EDWARDS, Chairman.

Assembly Joint Resolution No. 16 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 14—Relative to memorializing Congress to give favor-

able consideration to Senate Bill No. 121—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

EDWARDS, Chairman.

Assembly Joint Resolution No. 14 ordered on file.

#### ON CONSERVATION.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of procedure therewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

EVANS, Chairman.

Assembly Concurrent Resolution No. 38 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 240—An act to amend section 2 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to the State park system;

Also: Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

EVANS, Chairman.

Assembly Bills Nos. 240 and 1055 ordered on file for second reading.

#### COMMUNICATION.

The following communication was received and ordered printed in the Journal:

By Senator Young:

SAN JOSE STATE TEACHERS COLLEGE,

SAN JOSE, CALIFORNIA, May 11, 1929.

To the President of the Senate

And to the Senators of the State of California, Sacramento

GENTLEMEN: Through the courtesy of the distinguished representatives, the Honorable Herbert W. Slater and Herbert C. Jones, and the Honorable Sanborn Young, of my home county, Santa Clara, I am expressing appreciation, felt with a full heart, of the action of the Legislature in naming me "The Laureled Crowned Poet of California." May I say my hope is your action may help to bring, from season to season, into clearer aspect, the infinite beauty and variety of California landscape; and, into fuller view, the glory of California achievement and aspiration. I am asking my friends, Senators Young and Jones, to bear and present this message to you. Hoping to endure worthily a servant in the poetic to all California.

I am gratefully yours,

HENRY MEADE BLAND.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt Senate Joint Resolution No. 3—Relating to hours of employment of persons on interstate carriers.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 874. An act to amend sections 2 and 156 of the "Building and Loan Commission Act" and to add a new section thereto, to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent non-withdrawable capital stock of building and loan associations; relating to the formation of building and loan associations; providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 874 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 270. An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 270 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 268. An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 268 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 248. An act to provide for the alteration of the boundaries of and for the annexation of incorporated and/or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 248 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 724. An act to provide for the organization and government of public water districts, in unincorporated territory.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 724 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 844. An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 844 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 856—An act relating to an appropriation to pay the claim of Pietro Cadie against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 856 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 858—An act relating to an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 858 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 873—An act relating to an appropriation to pay the claim of Byron Fitts against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 873 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 48—An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 48 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 357—An act amending section 2343 of the Penal Code, relating to the Department of Social Welfare and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 357 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 415 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 789—An act to amend section 7 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property

inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of territory of any incorporated city or cities within such assessment district; and for the county aid in such work." Approved March 21, 1907, as amended, relating to protest.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 789 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 735—An act to amend section 1 of an act of the Legislature of the State of California entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without a boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved as amended March 21, 1907, relating to types of improvement authorized.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 735 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by amending section -----, relating to-----

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 752 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work."

approved March 21, 1907, as amended, relating to the form and manner of issuance of bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 788 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the experimental and research work as to the efficacy of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle, recommended by the Pasteur Institute of Lille, France.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 868 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 547—An act to amend section 3480a of the Political Code, relating to and providing for a method of refunding the installments of the principal of any reclamation district bonds now or hereafter issued as and when the said installments, or any thereof, or any part thereof, shall mature.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 547 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 854—An act to amend section 7370a of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 854 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 552 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior colleges to charge tuition to all students nonresident of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 871 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 551 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. O'HINIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 843—An act authorizing and directing the Governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin River, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin River, in accordance with an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED FORTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 9 of the printed bill, as amended in Senate March 29, 1929, beginning with line 41, strike out all to and including line 2 on page 10.

##### AMENDMENT NUMBER TWO.

On page 11, line 52, of the printed bill, as amended in Senate March 29, 1929, strike out the word "company", and insert in lieu thereof the word "property".

##### AMENDMENT NUMBER THREE.

On page 13, line 12, of the printed bill, as amended in Senate March 29, 1929, strike out the numerals "32160", and insert in lieu thereof the numerals "321.60".

##### AMENDMENT NUMBER FOUR.

On page 13, line 16, of the printed bill, as amended in Senate March 29, 1929, strike out the numerals "46250.00", and insert in lieu thereof the numerals "4625.00".

##### AMENDMENT NUMBER FIVE.

On page 18, line 24, of the printed bill, as amended in Senate March 29, 1929, strike out the words "forty-eight", and insert in lieu thereof the numerals "48".

##### AMENDMENT NUMBER SIX.

On page 23, line 6, of the printed bill, as amended in Senate March 29, 1929, strike out the word "one", and insert in lieu thereof the numeral "1".

##### AMENDMENT NUMBER SEVEN.

On page 23, line 8, of the printed bill, as amended in Senate March 29, 1929, strike out the word "with", which is the eighth word in said line, and insert in lieu thereof the word "of".

##### AMENDMENT NUMBER EIGHT.

On page 24, line 1, of the printed bill, as amended in Senate March 29, 1929, strike out the numerals "883.50", and insert in lieu thereof the numerals "883.59".

## AMENDMENT NUMBER NINE.

On page 35, line 26, of the printed bill, as amended in Senate March 29, 1929, strike out the word "of".

## AMENDMENT NUMBER TEN.

On page 36, line 18, of the printed bill, as amended in Senate March 29, 1929, strike out the word "then", and insert in lieu thereof the word "thence".

## AMENDMENT NUMBER ELEVEN.

On page 40, line 49, of the printed bill, as amended in Senate March 29, 1929, after the semicolon and before the word "north", insert the word "thence".

## AMENDMENT NUMBER TWELVE.

On page 7 of the printed bill, strike out all of lines 41 and 42, down to and including the word "records".

## AMENDMENT NUMBER THIRTEEN.

On page 12, line 37, of the printed bill, strike out the word "northern", and insert in lieu thereof the word "northerly".

## AMENDMENT NUMBER FOURTEEN.

On page 22, line 44, of the printed bill, strike out the figures "2044", and insert in place thereof the figures "2024".

## AMENDMENT NUMBER FIFTEEN.

On page 24, line 44, of the printed bill, after the word "point", insert a semicolon.

## AMENDMENT NUMBER SIXTEEN.

On page 25, line 41, of the printed bill, after the word "point", insert a semicolon.

## AMENDMENT NUMBER SEVENTEEN.

On page 34, line 26, of the printed bill, strike out the word "of", before the letter "C".

## AMENDMENT NUMBER EIGHTEEN.

On page 42, line 10, of the printed bill, strike out the word "twenty", and insert in lieu thereof the figures "20".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 843?

The roll was called, and Assembly amendments to Senate Bill No. 843 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Crooksey, Edwards, Garrison, Gray, Handy, Hurley, Innate, Lyon, McConkey, McCormack, McKinley, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Senate Bill No. 843 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict-made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale.

# ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED TWENTY.

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended, strike out all of lines 49 to 52, inclusive, and insert in lieu thereof the following:

"SEC. 5. The provisions of this act shall not apply to any goods, wares or merchandise manufactured in any penitentiary or prison of this state".

## AMENDMENT NUMBER TWO.

On page 3 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 820?

The roll was called, and Assembly amendments to Senate Bill No. 820 concurred in by the following vote:

AYES—Senators Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Hurley, Inman, Lyon, Maloney, McCormack, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—26.

NOES—None.

Senate Bill No. 820 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 870—An act providing for the licensing of aircraft and airmen and to make uniform the law with reference thereto; providing penalties for violations and repealing acts in conflict herewith; and making an appropriation therefor.

# ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED SEVENTY.

## AMENDMENT NUMBER ONE.

Strike out lines 1 to 5, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act relating to the use of the air and to make uniform the law with reference thereto; providing for the licensing of aircraft, airmen and air navigation facilities; providing, in a certain contingency, for the creation of the aeronautical commission of California, prescribing its powers and duties and making an appropriation for its use; providing for the enforcement of the act and penalties for violations thereof and repealing acts in conflict therewith."

## AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out lines 3 to 13, inclusive, and insert in lieu thereof the following:

"SEC. 2. Except in taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, it shall be unlawful to navigate any aircraft over the congested parts of a city, town, settlement or open-air assembly of persons, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than one thousand feet, or elsewhere at a height less than five hundred feet, except where indispensable to an industrial flying operation; *provided*, that the provisions of this section shall not apply when special circumstances render a departure therefrom necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

SEC. 3. It shall be unlawful to acrobatically fly an aircraft carrying passengers for hire or any aircraft over a congested area of any city, town, settlement or open-air



assembly of persons, or below two thousand feet in height over any established civil airway, or at any height over any established airport or landing field. Any acrobatic maneuvers performed over any other place shall be concluded at a height greater than one thousand five hundred feet. The term "acrobatically fly" as used in this section means any intentional maneuver not necessary to air navigation."

AMENDMENT NUMBER THREE.

On page 3 of the printed bill, strike out line 11, and insert in lieu thereof the following: "the operation of aircraft in flying, or the use of airports, emergency or other landing fields, or in any way regulating".

AMENDMENT NUMBER FOUR.

On page 3, line 27, of the printed bill, strike out the words "received actual", and insert in lieu thereof the following: "receive his actual and".

AMENDMENT NUMBER FIVE.

On page 4 of the printed bill, strike out lines 15 to 18, inclusive, and insert in lieu thereof the following:

"No state license shall be necessary under this section in the case of any aircraft or airman holding a valid and existing federal license, corresponding to the state license which would otherwise be required hereunder."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 870?

The roll was called, and Assembly amendments to Senate Bill No. 870 concurred in by the following vote:

AYES—Senators Boggs, Canepa, Cassidy, Christman, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lavin, Maloney, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Wagy, Weller, West, and Young—26.  
 NOES—None.

Senate Bill No. 870 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED EIGHTY-SEVEN.

AMENDMENT NUMBER ONE.

On page 1, line 22, of the printed bill, strike out the words "four and one-half."

AMENDMENT NUMBER TWO.

On page 2, line 13, of the printed bill, immediately following the comma after the word "two", insert the following: "two and one-half."

AMENDMENT NUMBER THREE.

On page 2, line 15, of the printed bill, immediately following the word "trout", insert the following: "taken with hook and line or spear."

AMENDMENT NUMBER FOUR.

On page 3, line 12, of the printed bill, immediately following the word "spear", insert the following: "gaff or other such contrivance".

AMENDMENT NUMBER FIVE.

On page 3, line 14, of the printed bill, strike out the period after the word "stream", and insert in lieu thereof a semicolon and the following: "provided, that this provision shall not apply to the possession of gaff or such appliance carried



as accessory to the landing of a fish already taken with hook and line in the manner commonly known as angling."

AMENDMENT NUMBER SIX.

On page 3, line 25, of the printed bill, strike out the words "ship or transport", and insert in lieu thereof the word "carry".

AMENDMENT NUMBER SEVEN.

On page 3, line 27, of the printed bill, strike out the words "county in which the trout are caught.", and insert in lieu thereof thereof the following: "district in which the trout were caught or legally possessed,".

AMENDMENT NUMBER EIGHT.

On page 3, line 30, of the printed bill, strike out the word "consignee", and insert in lieu thereof the word "consignor".

AMENDMENT NUMBER NINE.

On page 3, line 33, of the printed bill, immediately following the semicolon after the word "made", insert the following: "*provided*, that trout lawfully taken and possessed may be shipped into a closed district when such shipment is accompanied by a written statement signed by the person taking said trout and countersigned by the agent of the express company to whom said trout are offered for shipment, stating that the trout were legally taken and setting forth the address of the person possessing same;".

AMENDMENT NUMBER TEN.

On page 3, line 42, of the printed bill, strike out the period after the word "commission", and insert in lieu thereof a semicolon and the following: "*provided*, that steelhead trout are not to be sold, offered or exposed for sale or held in possession in excess of the daily limit provided for in subdivision (a) and (f) hereof, at any time in fish and game district one and one-half."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 687?

The roll was called, and Assembly amendments to Senate Bill No. 687 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Lyon, Maloney, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 687 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the Mountain View Cemetery in the city of Oakland—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the city of Oakland.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED FIFTY-FIVE.

AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, after the comma, insert the following: "or so much thereof as may be necessary,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 755?

The roll was called, and Assembly amendment to Senate Bill No. 755 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 755 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DISCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties, and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED TWENTY-EIGHT.

##### AMENDMENT NUMBER ONE.

On page 1, line 19, of the title of the printed bill, as amended in Senate April 4, 1929, after the word "bureau" in said line 19, strike out the period, insert a semicolon and the following: "and to make an appropriation therefor."

##### AMENDMENT NUMBER TWO.

On page 2, line 13, of the printed bill, as amended in Senate April 4, 1929, strike out lines 13 and 14, and insert in lieu thereof the following: "appoint a superintendent for said bureau and such special criminal investigators not to exceed six in".

##### AMENDMENT NUMBER THREE.

On page 2, line 17, of the printed bill, as amended in Senate April 4, 1929, strike out the words "investigators or specialists in crime detection", and insert in lieu thereof the following: "special criminal investigators".

## AMENDMENT NUMBER FOUR.

On page 4, of the printed bill, as amended in Senate April 4, 1929, following line 41, insert the following:

"Sec. 5. A new section is hereby added to said act to be numbered section 9b to read as follows:

Sec. 9b. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-five thousand dollars (\$35,000) for the purposes of carrying out the provisions of this act in addition to such sum or sums otherwise appropriated for such purpose."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 128?

The roll was called, and Assembly amendments to Senate Bill No. 128 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 128 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 460—An act to add a new chapter to be numbered chapter eleven, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to slander—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 460—An act to add a new chapter to be numbered chapter 11, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to slander.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED SIXTY.

## AMENDMENT NUMBER ONE.

On page 1 of the printed amended bill, in line 1 of the title, after the word "act", strike out the word "to".

## AMENDMENT NUMBER TWO.

On page 1 of the printed amended bill, in line 2 of the title, after the word "chapter", insert the following: "to the Penal Code".

## AMENDMENT NUMBER THREE.

On page 1, line 19, of the printed amended bill, after the comma following the word "uttered", insert the following: "whether or not it be communicated through or by radio or any mechanical or other means or device whatsoever."

## AMENDMENT NUMBER FOUR.

On page 1, line 22, of the printed amended bill, following the comma, insert the following: "or of any educational, literary, social, fraternal, benevolent or religious corporation, association or organization,".

## AMENDMENT NUMBER FIVE.

On page 1, line 23, of the printed amended bill, following the word "him", insert the words "or it".

## AMENDMENT NUMBER SIX.

On page 2, line 20, of the printed amended bill, strike out the following: "The jury has the right to determine the law and the fact."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 460?



The roll was called, and Assembly amendments to Senate Bill No. 460 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubb, Wagv, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 460 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 748. An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing state acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of the legislative bodies of municipalities and counties in connection with the use of this act and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMI S., Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county, or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing State acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED FORTY-EIGHT.

##### AMENDMENT NUMBER ONE.

On page 11 of the printed bill, as amended in the Senate April 18, 1929, after line 23, insert a paragraph reading as follows:

"No lease or sale made in conformity with the provisions of this section shall be effective unless a statement, in general terms, of the terms and conditions of such proposed lease or sale is adopted by the legislative body having charge of such transportation district and placed on file in writing in its office prior to, or at the time of, the adoption of any ordinance of intention initiating proceedings for the acquisition of property or for any construction work in connection with the acquisition or construction, or for the acquisition and construction, of any transportation facility within any such district, to pay for which any assessment is to be levied, and notice of the terms and conditions thereof is given in or with the said ordinance of intention, such publication being in the same manner as provided by law for the publication of such ordinance of intention or unless such lease or sale is approved by a majority vote of the property owners within such district voting at an election held for the purpose. At any such election each owner of property in the district, whether residing in the district or not, shall have the right to cast one vote for each



acre or fraction thereof owned by him. In any such election the records of the county assessor shall be conclusive evidence as to the ownership of property. Such election shall be called by resolution of the legislative body adopted at least thirty days before such election. Notice of the time and place of the holding of such election must be given by posting notices thereof in at least three public places in each election precinct in the district for at least twenty days prior thereto and also by publication of such notice at least once a week for at least three consecutive weeks before such election in a newspaper of general circulation within the territorial jurisdiction of the legislative body having jurisdiction over such transportation district. Such notice shall specify the time of holding such election, and must set forth a copy of the resolution fixing the terms and conditions of the proposed lease or sale. At such election the ballot shall contain the words "Proposed sale (or lease) approved—Yes" and "Proposed sale (or lease) approved—No" or words the equivalent thereof."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 748?

The roll was called, and Assembly amendment to Senate Bill No. 748 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 748 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 567—An act to amend sections 2, 3, 4, 19, and 27, of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 567—An act to amend sections 2, 3, 4 and 19 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SIXTY-SEVEN.

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Senate March 15, 1929, strike out the numbers and word "4 and 19", and insert in lieu thereof the following: "4, 19, and 27."

## AMENDMENT NUMBER TWO.

On page 2, line 22, of the printed bill, as amended in Senate March 15, 1929, strike out the word "the", following the word "resolution", and insert in lieu thereof a period and the word "The".

## AMENDMENT NUMBER THREE.

On page 3, line 8, of the printed bill, strike out the word "resolution", and insert in lieu thereof the word "ordinance".

## AMENDMENT NUMBER FOUR.

On page 3, line 10, of the printed bill, as amended in Senate March 15, 1929, strike out the numeral "4", and insert in lieu thereof the numeral "2".

## AMENDMENT NUMBER FIVE.

On page 3, line 21, of the printed bill, strike out the following: "notice of public work", and insert in lieu thereof the following: "ordinance of intention".

## AMENDMENT NUMBER SIX.

On page 4 of the printed bill, following the word "next" in line 12 thereof, insert the word "regular".

## AMENDMENT NUMBER SEVEN.

On page 3, line 13, of the printed bill, strike out the words "copies of said", and insert in lieu thereof the words "a postcard notice".

## AMENDMENT NUMBER EIGHT.

On page 3, line 17, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "notifying said property owner of the date of passage and number of the ordinance of intention, and the time and place set for the hearing of protests against the improvement."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 567?

The roll was called, and Assembly amendments to Senate Bill No. 567 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Senate Bill No. 567 ordered to print, and enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 466—An act to amend the "American River Flood Control District Act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees; a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions; a new section to be numbered section 11a, providing for a bond validation proceeding; a new section to be numbered section 18a, making an appropriation in the sum of twenty five thousand dollars to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment; a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 466—An act to amend the "American River Flood Control District Act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in

the board of trustees, a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions, a new section to be numbered section 11a, providing for a bond validation proceeding, a new section to be numbered section 18a, making an appropriation in the sum of \$25,000 to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment, a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED SIXTY-SIX.

AMENDMENT NUMBER ONE.

On page 3, line 28, of the printed bill, as amended in Senate April 23, 1929, after the word "twelve", insert the following: "of block forty".

AMENDMENT NUMBER TWO.

On page 3, line 33, of the printed bill, as amended in Senate April 23, 1929, after the word "twelve", insert the following: "of block forty".

AMENDMENT NUMBER THREE.

On page 12, line 2, of the printed bill, as amended in Senate April 23, 1929, after the word "county", insert the following: "of Sacramento as residing".

AMENDMENT NUMBER FOUR.

On page 12, line 52, of the printed bill, as amended in Senate April 23, 1929, strike out the period following the word "thereto", and insert the following: "and shall fix the rate of interest said bonds shall bear which rate shall not be in excess of seven per cent per annum."

AMENDMENT NUMBER FIVE.

On page 13, line 14, of the printed bill, as amended in Senate April 23, 1929, beginning in said line 14, strike out the comma and the following: "rate of interest shall not be in excess of seven per cent per annum, and", and insert in lieu thereof the word "interest".

AMENDMENT NUMBER SIX.

On page 13, line 34, of the printed bill, as amended in Senate April 23, 1929, after the word "trustees", insert the following: "in the name of the district".

AMENDMENT NUMBER SEVEN.

On page 18, line 34, of the printed bill, as amended in Senate April 23, 1929, beginning in said line 34, strike out the words "county and city", and insert in lieu thereof the words "and county".

AMENDMENT NUMBER EIGHT.

On page 19, line 25, of the printed bill, as amended in Senate April 23, 1929, strike out the word "drafts", and insert in lieu thereof the word "claims".

AMENDMENT NUMBER NINE.

On page 20, line 30, of the printed bill, as amended in Senate April 23, 1929, beginning in said line 30, strike out the following: "and posting said notice for at least five days at or near the door of the meeting place of the board of trustees prior to the date set for opening bids".

AMENDMENT NUMBER TEN.

On page 20, line 35, of the printed bill, as amended in Senate April 23, 1929, strike out the words "and post".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 466?

The roll was called, and Assembly amendments to Senate Bill No. 466 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Inman, Lyon, Maloney,



McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—31.

NOES—None.

Senate Bill No. 466 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DISCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FORTY-THREE.

AMENDMENT NUMBER ONE.

On page 8, line 42, of the printed bill, strike out the words "thirty-five hundred", and insert in lieu thereof the words "one thousand".

AMENDMENT NUMBER TWO.

On page 8, line 46, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "ten".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 43?

The roll was called, and Assembly amendments to Senate Bill No. 43 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 43 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 745—An act to



amend section 1446 of the Penal Code, relating to judgments in criminal cases—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED FORTY-FIVE.

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, as amended, strike out all of lines 3 to 6, inclusive, and insert in lieu thereof the following:

"1446. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every dollar of the fine; or such judgment may also direct that the defendant pay the fine within a limited time or in installments, to be stipulated in the judgment and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full, in the proportion of one day's imprisonment for every dollar of the fine remaining unpaid."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 745?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 745 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canapa, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 754—An act to add a new section to be numbered 2a to an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 754 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 27—An act to amend section 626a of the Penal Code, relating to the protection of game—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 27 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537f, 537g, and 537h, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of

false statements, and prescribing punishment therefor—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 319?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 319 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Harbo, Harbo, Lavin, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

#### APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President announced the appointment of Senators Sharkey, Swing and Tubbs as a Committee on Free Conference, to meet with a like committee from the Assembly to consider Senate amendments to Assembly Bill No. 319.

The Secretary was directed to notify the Assembly of the Senate appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1022—An act to amend section 2322-26 of the Political Code, relating to the salaries of the county horticultural commissioner, deputies and inspectors in counties of the twenty sixth class—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1022?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1022 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Garrison, Gray, Harbo, Harbo, Lavin, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

#### APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President announced the appointment of Senators Cleveland, Christian and West as a Committee on Free Conference to meet with a like committee from the Assembly to consider Senate amendments to Assembly Bill No. 1022.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Constitutional Amendment No. 11—A resolution to propose to the

people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government.

ASSEMBLY AMENDMENT TO SENATE CONSTITUTIONAL AMENDMENT  
NUMBER ELEVEN.

AMENDMENT NUMBER ONE.

Strike out all of line 18 of the printed bill, after the word "to". Strike out all of line 19, and the words "of the railroad commission" in line 20, and insert in lieu thereof the following: "officers and boards which under the provisions of this constitution are filled through elections by the people".

The question being: Shall the Senate concur in Assembly amendment to Senate Constitutional Amendment No. 11?

The roll was called, and Assembly amendment to Senate Constitutional Amendment No. 11 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Gray, Handy, Inman, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tabbs, Waggy, Weller, West, and Young—32.

NOES—None.

Senate Constitutional Amendment No. 11 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 8—Relative to the framing and ratifying of municipal charters and amendments thereto.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 12—Relative to requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended, Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections 7 and 11 of that article—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California, repealing sections 2, 3, 9, 12 and 14, and amending sections 7 and 11 of that article.

ASSEMBLY AMENDMENT TO SENATE CONSTITUTIONAL AMENDMENT NUMBER  
TWENTY-FOUR.

AMENDMENT NUMBER ONE.

On page 2, line 16, of the printed bill, as amended, after the comma after the word "laws", insert the word "uniformly".

The question being: Shall the Senate concur in Assembly amendment to Senate Constitutional Amendment No. 24?

The roll was called, and Assembly amendment to Senate Constitutional Amendment No. 24 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and Young—31.

NOES—None.

Senate Constitutional Amendment No. 24 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 48—Relative to certain abuses arising from the conduct of fruit and vegetable auctions within this State.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 48 referred to Committee on Agriculture and Live Stock.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

SHARKEY, Chairman.

Assembly Bill No. 485 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Concurrent Resolution No. 9—Providing for the creation of a joint committee of the Senate and Assembly to investigate aviation conditions in the State of California and to the question of safety and prevention of accidents thereto: to prepare and make recommendations concerning changes in existing laws, and the enactment and enforcement of laws relating to the use and operation of aeroplanes, and to prepare and submit with supporting facts, ascertained, a report as to the advisability of the adoption of a uniform law regulating aviation and making appropriation to meet the expenses of said committee necessarily incurred in said work—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted, and be re-referred to Committee on Contingent Expenses.

Committee membership—15; committee vote: Ayes—8; absent—7.

SHARKEY, Chairman.

Assembly Concurrent Resolution No. 9 ordered re-referred to Committee on Contingent Expenses.



## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Assembly Concurrent Resolution No. 34—Relative to the joint legislative committee appointed to study and investigate the regulation and control of the sale of corporate securities within this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass, and be referred to Committee on Contingent Expenses.

(Signed out)

McKINLEY, Chairman.  
ROCHESTER.  
CHRISTIAN.  
SWING.  
BAKER.

Assembly Concurrent Resolution No. 34 referred to Committee on Contingent Expenses.

Assembly Concurrent Resolution No. 34—Relative to the joint legislative committee appointed to study and investigate the regulation and control of the sale of corporate securities within this State.

## COMMITTEE AMENDMENTS.

During the reading of the resolution, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

Strike out all of lines 2 to 4, inclusive, of the title of the printed measure, and insert in lieu thereof the following: "legislative committee appointed to study, inquire into, and survey, the corporation laws of, and the sale of corporate securities within, this state and other states".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1 of the printed measure, strike out all of lines 19 to 22, inclusive, and insert in lieu thereof the following: "aforesaid joint legislative committee, consisting of the three members of the Assembly heretofore appointed by the speaker of the Assembly and the three members of the Senate heretofore appointed by the president of the Senate, together with the speaker of the Assembly and the president of the Senate, who are hereby made ex officio members of the committee, shall continue to meet and function, at such times and".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed measure, strike out the words "study and investigate", and insert in lieu thereof the following: "study, survey, and inquiry,".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2 of the printed measure, strike out all of lines 11 to 25, inclusive, and insert in lieu thereof the following:

*Resolved*, That for the purpose of recommending legislation based upon its findings, the committee is hereby authorized to study, inquire into, and survey: (1) The laws, rules and regulations of this state and of other states relating to corporations and to the sale of corporate securities therein; (2) the methods of control and supervision of the formation, licensing and operation of domestic and foreign corporations within this state and other states; (3) the methods of regulation and control of the sale of corporate securities within this state and other states; (4) the control, management and operation of stock and bond exchanges within this state and other states; (5) all matters, laws, and conditions, which may be necessary or advisable in order to enable the committee fully to inform itself and advise the Legislature at its forty-ninth session of the necessity or advisability of legislation in relation to corporations incorporated or doing business, and, or the sale of corporate securities, within this state; and be it further

*Resolved*, That nothing herein contained shall be construed to authorize the committee to investigate or interfere with the conduct of the corporation commissioner's office, but the committee shall be given such cooperation, assistance, and advice, by the corporation commissioner and his deputies as, within the limits specified, the committee may desire and request; and be it further".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2 of the printed measure, strike out all of line 39, and insert in lieu thereof the following: "the control or regulation of corporations, and or the sale of corporate securities,".

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 45, of the printed measure, after the word "appropriated", in said line, insert the following: "and set aside from the contingent funds of the Assembly and Senate,".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 2, line 49, of the printed measure, after the word "committee" in said line, insert the following: "(including the actual and necessary traveling and per diem expenses of the ex officio members thereof)".

Amendment adopted.

Bill read second time, ordered to print, and re-referred to Committee on Contingent Expenses.

## ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, MAY 12, 1929.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Assembly Concurrent Resolution No. 34—Relative to the joint legislative committee appointed to study and investigate the regulation and control of the sale of corporate securities within this State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

CARTER, Chairman.  
CASSIDY  
MALONEY

Assembly Concurrent Resolution No. 34 ordered on file.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 47—A resolution calling for the appointment of a special legislative committee to consider the constitutional mandate with respect to "unlawful liens and to suggest remedial legislation"—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—15; committee vote: Ayes—14; absent—1.

INMAN, Vice Chairman.

Assembly Concurrent Resolution No. 47 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 477—An act to amend sections 24, 28, 43 and 46 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California"—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—4; absent—2.

INMAN, Vice Chairman.

Assembly Bill No. 477 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 70—An act to amend section 67 of the Code of Civil Procedure, relating to the superior court of the city and county of San Francisco, increasing the number of judges thereof, and providing for their compensation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—14; absent—1.

INMAN, Vice Chairman.

Assembly Bill No. 70 ordered on file for second reading.

## SPECIAL ORDER.

Senator Crowley moved that Assembly Bill No. 94 be made a special order for the fourteenth day of May, 1929, at two o'clock and thirty minutes p.m.

Motion carried.

Also:

## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 394—An act to add a new section to be numbered 5b to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to sale of poisons—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

CROWLEY, Chairman.

Assembly Bill No. 394 ordered on file for second reading.

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 3—An act to amend section 2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to proceedings for the incorporation of unincorporated territory—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Assembly Bill No. 3 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 810—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 9, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a, relating to the issuance of bonds to represent assessments levied for public improvements made under the "Street Opening Act of 1903"—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

LYON, Chairman.

Assembly Bill No. 810 ordered on file for second reading.

## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Concurrent Resolution No. 48—Relative to certain abuses arising from the conduct of fruit and vegetable auctions within this State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

BOGGS, Chairman.

CASSIDY.

COBB.

SLATER.

HANDY.

GARRISON.

SHARKEY.

EDWARDS.

WAGY.

McCORMACK.

Assembly Concurrent Resolution No. 48 ordered on file.



## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702 and 703, relating to the Division of Exhibits within the Department of Finance—reports that it has met a like committee of the Assembly, consisting of Assemblymen Jaspersen, Cloudsley and West, and that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments adopted April 29, 1929, and that the bill as amended in Assembly April 29, 1929, be further amended as per following amendments:

## AMENDMENT NUMBER ONE.

In the title of the printed bill, as amended in Assembly April 29, 1929, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"An act to add nine new sections to article eighteen, of chapter three, of title one, of part three, of the Political Code, to be numbered 694a, 694b, 694c, 694d, 694e, 694f, 694g, 694h, and 694i, relating to the organization, powers and duties of the state board of agriculture, the state agricultural society and district agricultural associations, and the officers, members and employees thereof, and the powers and duties of the department of finance in relation thereto, and creating a division of exhibits within the department of finance."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of the Political Code to be numbered 694a and to read as follows:

694a. There is hereby created in the department of finance a".

## AMENDMENT NUMBER THREE.

On page 1 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 14 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 2. A new section is hereby added to article eighteen, of chapter three, of title one, or part three of said code to be numbered 694b and to read as follows:

694b: The department of finance shall succeed to and is".

## AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 21 to 23, inclusive, and insert in lieu thereof the following:

"SEC. 3. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694c and to read as follows:

694c. For the purposes of this article, the terms "state board".

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 36 to 38, inclusive, and insert in lieu thereof the following:

"SEC. 4. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694d and to read as follows:

694d. Within the department of finance, the board of direc".

## AMENDMENT NUMBER SIX.

On page 3 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following:

"SEC. 5. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694e and to read as follows:

694e. The department of finance shall succeed to and is".

## AMENDMENT NUMBER SEVEN.

On page 3 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 28 to 30, inclusive, and insert in lieu thereof the following:

"SEC. 6. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694f and to read as follows:

694f. Immediately after the date upon which this act".

## AMENDMENT NUMBER EIGHT.

On page 3 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 40 to 42, inclusive, and insert in lieu thereof the following:

"SEC. 7. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694g and to read as follows:

694g. Immediately after the date upon which this act".



## AMENDMENT NUMBER NINE.

On page 3 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 49 to 51, inclusive, and insert in lieu thereof the following:

"SEC. 8. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*h* and to read as follows:

694*h*. The state board of agriculture is hereby expressly".

## AMENDMENT NUMBER TEN.

On page 4 of the printed bill, as amended in Assembly April 29, 1929, strike out lines 41 to 43, inclusive, and insert in lieu thereof the following:

"SEC. 9. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*i* and to read as follows:

694*i*. The state board of agriculture is hereby authorized".

BOGGS,  
INMAN,  
DUVAL.

Committee on Free Conference of the Senate.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Hurley, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Senate Bill No. 397 ordered to print, and enrollment.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 761—An act relating to the eligibility to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 761 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1189—An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand, approved March 1, 1911," as amended, relating to pay checks that can not be cashed and providing penalties for violations of the provisions of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1189 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1119—An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, by adding thereto a new section, to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1119 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1144—An act to amend section 30 and section 31 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, relating to insurance policies of workmen's compensation insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1144 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Edwards, Evans, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Tubbs, Wagy, Weller, and West—24.

NOES—Senators Garrison, and Slater—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Assembly Concurrent Resolution No. 9—Providing for the creation of a joint committee of the Senate and Assembly to investigate aviation conditions in the State of California and to the question of safety and prevention of accidents thereto; to prepare and make recommendations concerning changes in existing laws, and the enactment and enforcement of laws relating to the use and operation of aeroplanes, and to prepare and submit with supporting facts, ascertained, a report as to the

advisability of the adoption of a uniform law regulating aviation and making appropriations to meet the expenses of said committee necessarily incurred in said work—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

CARTER, Chairman.  
CASSIDY.  
MALONEY.

Assembly Concurrent Resolution No. 2 ordered on file.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 736—An act to amend an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 736 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1185—An act relating to certain funds of inmates of State reformatories, hospitals and prisons and the expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1185 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An act to add a new section to the Civil Code, to be numbered 2178, limiting the liability of steam and electric railroad common carriers and sleeping car companies of property carried in trunks, valises, suit cases, traveling bags, boxes, bundles or packages, in the event of loss or an injury to the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## ASSEMBLY JOINT RESOLUTION No. 19.

Relative to federal legislation for the building and maintenance of highways over public lands and federal reservations.

WHEREAS, More than two-fifths of the area of the State of California still remains with the federal government as unreserved or unappropriated public land, non-taxable Indian lands and other federal reservations; and

WHEREAS, These lands are not subject to taxation, and whereas the construction and maintenance of highways through and across these areas should be an obligation of the federal government requiring no financial cooperation on the part of the State or its subdivisions; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, be it*, That the California representatives in the Congress of the United States be and are hereby requested to actively support legislation which will provide for appropriations by the federal government with which to build and maintain highways through and across unappropriated or unreserved public lands and other federal reservations; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and to each member of the seventy-fifth Congress from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Baker, Beggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Garrison, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 19 ordered transmitted to the Assembly.

Assembly Bill No. 836—An act to amend section 1607*e* of the Political Code, relating to cafeterias in schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 passed by the following vote:

AYES—Senators Baker, Beggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252—An act to add a new article to chapter 3 of title 1 of part III of the Political Code, to be numbered article II *k*, embracing sections 374 to 374*g*, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cleveland moved to refer Assembly Bill No. 252 to Senator Garrison, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, strike out all of lines 22 to 24, inclusive, and insert in lieu thereof the following: "The Woman's Relief Corps Home of California, the chief of the division to be appointed by and hold office at the pleasure of the board of directors of the Veterans' Home of California."



## AMENDMENT NUMBER TWO.

On page 3, line 28, of the printed bill, after the period following the word "law", in said line insert the following paragraph:

"Sec. 3. The provisions of this act shall supersede the provisions of 'An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two k, embracing sections 374 to 374g, inclusive, relating to a department of military and naval affairs,' approved May 13, 1929, chapter two hundred sixty-four, statutes 1929."

## AMENDMENT NUMBER THREE.

On page 3, line 24 of the printed bill, strike out the word "board", in said line, and insert in lieu thereof the word "board".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 252, with instructions to amend, respectfully reports the same back, amended as per instructions.

GARRISON, Special Committee.

Report read, and on motion of Senator Cleveland adopted.

Bill ordered to print.

Assembly Bill No. 841—An act to amend section 604a of the Civil Code, relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Hurley, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1094—An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1094 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Crowley, Edwards, Evans, Handy, Hurley, Lyon, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, and West—22.

NOES—Senators Christian, Cleveland, Cobb, Duval, Maloney, and Tubbs—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1161—An act to amend section 4 of an act entitled "An act to authorize and empower the State Director of Education, with the approval of the State Board of Control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for

said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925, relating to the San Diego State Teachers College building and improvement fund and an appropriation for construction and equipment for said school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1161 passed by the following vote:

AYES—Senators Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217—An act to amend section 4241 of the Political Code, relating to salaries of officers and employees of counties of the twelfth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 802—An act to amend section 4279 of the Political Code, relating to officers in counties of the fiftieth class and the salaries, fees and expenses thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 331—An act to add a new section to be numbered 24½ to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to

the inclusion of outlying territory within the fire limits of unincorporated towns and villages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 331 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 830—An act to amend section 19x31 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended, said section relating to the salaries of probation officers," and assistant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 830 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 852—An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of superior courts, and providing for their salaries and the payments thereof," approved May 31, 1927, relating to stenographers for judges of the superior court in and for counties of the fifteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 852 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Handy, Lyon, Maloney, McCormack,

McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 855—An act to add a new section to the Code of Civil Procedure, to be known as section 1238a, relating to the exercise of the right of eminent domain by an individual for his own use of water notwithstanding other persons do not participate in the benefit therefrom.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Boggs moved to refer Assembly Bill No. 855 to Senator Sharkey as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out all of lines 4 to 16, inclusive, also strike out all of page 2 and insert in lieu thereof the following: "Relations prevailing in this state, it is necessary to make possible the proper use of the water resources in this state, that easements for the impounding, diversion and distribution of water for irrigation and domestic purposes be, and they hereby are declared to be, public uses, even though such water and such easements are to be used by one person for the benefit of his own property alone, without participation therein by any other person, and rights of way for dams, reservoir sites, ditches and other works necessary for such uses of water may be condemned by any person, and any person may condemn a right for the joint use of any such works already existing and the right to enlarge any such works if such enlargement is necessary for such joint use; provided, that any easement condemned by authority of this section shall be available for the use of any other person who may need to use it, and if the terms of such joint use can not be agreed upon by all the parties interested therein, the person desiring such additional joint use may have the terms thereof determined by a proceeding in eminent domain as provided in this title. The party acting under this section must not interfere with houses or with gardens, parks, or other enclosures connected with houses."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 855, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Boggs adopted.

Bill ordered to print.

Assembly Bill No. 139—An act to amend section 18 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the appointment and duties of clerks, deputy clerks, marshals, deputy marshals, and the filling of vacancies in said office.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 139 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 229—An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 229 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An act to repeal section 3889 and to amend section 4294 of the Political Code, relating to county revenue.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 passed by the following vote:

AYES—Senators Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427—An act to amend sections 3866 and 3868 of the Political Code, relating to semiannual reports and settlements of counties with the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428—An act to provide for the assessment, levy and collection of taxes for the support of the State government for the eighty-first and eighty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 428 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 767—An act to revise an act entitled "An act to regulate the manufacture, repair and sale of upholstered furniture; providing for the labeling of same; requiring that materials used be correctly described, and the percentage of materials used in each article stated; providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; making the violation of any of the provisions of this act a misdemeanor; and creating the upholstered furniture inspection fund," approved May 9, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, and West—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 851—An act to amend section 737*gg* of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 851 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tabbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 292—An act to add a new section to the Code of Civil Procedure, to be numbered 831*i*, relating to the record of civil

actions and the recording and entry of judgment and satisfaction of judgment in civil actions in municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 292 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 961—An act to amend section 10 of an act entitled "An act authorizing the the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1159—An act to amend section 3336 of the Civil Code, relating to damages for the wrongful conversion of personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1159 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack,

McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416—An act to amend section 1161 of the Code of Civil Procedure, relating to the unlawful detainer by tenants of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 416 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1170—An act authorizing and empowering any municipal corporation to which tidelands and submerged lands, situated within the limits thereof, have been or may hereafter be granted by the State of California to grant all or any portion of such lands to the United States for public or governmental (including military or naval) purposes and validating and confirming grants of such lands made by such municipal corporations to the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1170 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1184—An act to authorize the State Board of Agriculture to acquire property by gift, devise or bequest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1184 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425—An act to amend section 21 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of



water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913 (Statutes 1913, page 1049), as amended by Statutes 1925, page 990, relating to collection of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 425 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 898—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory, and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a authorizing the inclusion in one proceeding for the separation of grades under the provisions of this act the separation or elimination of two or more grade crossings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 898 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes, across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; providing for the collection and rates of tolls for

the use thereof by the public, and providing penalties for charging or demanding unlawful tolls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1149 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 27.

Providing for the appointment of a committee to investigate the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways.

WHEREAS, The scenic value of our mountains, hills, streams, fields and oceans are one of the greatest assets of our State; and

WHEREAS, This asset is being gradually diminished in value by the indiscriminate placing of advertising signs, hot dog stands, gasoline stations and other structures; and

WHEREAS, These structures and advertising signs are almost entirely on private property and it is questionable whether the Legislature of the State of California may enact laws to regulate and control such structures and advertising signs; and

WHEREAS, It is necessary that the Legislature of the State of California have available adequate information so as to enable its members to consider proper legislation to control such structures and advertising signs; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That a committee of six members, consisting of three members of the Assembly to be appointed by the Speaker of the Assembly, and three members of the Senate to be appointed by the President of the Senate, for the purpose of investigating the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways, in our rural regions, by law, and to prepare and submit to the next session of the Legislature of the State of California its findings and make such recommendations as it may deem necessary and proper for the regulation and control of the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature; and be it further

*Resolved.* That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

*Resolved.* That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require and that the expenses incurred in such investigation, not to exceed the sum of \$2,500, shall be paid equally by the Senate and Assembly out of their respective contingent funds; and be it further

*Resolved.* That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to and is hereby authorized and empowered to issue subpoenas and to compel the attendance of witnesses, and to procure testimony; *provided*, that nothing herein contained shall authorize the investigation or examination of private books, documents, records or writings of the owners or lessees of lands facing on or adjacent to such scenic roads and highways. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article VIII of chapter 2, title 1, part III of the Political Code of the State relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the session of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place in the State as said committee shall from time to time determine.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 27 adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cassidy, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Wagy, Weller and West—25.  
NOES—Senators Carter and Tubbs—2.

Title read and approved.

Assembly Concurrent Resolution No. 27 ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 41.

Providing for the creation of a joint committee of the Senate and Assembly to study joint highway district laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

WHEREAS, "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California" was approved April 5, 1917, and since that time has been variously amended; and

WHEREAS, The bonds provided to be levied and issued under said act are being questioned in the courts of this State, thereby largely nullifying the effect and purposes of said act; and

WHEREAS, Through the great increase in motor vehicles many county roads and highways in California are carrying a great volume of traffic which, in many instances originates outside of such counties and contributes nothing to the construction and maintenance of roads therein; and

WHEREAS, Under the present motor vehicle fuel license taxes a fund for State and county highway construction and maintenance has been provided; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That there is hereby created a joint committee of the Assembly and Senate, to consist of four members of the Assembly to be appointed by the Speaker of the Assembly, and three members of the Senate to be appointed by the President of the Senate; and, be it further

*Resolved,* That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman, and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and be it further

*Resolved,* That it shall be the duty of said committee to study existing joint highway district and State and highway procedural statutes of the State of California, and said committee shall carefully consider the laws and systems enacted in other states whereby cooperation is had between state and counties in mutually beneficial highway development, and to draft recommendations covering legal and workable amendments to existing laws to facilitate the purposes herein expressed.

It shall be the duty of said committee to recommend such procedural statutes as will permit a fair participation by State and county or counties in the improvement and maintenance of such county roads as connect different sections of State highway or which carry an appreciable burden of foreign traffic, that is, traffic originating outside of such county, and said committee shall further recommend some plan of financing whereby an adequate State fund shall be provided to carry out their recommendations.

The members of said committee shall receive no compensation for their services other than their official salaries but they shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical and other help to assist in the preparation and compiling of said report. The said committee shall be provided with headquarters in the State Building at San Francisco if such quarters are available, but if such quarters are not available such committee may procure such quarters in any other building in the city of San Francisco as its headquarters.

The expenses of the committee and the members thereof and of such clerical and other help incurred by the committee under the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, but not exceeding the total sum of \$5,000, which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid to be disbursed from time to time by Controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and be it further

*Resolved,* That said committee be instructed to have prepared its report not later than the first day of October, 1930, and that a copy of said report be not later than said date transmitted to the Governor of the State in order that he may make such



comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 41 adopted by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—26.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 41 ordered transmitted to the Assembly.

Assembly Bill No. 1032—An act to prescribe a procedure for the acquisition of property by the State, counties and municipalities of property under the provisions of section 14½ of the constitution of California and the reservation of rights therein and the sale or other disposition and conveyance thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1032 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Crowley, Edwards, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Swing moved to refer Assembly Bill No. 1007 to Senator Sharkey, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

Strike out lines 2 to 4, inclusive, of the title of the printed bill, and insert in lieu thereof the following: "the exemption from taxation of buildings and real property used exclusively for religious worship".

#### AMENDMENT NUMBER TWO.

On page 2 of the printed bill, strike out lines 33 to 35, inclusive.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1007, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHARKEY, Special Committee.

Report read, and on motion of Senator Swing adopted.

Bill ordered to print.



## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An act to amend section 2 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to the State park system.

Bill read second time, and ordered on file for third reading.

Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of procedure therewith.

## COMMITTEE AMENDMENTS.

During the second reading of the resolution, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, line 22, of the printed bill, strike out the word "ten," and insert the word "fifteen."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 28, of the printed bill, after the word "warrants", strike out the balance of said line and insert "in favor of the person entitled thereto".

Amendment adopted.

Assembly Concurrent Resolution No. 38 ordered to print, and on file.

Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation for the exclusion of Filipinos.

## COMMITTEE AMENDMENTS.

During the second reading of the resolution, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, lines 2 and 3, of the title of the printed resolution, strike out the word "exclusion of Filipinos", and insert in lieu thereof the following: "restriction of Filipino immigration".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed resolution, strike out the following: "exclude Filipinos from the United States or, at least,".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 1, line 20, of the printed resolution, after the semicolon following the word "Islands," insert the following: "and which will prevent all Filipinos entering the United States who are afflicted with communicable diseases."

Amendment adopted.

Assembly Joint Resolution No. 15 ordered to print, and on file.

Assembly Bill No. 3—An act to amend section 2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to proceedings for the incorporation of unincorporated territory.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 70—An act to amend section 67 of the Code of Civil Procedure, relating to the superior court of the city and county of San Francisco, increasing the number of judges thereof, and providing for their compensation.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, as amended in Assembly April 12, 1929, strike out the word "twenty", and insert in lieu thereof the word "eighteen".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 10, of the printed bill, as amended in Assembly April 12, 1929, strike out the word "eleven", and insert in lieu thereof the word "ten".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 1, line 19, of the printed bill, as amended in Assembly April 12, 1929, strike out the word "four", and insert in lieu thereof the word "two".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 1, line 25, of the printed bill, as amended in Assembly April 12, 1929, strike out the word "four", and insert in lieu thereof the word "two".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 240—An act to amend section 2 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to the State park system.

#### AMENDMENTS FROM THE FLOOR.

The following amendments were offered, and their adoption moved by Senator Slater:

##### AMENDMENT NUMBER ONE.

In line 13 of the title of the printed bill, as amended in Assembly May 6, 1929, strike out said line 13, and insert in lieu thereof the following: "and defining the state park system and authorizing cities to donate real property to the state for inclusion in the state park system."

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 40, of the printed bill, as amended in Assembly May 6, 1929, after said line add the following:

"SEC. 2. A new section is hereby added to said act to be numbered section 5a and to read as follows:

Sec. 5a. Any city may donate and grant to the State of California, for inclusion in the state park system, real property owned by it and found and declared by the state park commission to be suitable for inclusion in the state park system."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 394—An act to add a new section to be numbered 5b to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to sale of poisons.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended in Assembly May 2, 1929, in lines 21 and 22, strike out the following: "a county through such officers as may be authorized to handle the same by the board of supervisors when", and insert in lieu thereof the following: "any county through its horticultural commissioner or his deputies when authorized by the board of supervisors; *provided*".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, line 24, of the printed bill, as amended in Assembly May 2, 1929, strike out the period and insert in lieu thereof the following: "... and provided a record of poison sales is kept by such county officer in accordance with this act."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 477—An act to amend sections 24, 28, 43 and 46 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 810—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 9, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a, relating to the issuance of bonds to represent assessments levied for public improvements made under the "Street Opening Act of 1903."

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed amended bill, strike out the figure "9", and insert in lieu thereof "13".

Amendment adopted.

## AMENDMENT NUMBER TWO.

In line 7 of the title of the printed amended bill, following the word "improvements", add "and the laying out, opening, extending, widening, or straightening, in full or in part, of public streets, squares, lanes, alleys, courts, and places or for any condemnation of property necessary or convenient for such purposes, done or".

Amendment adopted.

## AMENDMENT NUMBER THREE.

In line 5 of the title of the printed amended bill, insert a comma after "5a".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, line 41, of the printed amended bill, following "and trees," insert the following: "or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution,".

Amendment adopted.

## AMENDMENT NUMBER FIVE.

On page 2, line 42 of the printed amended bill, insert a comma following the word "places," and strike out the word "and" in said line.

Amendment adopted.

## AMENDMENT NUMBER SIX.

On page 2, line 43, of the printed amended bill, after the comma following the word "walks", insert the following: "properties or rights of way,".

Amendment adopted.

## AMENDMENT NUMBER SEVEN.

On page 4, line 51, of the printed amended bill, strike out the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

## AMENDMENT NUMBER EIGHT.

On page 7, line 14, of the printed amended bill, after the word "second", insert the word "day".

Amendment adopted.

## AMENDMENT NUMBER NINE.

On page 7 of the printed amended bill, strike out all of lines 23 and 24, and in lieu thereof insert the following:

[SEAL]

-----  
Treasurer  
-----  
Clerk

Amendment adopted.

## AMENDMENT NUMBER TEN.

On page 8, line 24, of the printed amended bill, strike out the word "newise", and insert in lieu thereof the words "no wise".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## ADJOURNMENT.

At twelve o'clock p.m., on motion of Senator Breed, the President declared the Senate adjourned until nine o'clock and thirty minutes a.m., Tuesday, May 14, 1929.

HAROLD J. POWERS, Minute Clerk.



SENATE CHAMBER,  
SACRAMENTO, Tuesday, May 14, 1929.

The Senate met at nine o'clock and thirty minutes a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.

Assistant Secretary Francis E. Dalin at the desk.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—40.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Bryant Wilson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, May 13, 1929, the further reading was dispensed with, on motion of Senator Slater.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McKinley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to N. L. Montgomery of Los Angeles.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Capt. H. H. Hammer and Mrs. Hammer of San Clemente, California.

On request of Senator Tubbs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Parmer Fuller, Parmer Fuller, Jr., and George Fuller.

On request of Senator Inman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Woodbury, principal of Walnut Grove School, and the following pupils: Adeline Drefs, Marie Hendrich, Frances Yearnshaw, Elizabeth Swift, Metta Cappell, Nedra Carr, Sandy Brown, Hubert Brown, Carroll Hoffman, Louis Fallman, and Albert Freitas; Mrs. Hoffman and Mr. Yearnshaw, chauffeurs.

On request of Senator Baker, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Phil Hayward of Watsonville.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Camp Drum Corps of Long Beach: A. E. Pratt, G. H. Howard, C. O. Hopping, A. P. Dehr, E. E. Shoufler, Charles Wallance, Riley Patten, Merrill Heiner, F. W. Barker, Charles Przirembel, Oran Woollen, W. F. Reich, M. E. Bowlen, J. H. Hapleton and A. Krall; Spanish war nurses, Marie Kalp, Elizabeth Denning and Elizabeth Saulsbery; comrades, A. H. Hallingworth, George Kline, Earl Gerard and Rex Record; and Guy W. Creery, commander of William McKinley Camp No. 23, Department of California.

On request of Senator Maloney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Evangeline Muesel of Los Angeles, and Mr. Ray French of Sacramento.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Amy Lou Jackson of Sacramento.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, May 13, 1929.

*To the Senate of the State of California.*

I am herewith returning Senate Bill No. 462 without my approval.

This bill increases the salary of the librarian of Yolo County \$50 a month, an increase recommended by the board of supervisors, but not recommended by the grand jury as is provided for county government employees in the code. The Yolo County government bill, Assembly Bill No. 540, as originally introduced, carried this increase; but the foreman of the 1928 grand jury advises me that, because of his objection to the inclusion of an item in a county government bill not recommended by the grand jury, Assemblyman Noyes amended the bill by striking out the provision.

Furthermore, the 1928 grand jury, in its report to the superior court, advised the court that the expense of the office of the county librarian was in excess of the needs of the county. I feel that just now, especially in our agricultural counties, we should be very cautious in increasing expense beyond what grand juries are willing to recommend. In this, and in my consequent reluctance to sign the bill, its author fully concurs.

The bill is also objectionable because as originally introduced, it was a skeleton bill amending section 4263 of the Political Code, the section relating to salaries, fees and expenses of officers of counties of the thirty-fourth class. As it is now before me it amends section 9934 of an act entitled "An act to provide for the establishment and maintenance of county free libraries," etc., thus making a complete change in title, in subject matter, and in the code to be amended.

For these reasons I am withholding my approval of the bill.

Respectfully submitted,

C. C. YOUNG, Governor.

Senate Bill No. 462 ordered to unfinished business.

CONSIDERATION OF DAILY FILE.

UNFINISHED BUSINESS.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 27—An act to amend section 626s of the Penal Code, relating to the protection of game.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWENTY-SEVEN.

AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended April 4, 1929, following the comma after the letter "R", insert the following: "one 'S,' one 'T,'"

AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, as amended April 4, 1929, following the comma after the letter "G", insert the following: "three 'H,'"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 27?

The roll was called, and Assembly amendments to Senate Bill No. 27 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Handy, Inman, Lyon, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Slater, Waggy, Weller, West, and Young—25.

NOES—None.

Senate Bill No. 27 ordered to print, and enrollment.

Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals.

Reconsideration granted previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1098 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Hurley, Inman, Lyon, Maloney, McKinley, Merriam, Murphy, Nelson, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Senator Crowley:

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, effective as of May 12, 1929:

Irene Silva, Stenographer----- \$5 00 per day

Resolution read, and on motion of Senator Crowley adopted.

#### MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Murphy moved to reconsider the vote whereby Assembly Bill No. 346—An act to add a new section to the Civil Code, to be numbered 69*b*, providing for the filing of a health certificate before marriage licenses are issued, and making the issuance of false certificates a felony—was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 346 was passed lost by the following vote:

AYES—Senators Canepa, Christian, Cleveland, Crowley, Fellom, Garrison, Gray, Handy, Hurley, Maloney, Murphy, Sharkey, Slater, and West—14.

NOES—Senators Allen, Baker, Boggs, Breed, Carter, Cobb, Duval, Edwards, Evans, Jones, Ray, Lyon, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Swing, Wagy, Weller, and Young—21.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

##### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 699—An act to add a new section to the Code of Civil Procedure to be numbered 103*b*, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace—and reports that the same has been correctly re-engrossed.

JONES, RAY, Chairman.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF SENATE BILLS.

Senate Bill No. 699—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Permission to vote on Senate Bill No. 699 granted previously.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 699 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1116—An act to add a new section, to be numbered section 1½, to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants, for employment," approved April 20, 1917, as amended, and to amend section 2 thereof, relating to the protection of cash bonds put up by employees or applicants for employment and providing penalties for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1116 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Slater, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15 and 16 of the General Dairy Law of California, approved June 15, 1923, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 304 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### MOTION TO WITHDRAW ASSEMBLY BILL.

Senator Inman moved that Assembly Bill No. 167 be withdrawn from Committee on Public Charities and Corrections, and placed on file.

Motion carried, and such was the order.



## RESOLUTION—(OUT OF ORDER).

On motion of Senator Fellom the following resolution by Senator Cobb was offered out of the regular order:

*Resolved*, That Assembly Bill No. 1112 be withdrawn from the Committee on Education and placed on file.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Tubbs, Wagy, Weller, and Young—28.

NOES—Senators Breed, Evans, Hurley, Jones, Ray, Lyon, McKinley, and Sharkey—7.

## CONSIDERATION OF DAILY FILE.

## SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary schools of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 167—An act to provide an institution for the confinement, care, training and rehabilitation of defective or psychopathic delinquents; to provide for the admission and commitment of such defective or psychopathic delinquents, providing penalties for certain violations hereof and making an appropriation to carry out the provisions of this act.

Bill read second time, and ordered on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 477—An act to amend sections 24, 28, 43 and 46 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California."

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Murphy moved to refer Assembly Bill No. 477 to Senator Crowley, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Assembly May 3, 1929, strike out the words and figures "sections 24, 28, 43 and 46", and insert in lieu thereof the following: "section 24".

## AMENDMENT NUMBER TWO.

On page 1, line 13, of the printed bill, as amended in Assembly May 3, 1929, after the period in said line, add the following: "With the approval of the supreme court the board shall have power to fix and collect fees to be paid by applicants for admission to practice, which fees shall be paid into the treasury of the state bar."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 477, with instructions to amend, respectfully reports the same back, amended as per instructions.

CROWLEY, Special Committee.

Report read, and on motion of Senator Murphy adopted.

Bill ordered to print.

Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Slater moved to refer Assembly Bill No. 318 to Senator Merriam, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of line 3, and insert in lieu thereof the following:

"1361. As soon as all absent voter ballots issued have been received or returned and accounted for, and in no case later than fifteen days after any election mentioned herein,".

AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 10 to 13, inclusive, and insert in lieu thereof the following: "shall meet to canvass the returns at the time prescribed in section 1278 of the Political Code, or as soon thereafter as such ballots have been delivered to the board, in no case later than ten o'clock of the forenoon of the sixteenth day after the election, at the usual place of meeting, or at any other place permitted by law, at which time the board of supervisors".

AMENDMENT NUMBER THREE.

On pages 1 and 2 of the printed bill, strike out all of lines 24 to 26, inclusive, of page 1; also, strike out all of lines 1 to 7, inclusive, on page 2, and insert in lieu thereof the following: "eral election, except as hereinafter provided."

SEC. 2. The provisions of this act shall supersede the provisions of section 1361 of the Political Code as amended by "An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters," approved April 22, 1929, chapter one hundred fifty, statutes 1929."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 318, with instructions to amend, respectfully reports the same back, amended as per instructions.

MERRIAM, Special Committee.

Report read, and on motion of Senator Slater adopted.

Bill ordered to print, and re-engrossment.

Assembly Bill No. 538—An act to add a new section to the Penal Code, to be numbered 164, relating to the making of contracts for the collection of damages for injuries to persons or property or both; declaring the making of such contracts to be the practice of law; providing for penalties therefor; and for exceptions thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 538 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, and Young—33.

NOES—Senators Garrison, and Rochester—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 525 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—29.

NOES—Senator Duval—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

#### RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 72—An act to amend section 626 of the Penal Code, relating to the protection of game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15.

(Signed out)

YOUNG, Chairman.  
LYON.  
HANDY.  
SHARKEY.  
MUELLER.  
CARTER.  
SWING.  
WAGY.  
HURLEY.

Assembly Bill No. 72 ordered on file for second reading.

##### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 388—An act relating to the compensation of election officers in school elections—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

MERRIAM, Chairman.  
FELLOM.  
BREED.  
MALONEY.  
YOUNG.  
SHARKEY.  
CROWLEY.

Assembly Bill No. 388 ordered on file for second reading.

##### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 8—An act to amend section 1026a of the Penal Code, relating to release of defendant committed to a State institution for the insane,

in criminal cases—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

BAKER, Chairman.

Assembly Bill No. 8 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 1145—An act relating to the acquisition of Carquinez Bridge; creating a public corporation to be known as Carquinez Bridge Authority and providing for the appointment of the Carquinez Bridge Commission; defining the powers and duties of said commission and providing for the acquisition of said bridge and its operation as a publicly owned utility and as part of the highway system of the State of California; providing also for the issuance and sale of revenue bonds of said corporation for the purchase of said bridge and for the payment of interest on said bonds and the amortization thereof; providing for tolls of said bridge for the operation and maintenance thereof and payment of interest on and the amortization of said bonds; creating a district known as Carquinez Bridge District, defining the boundaries of the same and abrogating the right of counties to grant competitive franchises therein; providing for and creating a fund to carry out the purposes of this act; and providing for a revolving fund to meet any deficiency in the operation and financing of said bridge and providing for a method for the payment of the costs of the printing and sale of said bonds—has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

HANDY, Chairman.

DUVAL.

TUBBS.

BOGGS.

HURLEY.

McCORMACK.

WAGY.

EDWARDS.

MUELLER.

SHARKEY.

McKINLEY.

SWING.

BREED.

CASSIDY.

Assembly Bill No. 1145 ordered on file for second reading.

CONSIDERATION OF DAILY FILE.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 8—An act to amend section 1026a of the Penal Code, relating to release of defendant committed to a State institution for the insane, in criminal cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 388—An act relating to the compensation of election officers in school elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1145—An act relating to the acquisition of Carquinez bridge; creating a public corporation to be known as Carquinez Bridge Authority and providing for the appointment of the Carquinez Bridge Commission; defining the powers and duties of said commission and providing for the acquisition of said bridge and its operation as a publicly owned utility and as part of the highway system of the State of California; providing also for the issuance and sale of revenue bonds of said corporation for the purchase of said bridge and for the payment of interest on said bonds and the amortization thereof; providing for tolls of said bridge for the operation and maintenance thereof and payment of interest on and the amortization of said bonds; creating a district known as Carquinez Bridge District, defining the boundaries of



the same and abrogating the right of counties to grant competitive franchises therein; providing for and creating a fund to carry out the purposes of this act; and providing for a revolving fund to meet any deficiency in the operation and financing of said bridge and providing for a method for the payment of the costs of the printing and sale of said bonds.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, in line 17, after the semicolon following the word "act", insert the following: "providing an alternative procedure and authorizing the Carquinez bridge authority to enter into a contract to build and construct a bridge across the waters of the Carquinez straits and to acquire the necessary lands therefor and to provide for the payment thereof;"

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out the word "three", and insert in lieu thereof the word "seven".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 1, of the printed bill, following the comma following the word "commission", strike out the balance of line 1, all of lines 2 to 5, inclusive, and line 6 up to and including the period, and insert in lieu thereof the following: "and one other, who shall be the state treasurer of the State of California. The other five members of the commission shall be the five members of the California state highway commission."

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 29, of the printed bill, following the word "and", preceding the word "purchase", insert the following: "if no better plan is presented to the commission they may".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 7, line 1, of the printed bill, strike out the period following the word "dissolved", and insert in lieu thereof a semicolon and the following: "provided, however, that said commission shall continue in existence for two years from the effective date of this act for the purpose of carrying out the provisions of section 19 of this act."

Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 7, line 24, of the printed bill, strike out the period following the word "district", and insert in lieu thereof the following: "except as herein otherwise provided."

Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 10, line 21, of the printed bill, after the period following the word "used", insert the following:

"Sec. 19. In addition to the powers hereinbefore granted to the Carquinez bridge authority, said commission, as an alternative method of procuring a suitable bridge across the Carquinez straits, may enter into a contract or contracts for the building and erection of a bridge across the Carquinez straits between Eckley in Contra Costa county and Dillon point in Solano county, the precise site for such bridge to be selected by the commissioners. The commissioners may enter into a contract with any person, firm, corporation or association for the erection of such bridge. Any bridge so erected shall be of the suspension type, shall have a center span of not less than one thousand eight hundred sixty feet and end spans reaching to the respective shores and shall have a road bed of not less than forty five feet in width and not less than one hundred sixty feet above mean high tide and shall be constructed to conform

with the rules and regulations of the United States war department. The cost of any such bridge, including pier head sites, shall not exceed five million dollars.

The plans, specifications and construction of such bridge must be approved by the Carquinez bridge authority and the said commission shall prescribe by resolution the manner for the making, acceptance or rejection of bids for such work. Any person, firm, corporation or association that enters into a contract with the commission herein created for the erection of such a bridge shall file a suitable bond with the said commission for the faithful performance of the terms of the contract. The amount and form of such bond shall be prescribed by the commission subject to the approval of the director of the state department of finance.

The cost of the erection of such bridge shall be met by the issuance of bonds as hereinbefore provided for the acquisition of the bridge known as the Carquinez bridge and all powers, duties and responsibilities conferred on or vested in the Carquinez bridge authority for the purpose of acquiring the Carquinez bridge and meeting the expense thereof are hereby conferred on and vested in the said commission for the purpose of contracting for and carrying to successful completion the erection of a bridge as in this section provided; and whenever in this act authority is conferred on said commission to issue and sell bonds for the purpose of acquiring the Carquinez bridge the same authority is hereby vested in like manner and subject to the same limitations in the said commission to issue and sell bonds for the purpose of erecting said bridge. To effectually carry out the provisions of this section, the Carquinez bridge authority shall have power to acquire sites, rights of way and other necessary lands by condemnation or otherwise. Any land so acquired must be used for the purpose of a site for such bridge or for the necessary approaches, roadways and easements necessary to operate said bridge. Title to lands acquired under this section shall vest in the State of California and the department of public works and the state highway commission shall immediately upon the commencement of construction work of said bridge erect, construct and establish suitable and necessary roadways and approaches to connect any bridge so erected with the public highway.

In the event that the Carquinez bridge authority follows the method herein provided for the construction of a bridge across Carquinez straits, the said commission shall continue in existence until all bonds issued under the authority of this act for the cost of erection of such bridge shall be retired. When such bridge is so erected, the Carquinez bridge authority shall have power to fix the tolls for the use of said bridge and the tolls so received shall be applied to the purpose of paying first the interest on any bonds issued as it shall accrue; next, amortization payments as they shall become due; and next, the cost of operation and maintenance of said bridge. For the purpose of paying said interest, principal, and the cost of operation and maintenance the same funds are hereby created in the state treasury as hereinbefore created for the purpose of carrying out the provisions of this act in the event that the Carquinez bridge authority elects to acquire the Carquinez bridge."

#### Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 10, line 22, of the printed bill, strike out the numerals "19", and insert in lieu thereof the numerals "20".

#### Amendment adopted.

##### AMENDMENT NUMBER NINE.

On page 10, line 30, of the printed bill, strike out the numerals "20", and insert in lieu thereof the numerals "21".

#### Amendment adopted.

##### AMENDMENT NUMBER TEN.

On page 10, line 32, of the printed bill, strike out the numerals "21", and insert in lieu thereof the numerals "22".

#### Amendment adopted.

##### AMENDMENT NUMBER ELEVEN.

When the state or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located, and the state shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge.

#### Amendment adopted.

## AMENDMENT NUMBER TWELVE.

On page 7, line 18, of the printed bill, as amended May 6th, after the words "Political Code", strike out the period, and insert in lieu thereof a semicolon followed by the words: "*provided, however,* that nothing in this act shall be deemed to impair existing franchises or to prohibit any railroad company from constructing or operating any bridge, tube, ferry, or other way for public traffic within said district."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 72—An act to amend section 626 of the Penal Code, relating to the protection of game.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 2, lines 25 and 26, of the printed bill, strike out the words "December and the thirty-first day of October of the year following", and insert in lieu thereof the following: "January and the thirtieth day of November".

Amendment adopted.

## AMENDMENT NUMBER TWO.

On page 2, lines 30 and 31, of the printed bill, strike out the words "December and the thirty-first day of October of the year following", and in lieu thereof insert the following: "January and the thirtieth day of November".

Amendment adopted.

## AMENDMENT NUMBER THREE.

On page 2, line 36, of the printed bill, strike out the word "December", and insert in lieu thereof the word "January".

Amendment adopted.

## AMENDMENT NUMBER FOUR.

On page 2, in line 37, of the printed bill, preceding the word "hunts", insert the following: "or between the fifteenth day of September and the thirtieth day of November, both dates inclusive".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1158—An act to amend section 585 of the Code of Civil Procedure, relating to judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1158 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cobb, Duval, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray; McCormack, McKinley, Nelson, Pedrotti, Slater, Tubbs, Wag, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1065—An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products

or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1065 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; McCormack, McKinley, Mueller, Nelson, Pedrotti, Slater, Tubbs, Wagy, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county water works districts; for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining water works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 398 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, and Young—27.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1037—An act to amend an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927, by adding a section 15a, and to repeal "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation, and repealing an act entitled 'The Standard Apple Act of 1917,' approved May 7, 1917," as amended, approved June 3, 1921, Stats. 1921, p. 1169. Amended Stats. 1923, p. 472; amended Stats. 1925, p. 131; amended Stats. 1927, chapter 250, and to provide for the necessary transfer of funds.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1037 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Nelson moved to refer Assembly Bill No. 340 to Senator Breed, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE.

On page 4, line 22, of the printed bill, as amended May 10, 1929, strike out the word "and", also all of line 23 and line 24 preceding and including the semicolon.

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 340, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.

Bill ordered to print.

Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy,

Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Wagy, West, and Young—34.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL.

Senator Slater moved to have Assembly Bill No. 317 withdrawn from the file, and re-referred to Committee on Elections.

Motion carried, and such was the order.

Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 498 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 526—An act to amend section 1144 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator McKinley moved to refer Assembly Bill No. 526 to Senator Evans, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out lines 4 to 16, inclusive, and insert in lieu thereof the following: "thereof, must appoint three disinterested persons, one of whom must be one of the inheritance tax appraisers provided for by law (any two of whom may act, provided, that one of them be the inheritance tax appraiser); provided, that the court may, in its discretion, appoint said inheritance tax appraiser as sole appraiser to appraise said estate. Each of said appraisers is".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 526, with instructions to amend, respectfully reports the same back, amended as per instructions.

EVANS, Special Committee.

Report read, and on motion of Senator McKinley adopted.

Bill ordered to print.

Assembly Bill No. 888—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 888 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 948—An act creating the California Crime Commission, defining its duties, and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 446—An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 446 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### SPECIAL ORDER.

Senator Rochester moved that Assembly Bill No. 848 be made a special order for two o'clock and thirty minutes p.m. on Wednesday, May 15, 1929.

Motion carried.

CONSIDERATION OF URGENCY CLAUSE TO ASSEMBLY BILL NUMBER  
FOUR HUNDRED TWENTY-EIGHT.

Senator Breed moved that the Senate consider at this time the urgency clause to Assembly Bill No. 428.

Assembly Bill No. 428 passed on the previous legislative day.

Motion carried.

URGENCY CLAUSE TO ASSEMBLY BILL NUMBER FOUR HUNDRED TWENTY-EIGHT.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, and Young—36.

NOES—None.

Assembly Bill No. 428 ordered transmitted to the Assembly.

SENATOR MCKINLEY IN THE CHAIR.

At two o'clock and forty-five minutes p.m., Senator McKinley of the Thirty-eighth District was called to the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Assembly Bill No. 94, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 94—An act granting in trust to the city and county of San Francisco the interest of the State in and to and the control and management of the harbor of San Francisco, as described in the act: providing for the disposition of revenues derived from the operation of said harbor: providing for the sale of bonds authorized but not sold: providing for the payment of interest on bonds, and for the redemption of bonds: fixing the terms and conditions of the grant: providing for the issuance of a proclamation by the Governor.

Bill read third time.

MOTION TO EXCUSE SENATOR HERBERT C. JONES.

Senator Inman moved, duly seconded by Senator Garrison, that Senator Herbert C. Jones be excused for the remainder of this legislative day.

Above motion withdrawn by Senator Inman with consent of Senator Garrison.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Fellom moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.



The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Herley, Inman, Jones, Ray: Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—39.

The Secretary announced the absentees.

Time, three o'clock and fifty-eight minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Nelson moved to refer Assembly Bill No. 81 to Senator Breed, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

In the title of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"An act to amend sections 3747, 3764 and 3817 of the Political Code, relating to the payment of taxes on real estate separately valued, the publication of the delinquent list, and the redemption of property sold for taxes; declaring the existing law with reference to the entries on the assessment roll and delinquent list; validating certain tax sales, tax certificates, tax deeds and tax conveyances; and declaring the urgency thereof and providing that this act shall take effect immediately."

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 3747 of the Political Code is hereby amended to read as follows:

3747. The taxes on any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece, or parcel has a separate valuation on the assessment roll, by paying the amount of state and county taxes due on such lot, piece, or parcel of land, with a proper proportion of the amounts due as tax on personal property, penalties, if any, and a proper proportion of the tax due to any school, road, or other lesser taxation district. The tax collector shall make an entry on the margin of the assessment book, with deductions from the total assessment as extended on the assessment roll, showing what certain property has been released by the payment of the taxes as herein provided, together with the amounts of such taxes separately and specifically set forth.

SEC. 2. Section 3764 of the Political Code is hereby amended to read as follows:

3764. (1) On or before the eighth day in June of each year, the tax collector shall publish the delinquent list, which must contain the names of persons and a description of the property delinquent, and an amount equal to the total amount of all taxes, assessments, penalties, and costs due, and which are a lien thereon. Whenever any property appears in this list, which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section 3771a of this code there shall appear immediately following the description of such property a notice, which notice shall be in substance, and may be in form as follows:

"To be sold at public auction-----19----  
See sale No.-----in addenda to this list."

(2) In addition to the publication prescribed in subdivision one of this section, there shall be appended thereto a notice of sale, and a list of all property which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section 3771a of this code, on which the taxes remain unpaid, or which has not been redeemed or the sale thereon canceled, and to which property the state would otherwise be entitled to a deed thereof after the lapse of five years from the date of said previous sale. Such notice shall state the day and hour and the place of sale, which sale must be had not less than twenty-one or more than

twenty-eight days from the time of the first publication, and the place shall be in the tax collector's office, and shall contain a description of the property to be sold and the least amount which will be accepted as a bid thereon, which amount shall be the amount of all taxes, penalties and costs for which the property was sold to the state at said sale. The properties enumerated shall each be preceded by a sale number, such sale numbers running in regular sequence. Said notice herein provided for shall be in substance, and may be in form as follows:

**"Addenda to delinquent tax list.**

Notice of sale of property for delinquent taxes of 19\_\_\_\_ at public auction.

In pursuance of law, public notice is hereby given that, commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_m., of that day, and continuing from day to day thereafter, if additional time is required to complete the sale, in the office of the tax collector of the county of \_\_\_\_\_, State of California, the undersigned tax collector, will, unless the delinquent taxes thereon are sooner redeemed, sell or offer for sale at public auction to the highest bidder, for cash, in lawful money of the United States, the several parcels and lots of property hereinafter described upon which date five years will have elapsed from the date of the sale of said property to the state. No bid for said property will be accepted for less than the amount of all taxes, penalties and costs due on said property for the year the same was sold to the state (in the year 19\_\_\_\_ for the taxes of the year 19\_\_\_\_) which minimum amounts are set forth opposite the description of each of said properties.

In order to enable the successful bidder to a deed of the property purchased he must, in addition to the price paid pursuant to his bid at such sale, within ten days pay by redemption any and all further delinquent taxes and assessments against said property, together with all penalties, costs, interest and charges accrued thereon.

After a bid has been made and accepted at such sale, the right of redemption (except by the purchaser) shall cease.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Tax collector of \_\_\_\_\_ County,  
State of California.

The properties to be sold and the subject of this notice are situated in the county of \_\_\_\_\_ State of California, and particularly described as follows, to wit:  
No. \_\_\_\_\_ (description of property) \_\_\_\_\_

\_\_\_\_\_ assessed to \_\_\_\_\_

Least acceptable bid \_\_\_\_\_ \$ \_\_\_\_\_

SEC. 3. Section 3817 of the Political Code is hereby amended to read as follows: "

**AMENDMENT NUMBER THREE**

On page 2, line 44, of the printed bill, after the period following the word "state", insert the following:

"SEC. 4. The Legislature hereby declares that the amendments to sections 3747 and 3764 of the Political Code contained in this act are not a change in, but a statement and declaratory of the law as the Legislature intended it to be by the terms of those sections prior to this amendment. All publications of delinquent lists or notices of sale under sections 3771 and 3771a of the Political Code failing to enter taxes, penalties and costs as separate entries but entering the foregoing amounts in one total sum and all sales, certificates of sale, tax deeds or other tax conveyances based upon such entries on any assessment roll or delinquent list are hereby confirmed, validated and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such entries were separately set forth on the delinquent list and notices of sale under sections 3771 and 3771a.

SEC. 5. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health, and safety that this act shall, under the provisions of section 1, article four, of the constitution of the State of California, take effect immediately.

The following is a statement of the facts constituting such necessity:

Due to the recent decision of the supreme court of the State of California in the case of *Gottstein v. Kelly*, 77 Cal. Dec. 485, the possible construction to be placed upon the provisions of sections 3747 and 3764 of the Political Code would require that taxes, penalties and costs should be separately shown on the publication of delinquent lists and notices of sale under sections 3771 and 3771a; inasmuch as the tax collectors of the state have completed preparatory work on the publication of the delinquent list which must be published on or before June 8, 1929, and great expense would be involved in the publication of the delinquent list to state as separate items the amount of taxes, penalties and costs due on property subject to tax sales and the possibility of error would be greatly increased, many tax titles acquired at tax sales would be jeopardized.

This act shall take effect immediately."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 81, with instructions to amend, respectfully reports the same back, amended as per instructions.

BREED, Special Committee.

Report read, and on motion of Senator Nelson adopted.  
Bill ordered to print.

Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with extinguishers or receptacles for burning tobacco and other glowing, flaming or inflammable substances.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Duval moved to refer Assembly Bill No. 65 to Senator Baker, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following:

"SEC. 98a. Every motor vehicle operated outside of an incorporated town or city upon a public highway passing through forested, brush, range or grain areas shall be equipped in each compartment thereof with".

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 65, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAKER, Special Committee.

Report read, and on motion of Senator Duval adopted.  
Bill ordered to print.

Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Carter moved to refer Assembly Bill No. 1055, as amended in Assembly May 1, 1929, to Senator Pedrotti, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

On page 3, line 8, of the printed bill, immediately preceding the first word "Said" in said line, insert the following: "Sec. 17."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1055, as amended in Assembly May 1, 1929, with instructions to amend, respectfully reports the same back, amended as per instructions.

PEDROTTI, Special Committee.

Report read, and on motion of Senator Carter adopted.  
Bill ordered to print.



## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 668—An act to amend section 50 of the Acquisition and Improvement Act of 1925, approved May 23, 1925, as amended, relating to what work may be done—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

(Signed out)

LYON, Chairman.  
BAKER.  
CHRISTIAN.  
McKINLEY.  
YOUNG.  
ROCHESTER.

Assembly Bill No. 668 ordered on file for second reading.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 1022—An act to amend section 2322/26 of the Political Code, relating to the salaries of the county horticultural commissioner, deputies and inspectors in counties of the twenty-sixth class—the following Assemblymen: Snyder, Crag and Young, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537i, 537j, and 537k, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor—the following Assemblymen: Jones, Gilmore and Witter, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 397—An act to add new sections to the Political Code, to be numbered 695, 696, 697, 698, 699, 700, 701, 702, and 703, relating to the Division of Exhibits within the Department of Finance.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12, and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such



bonds," approved June 16, 1913, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

LIEUTENANT GOVERNOR IN THE CHAIR.

At four o'clock and ten minutes p.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 406—An act to amend sections 2, 4, 7, 8, 11, 12 and 46 of an act entitled "An act to provide for the establishment and change of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FOUR HUNDRED SIX.

##### AMENDMENT NUMBER ONE.

On page 7, line 20, of the printed bill, strike out the following: "and "any person interested" ", and insert in lieu thereof the following: ", "any person interested", "property owner", "owner of property", or "person owning property", wherever used in this act shall be construed to".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 406?

The roll was called, and Assembly amendment to Senate Bill No. 406 concurred in by the following vote:

AYES—Senators Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Kay, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—34.

NOES—None.

Senate Bill No. 406 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 14, 17, 18, 19 and 20 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18,

19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED FIFTY-EIGHT.

AMENDMENT NUMBER ONE.

On page 3, line 45, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "seven".

AMENDMENT NUMBER TWO.

On page 3, line 46, of the printed bill, as amended, strike out the word "act", and insert in lieu thereof the word "amendment".

AMENDMENT NUMBER THREE.

On page 3, line 52, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "seven".

AMENDMENT NUMBER FOUR.

On page 4 of the printed bill, as amended, strike out all of line 19, and insert in lieu thereof the following: "for four years, two for three years, two for two years and two for one year".

AMENDMENT NUMBER FIVE.

On page 4, line 34, of the printed bill, as amended, after the word "attend", insert the following: "but not to exceed seventy-five per diems for board meetings in any one year".

AMENDMENT NUMBER SIX.

On page 4, line 35, of the printed bill, as amended, strike out the words "or fraction".

AMENDMENT NUMBER SEVEN.

On page 4, line 36, of the printed bill, as amended, strike out the word "thereof".

AMENDMENT NUMBER EIGHT.

On page 7, line 23, of the printed bill, as amended, after the word "cosmetologist", insert the following: "in an approved or licensed school in which such practice is taught".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 258?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 258 by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 31—Relative to the passing of Mrs. Jennie Carnahan, the mother of H. L. Carnahan.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 31 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9 Relative to Dale-Lehlbach Retirement Bill in United States Congress.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 23—Relative to approving four certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of March, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 23 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases—and appointed Assemblymen Feigenbaum, Collier and Stockwell as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 668—An act to amend section 50 of the Acquisition and Improvement Act of 1925, approved May 23, 1925, as amended, relating to what work may be done.

#### COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

##### AMENDMENT NUMBER ONE.

In lines 4 and 5 of the title of the printed bill, strike out the words "what work may be done", and insert in lieu thereof the following: "definition of terms".

Amendment adopted.

##### AMENDMENT NUMBER TWO.

On page 2, line 9, of the printed bill, strike out the word "ways", and insert in lieu thereof the word "way".

Amendment adopted.

##### AMENDMENT NUMBER THREE.

On page 2, line 19, of the printed bill, following the word "within", insert the words "that of".

Amendment adopted.

##### AMENDMENT NUMBER FOUR.

On page 2, line 32, of the printed bill, strike out the word "acquired", and insert in lieu thereof the word "acquire".

Amendment adopted.

##### AMENDMENT NUMBER FIVE.

On page 2, line 44, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "including also the acquisition of a new and different right of way for any railroad, street or interurban railway in connection

with the improvement of any public way as that term is herein defined and the removal of tracks and appurtenances therefrom, with the right to convey such new and different right of way to the owner of said railroad, street or interurban railway in consideration of surrender by such owner of the existing franchise rights covering said tracks and appurtenances situated within said public way so to be improved and removal of said tracks and appurtenances therefrom. Said new and different right of way shall be in such location and with such termini as the legislative body of the municipality or county conducting the proceedings shall by resolution determine to be for the public interest and convenience."

#### Amendment adopted.

##### AMENDMENT NUMBER SIX.

On page 3, lines 3 and 4, of the printed bill, strike out the comma following the word "viaducts", and strike out the words "and to create and improve harbors".

#### Amendment adopted.

##### AMENDMENT NUMBER SEVEN.

On page 3, line 27, of the printed bill, strike out the words "and approaches thereto".

#### Amendment adopted.

##### AMENDMENT NUMBER EIGHT.

On page 3, lines 28 and 29, strike out the comma following the word "water", and also strike out the words "or to provide harbor or recreational facilities".

#### Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

##### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 134—An act to amend section 1 of "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1160—An act to transfer and set over certain State land from the jurisdiction of the Park Commission, the Department of Institutions, and the Division of Highways to the jurisdiction of the Surveyor General, and providing for the use thereof.

Bill read third time.

The question being on the passage of the bill.





Assembly Bill No. 1175—An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor, and the manner of payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1175 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187—An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violations of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Murphy, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1152—An act to amend section 1617 of the Penal Code, relating to prisoners in city jails.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MOTION TO DISPENSE WITH PROCEEDINGS UNDER CALL OF THE SENATE.

At four o'clock and forty minutes p.m., Senator Inman moved that further proceedings under call of the Senate be dispensed with.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Inman, Boggs and Tubbs.

The roll was called, and Senator Inman's motion to dispense with further proceedings under call of the Senate lost by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Christian, Cobb, Garrison, Inman, Jones, Herbert C., Jones, Ray; McCormack, McKinley, Nelson, Slater, Wagy, West, and Young—17.

NOES—Senators Allen, Canepa, Carter, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Swing, Tubbs, and Weller—21.

Assembly Bill No. 455—An act to amend section 1186 of the Code of Civil Procedure, relating to the filing of notice of commencement of work on any building or structure subject to mechanics' liens and the effect of mechanics' liens thereon.

On motion of Senator Weller, Assembly Bill No. 455 was ordered re-referred to Committee on Judiciary.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 232—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in municipal corporations of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1120—An act to amend sections 4, 6, 8, 9, 12, and to add certain new sections, to be numbered 13 $\frac{1}{2}$  and 13 $\frac{3}{4}$ , to an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1120 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Wagy, Weller, West, and Young—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted in the county of Orange.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1191 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1167—An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1167 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Herbert C. Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 656—An act to amend section 4248 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman,



Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Senator Inman:

WHEREAS, On January 18, 1929, the President of the Senate, pursuant to the resolution of said Senate adopted on January 17, 1929, appointed Senators Boggs, Carter, Inman, Herbert C. Jones, and Wagy as a committee to investigate as to the existence or nonexistence of a reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California for the control of the market price in cement and suppression of free competition, with full powers to said committee to issue subpoenas and bring witnesses before it and examine them as to the facts or purported facts as to such reputed illegal combination or conspiracy and to compel the production for examination by such committee of all necessary books, papers, documents and records material thereto; and

WHEREAS, This honorable Senate did on March 14, 1929, adopt a resolution declaring Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emery Wishon to be guilty of contempt of this Senate for refusing and declining to answer certain questions material to the issues propounded to them and refusing to produce proper books, papers, documents and records required of them by subpoenas duces tecum duly and regularly issued and duly and regularly served upon them, such being in their possession or under their control and material to the issues, and ordering that said persons and each of them be committed to the county jail in the county of Sacramento, State of California, until they purged themselves of this contempt by answering the questions which were propounded to them by said committee, and by producing the proper books, papers, documents and records required of them by said subpoenas duces tecum; and

WHEREAS, Said persons did thereafter institute certain legal proceedings for the purpose of determining the legality of the said order of this Senate that they be committed to the said county jail in the county of Sacramento, State of California, which said legal proceedings have not been finally determined; now, therefore, be it

Resolved, That the said special committee of five members of the Senate, consisting of Senators Boggs, Carter, Inman, Herbert C. Jones and Wagy, shall continue to function as such committee until the court shall determine whether or not the said Robert B. Henderson, W. H. George, George R. Gay, E. E. Duque, John Treanor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emery Wishon, or either or any of them, were guilty of contempt of this Senate for refusing and declining to answer the questions hereinbefore referred to, and if the court shall determine that they, or either or any of them, were guilty of such contempt, then in that event said committee shall be authorized to receive the answers to the questions which said court shall or may hold to be proper and within the province of said committee to propound, and to do any and all other things that may be necessary or proper to permit said persons to purge themselves of the contempt of this Senate, and for such purpose said committee shall have all the powers conferred upon it in and by the said resolution adopted January 17, 1929, under and pursuant to which said committee was appointed.

Resolved, That any and all moneys remaining and unexpended from said sum of \$3,000 heretofore made available from the contingent fund of the Senate for the use of said committee be and the same is hereby appropriated and made available for the purpose of defraying the expenses of said committee in said investigation and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

#### POINT OF ORDER.

Senator Christian raised the point of order that Senator Inman's resolution was out of order according to Senate Rule 33; that the Senate has to proceed with the third reading file unless unanimous consent is granted.

## DECISION ON POINT OF ORDER.

The President announced his decision, and declared the point of order not well taken.

## UNANIMOUS CONSENT GRANTED.

Senator Inman asked for and was granted unanimous consent to have his resolution relative to the cement trust placed on the unfinished business file of May 15th, without reference to committee.

## SPECIAL ORDER.

Senator Allen moved that Assembly Bill No. 650 be made a special order for eight o'clock and thirty minutes p.m., this day.

Motion carried.

## MOTION TO WITHDRAW.

Senator Garrison moved that Assembly Joint Resolution No. 11 be withdrawn from committee and placed on file.

Motion lost.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1168—An act to amend section 1676 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the salaries of the scaler of weights and measures and his deputies in counties of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1168 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Slater, Swing, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 973—An act to amend an act entitled "To allow unincorporated cities and towns to equip and maintain a fire department," Stats. 1881, p. 26, amended Stats. 1899, p. 69, as amended, Stats. 1909, p. 1028; amended Stats. 1919, p. 7, by adding certain new sections thereto, to be numbered 27, 28, 29, 30, and to provide for the organization and reorganization of districts attempted to be formed thereunder.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 973 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Herbert C., Jones, Ray, Lyon, McCormack, Merriam, Nelson, Slater, Swing, Tubbs, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1051—An act to amend section 16r21 of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including the State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to the salary of the sealer and deputies of counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1051 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Slater, Swing, Tubbs, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1178—An act to amend section 9a31 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of the county librarian in counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1178 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, Merriam, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1173—An act to amend section 4246 of the Political Code, relating to the salaries, fees and expenses of officers and their deputies and assistants in counties of the seventeenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1173 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, Merriam, Pedrotti, Rochester, Slater, Swing, Wagy, Weller, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 129—An act to add a new section to the Political Code, to be numbered 1740a, relating to traveling expenses of members of high school boards of trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 129 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McKinley, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, and Young—30.

NOES—None.

#### TITLE AMENDED.

Senator Allen moved to amend the title of Assembly Bill No. 129 as follows:

#### AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, immediately following the words "governing boards of", insert the following: "junior college districts."

Amendment adopted.

Title read as amended, and approved.

Bill ordered to print, and transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and fifteen minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Fellom.

The Secretary was directed to call the roll.

The roll was called, and Assembly Bill No. 94 refused passage by the following vote:

AYES—Senators Allen, Canepa, Carter, Crowley, Edwards, Evans, Fellom, Gray, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Swing, and Tubbs—19.

NOES—Senators Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Garrison, Handy, Inman, Jones, Herbert C. Jones, Ray; McCormack, McKinley, Nelson, Slater, Wagy, Weller, West, and Young—21.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 27.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9 of article VI, relating to absence of judicial officers from the State.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 9 of article VI of the constitution of this State be amended to read as follows:

Sec. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than 60 consecutive days shall be deemed to have forfeited his office; *provided, however,* that the Governor of the State may in his discretion and on such terms as



he may fix, extend said period. The Legislature of the State may, at any time, two-thirds of the members of the Senate and two-thirds of the members of the Assembly voting therefor, increase or diminish the number of judges of the superior court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 27 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—29.

NOES—Senator Cleveland—1.

Title read and approved.

Assembly Constitutional Amendment No. 27 ordered transmitted to the Assembly.

Assembly Bill No. 979—An act to provide for the payment of traveling expenses of superintendents of schools of counties attending national conventions of superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 979 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to definitions of terms used therein and to rear yards of apartment houses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1177 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### LEAVE OF ABSENCE.

Senator Herbert C. Jones was, on motion of Senator Inman, granted leave of absence for the remainder of this day.

Assembly Bill No. 1050—An act to add a new section to the Political Code to be numbered 1617c, relating to dedication of real property for street or highway purposes by governing bodies of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1050 passed by the following vote:

AYES—Senators Baker, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Slater, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1133—An act to allow the establishment of an emergency cash fund by the governing board of any school district, high school district, or junior college district, of any kind or class, and providing also for the reduction or discontinuance of such fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1133 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Jones, Ray, Lyon, Maloney, McCormack, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—24.

NOES—Senator Duval—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An act to repeal section 3898a of the Political Code, as added by chapter 349 of the Statutes of 1921, and to add a new section thereto, to be numbered section 3898b, both relating to the disposition of proceeds of funds from the sale of land deeded to the State for delinquent taxes for the purpose of vocational education of dependents of veterans.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray, Lyon, Maloney, Merriam, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

#### TITLE AMENDED.

Senator Handy moved to amend the title of Assembly Bill No. 695 as follows:

#### AMENDMENT NUMBER ONE.

Strike out lines 1 to 6, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to repeal the section 3898a of the Political Code added by chapter three hundred forty-nine of the statutes of 1921, and to add a new section to said code to be numbered section 3898b, creating the veterans' dependents' education fund, providing for its accumulation and disposition and relating to the powers and duties of the veterans' welfare board in relation thereto."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 932—An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing

for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as approved May 26, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 932 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray; Lyon, Maloney, McCormack, Nelson, Sharkey, Slater, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Sharkey, Swing and Maloney, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate Bill No. 745.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Assembly Bill No. 1011—An act to amend section 3821 of the Political Code, relating to seizure and sale of personal property for unpaid taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1011 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, Merriam, Mueller, Nelson, Rochester, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1088—An act to amend sections 3682, 3746, 3756 and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1088 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Nelson, Rochester, Slater, Wagy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494—An act providing for the establishment and maintenance of 24-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Merriam moved to refer Assembly Bill No. 494 to Senator Weller, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 26, of the printed bill, strike out all of lines 26 to 29, inclusive, and insert in lieu thereof the following: "consisting of one member of the governing board of the district, a representative of the welfare or charities department, if such a department exists, of the city within which the district is situated, if within a city, otherwise of the county the superintendent of schools of which has jurisdiction over the district, and two other".

AMENDMENT NUMBER TWO.

On page 2, line 35, of the printed bill, as amended, after the period, insert the following: "The chairman of the board of admission shall be the superintendent of schools of the district and the said board shall meet at such times and places as may be designated by the chairman."

AMENDMENT NUMBER THREE.

On page 2, line 40, of the printed bill, as amended, after the period, insert the following: "No child shall be admitted to a twenty four hour school except upon the recommendation of the board of admission."

AMENDMENT NUMBER FOUR.

On page 2, line 46, of the printed bill, as amended, strike out the following: "to the superintendent of schools of the district".

AMENDMENT NUMBER FIVE.

On page 2, line 30, of the printed bill, as amended, strike out the word "person", and insert in lieu thereof the word "persons".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 494, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELLER, Special Committee.

Report read, and on motion of Senator Merriam adopted.

Bill ordered to print.

RECESS.

At five o'clock and forty-five minutes, p.m., on motion of Senator Breed, the President declared the Senate at recess until eight o'clock p.m.

RECONVENED.

At eight o'clock p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 14—An act to amend



sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked and prima facie proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNSMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 14 ordered to unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 760—An act to amend and to revise an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith'," approved May 19, 1915, as amended—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNSMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 760—An act to amend and to revise an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith'," approved May 19, 1915, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED SIXTY.

##### AMENDMENT NUMBER ONE.

On page 20 of the printed bill, as amended on April 4, 1929, strike out all of that portion of line 33 following the words "waters on the", and all of lines 34 and 35, and in lieu thereof insert the following: "westerly, southerly and easterly side of said island lying between a line extending southwest magnetic from Mills landing and a line extending east magnetic from the headland on easterly side of Goat harbor."

##### AMENDMENT NUMBER TWO.

On page 21 of the printed bill, as amended April 4, 1929, between lines 25 and 26, insert the following:

"Sec. 71. Fish and game district one "S" shall consist of and include all lands lying within the county of Lassen within the following boundaries: Beginning at the old Haydenhill post office in the approximate center of section thirty-six, township thirty-seven north, range nine east, Mount Diablo base and meridian, thence following westerly along the old Juniper road through Windmill flat to the junction of the new Juniper road near Meyers springs; thence southeasterly along the new Juniper road to the shores of Silva flat reservoir; thence around the south and east shores of Silva flat reservoir to the Coon camp road; thence northerly following said road to Haydenhill to the point of beginning.

Sec. 72. Fish and game district one "T" shall consist of and include all lands within the county of Humboldt lying within the following boundaries: Beginning at the junction of Freeman creek and Little river in section three, township seven north, range one east, Humboldt base and meridian; thence northerly following Freeman creek to its intersection with the west line of section thirty-four, township eight north, range one east, Humboldt base and meridian; thence northerly one and one-half miles to the east one-quarter corner of section twenty-eight, township eight north, range one east, Humboldt base and meridian, this being the summit of the divide between Maple creek and Railroad creek; thence northerly, easterly and southerly following the summit of said divide and the summit of the divide between Railroad creek and Camp Nine gulch to the center of section twenty-six, township

eight north, range one east; thence westerly and southerly following the fence line to Little river, thence down Little river to the place of beginning.

SEC. 73. Fish and game district three "II" shall consist of and include all lands lying within the county of Santa Barbara within the following boundaries: Beginning at the summit of the San Marcos pass in approximate section seventeen, township five north, range twenty-eight west, San Bernardino meridian; thence following easterly the summit of the divide between the Pacific ocean and the Santa Ynez river approximately ten miles to the Tunnel trail; thence northerly along said trail to the south abutment of the Gibraltar dam; thence on the summit of said dam across the Santa Ynez river to the north abutment; thence due north approximately one and one-half miles to the summit of the divide between the Santa Ynez river and Camuesa canyon; thence following northwesterly said divide to the southerly side of Camuesa road; thence in a general westerly direction following the southerly side of said road to the intersection of the north section line of section thirty-one, township six north, range twenty-seven -----, San Bernardino meridian; thence due west approximately one and one-half miles to the easterly line of San Marcos ranch; thence southwesterly to where said ranch line intersects the San Marcos road; thence southerly following the easterly side of said road to the point of beginning.

SEC. 74. Fish and game district eighteen "A" shall consist of and include the ocean waters and tidelands to high water mark of the state extending southerly from La Grande beach pier or wharf in San Luis Obispo county to the mouth of the Santa Maria river."

#### AMENDMENT NUMBER THREE.

On page 21, line 26, of the printed bill, as amended April 4, 1929, strike out the figures "71", and insert in lieu thereof the figures "75".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 760?

The roll was called, and Assembly amendments to Senate Bill No. 760 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Hardy, Hurley, Ingram, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormick, McKinley, Morrison, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—36.

NOES—None.

Senate Bill No. 760 ordered to print, and enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 782—An act to amend section 2186 of the Political Code.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's

reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOUR HUNDRED TWENTY-FIVE.

AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended in Senate March 21, 1929, strike out all of lines 12 and 13, and insert in lieu thereof the following:

"Sec. 20. For the purpose of this section of this act the state shall be divided into districts as follows:"

AMENDMENT NUMBER TWO.

On page 2, line 1, of the printed bill, as amended March 21, 1929, strike out all of lines 1 and 2, inclusive, and insert in lieu thereof the following:

"District 2. All that portion of the state north of the Tehachapi range of mountains at the southern end of the San Joaquin valley.

"District 3. All of the state excepting those parts included in districts one and two."

AMENDMENT NUMBER THREE.

On page 2, line 43, of the printed bill, as amended March 21, 1929, strike out the words "of the juice".

AMENDMENT NUMBER FOUR.

On page 2, line 49, of the printed bill, as amended March 21, 1929, strike out the words "and one-half".

AMENDMENT NUMBER FIVE.

On page 2, line 50, of the printed bill, as amended March 21, 1929, immediately following the semicolon after the word "juice", insert the following: "*and provided, further,* that grapefruit produced in district three shall be deemed mature under the provisions of this act if the juice contains soluble solids equal to or in excess of five and one-half parts to every part of acid contained in the juice;"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 425?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 425 by the following vote:

AYES. None.

NOES. Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young 36.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 30—Approving two certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at the general municipal election held therein on the second day of April, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 30 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such



licenses, and prescribing the punishment for violation of the provisions of this act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 712—An act providing for the creation and establishment of the Contractors' State License Board; prescribing the powers and duties of such board; defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of revocation of such licenses, and prescribing the punishment for violation of the provisions of this act.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED TWELVE.

##### AMENDMENT NUMBER ONE.

On page 2, line 7, of the printed bill, as amended in Senate April 29, 1929, strike out the semicolon in said line 7, and insert in lieu thereof a comma and the following: "or any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well, when performed by an owner or lessee".

##### AMENDMENT NUMBER TWO.

On page 5, line 33, of the printed bill, as amended, in Senate April 29, 1929 strike out the word "supreme", and insert in lieu thereof the word "superior".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 712?

The roll was called, and Assembly amendments to Senate Bill No. 712 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Wagon, Weller, West, and Young—35.

NOES—None.

Senate Bill No. 712 ordered to print, and enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 303: An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 303—An act to amend section 4255 of the Political Code, relating to counties of the twenty-sixth class.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER THREE HUNDRED THREE.

##### AMENDMENT NUMBER ONE.

On page 6, line 41, of the printed bill, as amended May 10th, strike out the word "by", and insert in lieu thereof the following: "for the recording of all papers, notices or documents in his office and shall be entitled to the actual cost incurred by him not exceeding seven cents per folio upon".

##### AMENDMENT NUMBER TWO.

On page 9, line 4, of the printed bill, as amended May 10th, strike out the words "two thousand one", and insert in lieu thereof the words "one thousand eight".



## AMENDMENT NUMBER THREE.

On page 9, line 5, of the printed bill, as amended May 10th, strike out the word "three", and insert in lieu thereof the word "six".

## AMENDMENT NUMBER FOUR.

On page 1, line 8, of the printed bill, as amended in Senate March 20, 1929, strike out lines 8 to 24, inclusive; also strike out all of pages 2 to 5, inclusive, and insert in lieu thereof the following:

"1. The county clerk three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at two thousand one hundred dollars per annum, one at one thousand eight hundred dollars per annum, and one at one thousand two hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid. Commencing on the first day of January, 1928, said county clerk shall be allowed one additional deputy which office is hereby created at a salary of one hundred twenty-five dollars per month.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of two thousand one hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand eight hundred dollars per annum, also one deputy who shall receive a salary of three hundred dollars per annum, and two deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum, and one deputy who shall receive one hundred seventy-five dollars per month and furnish his own transportation. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and also provided*, that the sheriff may employ from one to two persons to act as deputy sheriffs at salaries not to exceed five dollars per day each when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation of such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand dollars per annum; *and also provided*, that the compensation of the last mentioned deputies shall be paid on presentation of duly verified claims filed with the board of supervisors of the said county and in the same manner that other claims are filed and paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected.

3. The recorder three thousand dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensations as follows: One chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; the said deputies to be paid at the same time and out of the same fund as the recorder's salary is paid. Said recorder may employ as many copyists as he may deem necessary by certifying to the auditor the names, the number of folios copied and the time required. The auditor shall thereupon draw his warrant in favor of such copyist; *provided, further*, that all comparing shall be done by the paid deputies and in no event is the recorder to receive for his own use any fees of any description notwithstanding a statute may provide therefor.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class the auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that in counties of this class the auditor shall be allowed such additional clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one calendar year. The deputy, clerks and copyists named herein shall be appointed by the auditor and their salaries shall be paid in the same manner and at the same time and out of the same fund as the salary of the auditor is paid.

5. The treasurer and tax collector, three thousand dollars per annum and such fees as are allowed by law; *provided*, that in counties of this class the treasurer and tax collector shall be allowed one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum and one deputy who shall be paid a salary of one thousand two hundred dollars per annum; *and provided, further*, that in counties

of this class there shall be and hereby is allowed to the treasurer and tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred dollars in one calendar year.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand eight hundred dollars per annum; one draftsman at a salary of two thousand one hundred dollars per annum; and one rural appraiser who would be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy and said draftsman and said rural appraiser shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of seven thousand five hundred dollars in any one year. Said field deputies, assistants, clerks, and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents.

7. The district attorney, three thousand dollars per annum; *provided*, in counties of this class there shall hereby be allowed to the district attorney, one deputy at an annual salary of six hundred dollars; *provided*, that the deputy shall be employed in a place other than the county seat. In addition to the deputy, the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. All salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested. The provisions contained in this paragraph numbered 7 shall go into effect on January 1, 1931.

8. The coroner, such fees as are now or may be hereafter allowed by law.

9. The public administrator, such fees as are now or may be hereafter allowed by law.

10. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

11. The county surveyor shall receive three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars.

12. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses.

The supervisors while acting as road commissioners, shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise provided by law shall meet on the seventh of each month or on the next legal day following the seventh.

13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and clerical help not to exceed nine hundred dollars in each year, and the board of supervisors shall provide him with the necessary office room; *provided, however*, that from and after the first day of January, 1931, the justice shall be paid a salary of two thousand one hundred dollars a year and clerical help not to exceed three hundred dollars in each year.

14. In each of the townships herein provided for, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that

in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the services of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services of process; also the transportation of prisoners to the county jail, the constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases, and also all fees now allowed him by law for the arrest of violators of the fish and game laws.

15. The official reporter of the superior court shall receive the fees allowed by law.

16. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, treasurer, district attorney, county surveyor and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said officers herein last named, to wit, sheriff, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, seven and ten of this act.

17. All officers who are allowed extra compensation for carrying out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount.

18. In counties of this class grand jurors, and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during each session such jurors are required to attend.

19. The sealer of weights and measures shall receive a salary of two thousand one hundred dollars per annum and he is hereby allowed his actual and necessary traveling expenses while engaged in the performance of his duties as such sealer of weights and measures."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 303?

The roll was called, and Assembly amendments to Senate Bill No. 303 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—36.

NOES—None.

Senate Bill No. 303 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 723 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption to Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXV thereto, relating to the construction, maintenance and operation of a salt water barrier, or a combination of a salt water barrier or bridge or other works at or near Carquinez Straits, for salinity control, flood control, navigation, domestic use, irrigation and other public uses, and for the construction of dams and other works on the Santa Ana River for flood control and water conservation, and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of the same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$20,000 for the expense of printing, lithographing and selling of said bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537*f*, 537*g* and 537*h*, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and the suffering of a lien to be placed upon the motor vehicle of another without paying therefor, and prescribing punishment therefor—reports that it has met a like committee of the Assembly, consisting of Assemblymen Jones, Gilmore and Witter, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE.

In line 5 of the title of the printed bill, as amended in Senate April 4, 1929, after the word "statements", insert the following: "and the suffering of a lien to be placed upon the motor vehicle of another without paying therefor."

SWING,  
TUBBS,  
SHARKEY.

Senate Committee on Free Conference.

JONES,  
GILMORE,  
WITTER.

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendment.

The Roll was called, and the report of the Committee on Free Conference and the amendment adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormick, McKinley, Morriam, Mueller, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—33.  
NOES—None.

Assembly Bill No. 319 and amendments ordered transmitted to the Assembly.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 754—An act to add a new section to be numbered 2*a* to an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used



or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to information concerning bidders on any advertised public works.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED  
FIFTY-FOUR.

AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Senate April 11, 1929, strike out said line 1, and insert in lieu thereof the following:

"An act to add a new section to be numbered 2a to an act entitled "An act to regulate contracts on behalf of,""

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 754?

The roll was called, and Assembly amendment to Senate Bill No. 754 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Sharkey, Slater, Wagv, Weller, West, and Young—33.

NOES—None.

Senate Bill No. 754 ordered to print, and enrollment.

UNANIMOUS CONSENT ASKED TO WITHDRAW RESOLUTION.

Senator Inman asked for and was granted unanimous consent to withdraw his resolution relative to the cement trust, previously entered in today's Journal.

MOTION TO RECONSIDER.

Pursuant to his notice given on a previous day, Senator Merriam moved to reconsider the vote whereby Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns—was passed.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 965 was passed carried by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Wagv, Weller, West, and Young—29.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Assembly Bill No. 650, heretofore set as a special order for eight o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 650—An act to amend section 2322 $\frac{1}{2}$ 18 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator Allen moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Sharkey, Slater, Waggy, Weller, West, and Young—31.

The Secretary announced the absentees.

Time, nine o'clock and fifty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## PROCEEDINGS UNDER CALL OF THE SENATE.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1132—An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1132 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, and West—27.

NOES—Senators Breed, Edwards, Evans, Garrison, McKinley, and Swing—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1190—An act relating to the granting of franchises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach, by the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1190 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Swing, Waggy, Weller, and West—26.

NOES—None.

## AMENDMENT TO THE TITLE.

Senator Edwards moved to amend the title of Assembly Bill No. 1190 as follows:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, strike out the comma following the word "Beach" in said line.

Amendment adopted.

Title read as amended, and approved.

Bill ordered to print, and transmitted to the Assembly.

## ASSEMBLY CONCURRENT RESOLUTION No. 33.

Relating to the holding of the Tenth Olympiad Games in the State of California.

WHEREAS, The Tenth Olympiad Games to be held in 1932 were allocated by the International Olympic Committee to the city of Los Angeles, in the State of California; and

WHEREAS, At the general election held November 6, 1928, the people of the State of California approved the California Olympiad Bond Act passed by the Legislature of the State of California in 1927, authorizing the issuance and sale of \$1,000,000 State bonds known as the "California Tenth Olympiad Bonds," the proceeds of the sale of said bonds to be used for the purpose of providing a fund to be used and distributed for the purposes of an Olympiad to be held in the city of Los Angeles in the State of California, in 1932; and

WHEREAS, A commission to be known as the "California Olympiad Commission" has already been created to carry out the provisions of the "California Tenth Olympiad Bond Act of 1927"; and

WHEREAS, The International Olympic Committee claims the right to allocate to certain states those certain events always heretofore considered a part of the Olympiad Games and said committee has stated that the winter sports usually held in connection with such games shall be held in one of our eastern states, thereby depriving the State of California of a feature of such games which the State of California desires to hold at a suitable location in this State; and

WHEREAS, The International Olympic Committee may be persuaded by eastern colleges and eastern influence, to ordain that the aquatic sports or other features of said game shall be held in some eastern state or locality other than the State of California; and

WHEREAS, The people of the State of California approved the \$1,000,000 California Olympiad Bond Act with the understanding and belief that all of the events of the Tenth Olympiad would be held in the State of California, believing that those events which could not be held in the southern part of this State might well be handled and allocated by the California Tenth Olympiad Association to the northern or central part of this State; be it

*Resolved, by the Assembly, the Senate concurring,* That the people of the State of California represented by the Senate and Assembly of this State, do protest against the action of said International Olympic Committee taken and had without the consent of the California Tenth Olympiad Association, in allocating the winter sports of said games to a state other than the State of California; and be it further

*Resolved,* That a commission to be known as the Olympiad State-wide Cooperating Commission be created, the members of said commission to be appointed by the Governor of the State and to hold office until all of the business and affairs of said commission shall have been fully completed and settled. Said commission is hereby created for the purpose of cooperating with the California Olympiad Commission in order to facilitate and determine what events of the Tenth Olympic Games shall be allocated to central or northern California and the place where such games so allocated are to be held. It shall be the purpose and duty of this commission to assist and cooperate at all times with the California Olympiad Commission for the purpose of facilitating all work of said commission.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 33 adopted by the following vote:

AYES—Senators Baker, Boggs, Christian, Cleveland, Cobb, Edwards, Evans, Fel-lom, Garrison, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wag-y, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 33 ordered transmitted to the Assembly.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1022—An act to amend section 2322.26 of the Political Code, relating to the salaries of the county horticultural commissioner, deputies and inspectors in counties of the twenty-sixth class—reports that it has met a like committee of the Assembly,

consisting of Messrs. Snyder, Craig and Young, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

## AMENDMENT NUMBER ONE.

In line 3 of the title of the printed bill, as amended in Senate May 6, 1929, after the word "deputies", in said line, insert the following: ", clerk".

## AMENDMENT NUMBER TWO.

In line 22 of the amended bill, strike out all of subdivision "(c)", and insert in lieu thereof the following: "The salaries, of the commissioner and the deputy shall be in full for all service and each of them shall furnish his own transportation; and provided, further, that the inspectors shall be allowed eight cents per mile while traveling in the discharge of their duty".

CLEVELAND,  
CHRISTIAN,  
WEST.

Senate Committee on Free Conference.

SNYDER,  
CRAIG,  
YOUNG,

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference, and amendments.

The roll was called, and the report of Committee on Free Conference and amendments adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Jones, Ray, Maloney, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, West, and Young—25.

NOES—None.

Assembly Bill No. 661—An act to amend sections 24 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 passed by the following vote:

AYES—Senators Boggs, Breed, Canepa, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Pedrotti, Slater, Swing, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 751—An act to amend section 791 of the Political Code, relating to the appointment of notary publics in counties of the second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 751 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Duval, Evans, Fellom, Garrison, Inman, Jones, Ray, Maloney, McCormack, Nelson, Sharkey, Slater, Waggy, Weller, West, and Young—23.

NOES—Senators Cobb, Gray, Handy, Hurley, McKinley, and Tubbs—6.



## AMENDMENT TO TITLE.

Senator West moved to amend the title of Assembly Bill No. 751 as follows:

## AMENDMENT NUMBER ONE.

On page 1, line 2, of the title of the printed bill, strike out the words "notary publics", and insert in lieu thereof the words "notaries public".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 865—An act to amend section 737~~nn~~ of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Luis Obispo.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 865 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Evans, Fellom, Hurley, Inman, Jones, Ray, Lyon, Maloney, McKinley, Murphy, Nelson, Sharkey, Slater, Swing, Wag, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and twenty-three minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Allen.

The Secretary was directed to call the roll.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 passed by the following vote:

AYES—Senators Allen, Canepa, Cassidy, Christian, Cleveland, Crowley, Evans, Fellom, Gray, Hurley, Lyon, Maloney, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Swing, Tubbs, Weller, and West—21.

NOES—Senators Baker, Boggs, Breed, Carter, Cobb, Duval, Edwards, Garrison, Handy, Inman, Jones, Herbert C. Jones, Ray, McCormack, McKinley, Nelson, Slater, Wag, and Young—18.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 667—An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class;

Also: Assembly Bill No. 446—An act to amend section 103 and to add a new section to be numbered 103d to the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace;

Also: Assembly Bill No. 1152—An act to amend section 1 of an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and

empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, relating to a board of parole commissioners.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 983—An act to amend sections 2176, 2180 and 2192 of the Political Code and to add a new section to said code to be numbered 2176a, all relating to the Department of Institutions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 655—An act to add a new section to the Political Code to be numbered section 4041.12, authorizing the boards of supervisors in their respective counties to provide for the working of prisoners confined in the county jail and prescribing the compensation of the persons in charge thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 140—An act to add two new sections to chapter 7 of title XIII of part I of the Penal Code to be numbered sections 526 and 527, relating to the making, distribution, and use of written matter resembling processes of courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1101—An act to regulate and control the operation of aircraft; providing who may operate aircraft; declaring it unlawful for certain persons to operate aircraft; providing penalties for violations; repealing acts in conflict herewith and particularly that certain act entitled "An act concerning the registration, numbering and use of aircraft and the licensing of operators thereof," approved June 3, 1921.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 395—An act to add a new article to chapter 3 of title I of part III of the Political Code to be numbered article XIc, embracing sections 378 to 378g, inclusive, creating a Bureau of Commerce in the State Department of Finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 940—An act authorizing and empowering the Department of Natural Resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 957—An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and burial certificates.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1048—An act to add eleven new sections to be numbered 55 to 65, both inclusive, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to the leasing and sale of the properties of public utility districts in unincorporated territory and the dissolution of such districts, the ascertainment of their indebtedness and the distribution of their assets.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 281—An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the boundaries of the Tamalpais Forest Fire District and declaring the same an urgency measure, necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1032—An act to prescribe a procedure for the acquisition by the State, counties, cities and cities and counties of property under the provisions of section 14 of article I of the constitution of California; also providing for the sale or other disposition and conveyance of lands so acquired, and providing for the disposition of the proceeds of the sale of such lands:

Also: Assembly Bill No. 1009—An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools:

Also: Assembly Bill No. 304—An act to amend sections 7, 8, 9, 12, 15, 16 and 18 of the General Dairy Law of California, approved June 15, 1923, as amended:

Also: Assembly Bill No. 525—An act to amend section 3051 of the Civil Code, relating to liens:

Also: Assembly Bill No. 1098—An act to amend section 597 of the Penal Code, relating to cruelty to animals:

Also: Assembly Bill No. 1065—An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1144—An act to amend section 30 and section 31 of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended, relating to insurance policies of workmen's compensation insurance:

Also: Assembly Bill No. 1185—An act relating to certain funds and property of inmates of State homes, reformatories, hospitals, prisons and other institutions and the expenditure thereof:

Also: Assembly Bill No. 538—An act to add a new section to the Penal Code to be numbered 164, relating to the making of contracts for the collection of damages for injuries to persons or property or both; and prohibiting solicitation of such claims for suit outside the State; providing for penalties therefor; and for exceptions thereto;

Also: Assembly Bill No. 498—An act to provide for an appropriation to complete the investigation authorized by an act entitled "An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the State for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose," approved May 23, 1925, and to provide for the expenditure thereof;

Also: Assembly Bill No. 298—An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county waterworks districts; for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 12, 1913, as amended, relating to the tax for maintaining waterworks.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1149—An act to amend section 514 of the Civil Code, relating to the construction by wagon road corporations of roads, ferries, bridges, tunnels and tubes across, in and under streams, bays and inlets, tidal or otherwise, on or intersected by the line of such corporations' roads; and providing for the collection and rates of tolls for the use thereof by the public;

Also: Assembly Bill No. 767—An act to revise an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927;

Also: Assembly Bill No. 229—An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class.

Also: Assembly Bill No. 1184—An act to authorize the State Agricultural Society to acquire property by gift, devise or bequest.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 882—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 25—Relating to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

SENATOR LYON IN THE CHAIR.

At ten o'clock and thirty minutes p.m., Senator Lyon of the Thirty-fourth District was called to the chair.

CONSIDERATION OF DAILY FILE.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 781—An act to add a new section to the Political Code, to be numbered 625b, relating to bonds and undertakings of corporate sureties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 passed by the following vote:

AYES—Senators Allen, Boggs, Canepa, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray;



Maloney, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 203—An act to promote the better education of social service workers; to provide for and regulate the examination of social service workers; to provide for the issuance of licenses as social service workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions hereof; to provide penalties for the violations of any of the provisions hereof.

Bill read third time.

#### LIUTENANT GOVERNOR IN THE CHAIR.

At ten o'clock and fifty-eight minutes p.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

#### SENATOR ROCHESTER IN THE CHAIR.

At eleven o'clock and five minutes p.m., Senator Rochester of the Thirty-seventh District was called to the chair.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 203 refused passage by the following vote:

AYES—Senators Baker, Boggs, Breed, Christian, Garrison, Inman, Lyon, McKinley, Merriam, Rochester, Slater, Swing, Tubbs, and Weller—14.

NOES—Senators Allen, Canepa, Carter, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, Murphy, Nelson, Pedrotti, Sharkey, Wagy, and West—21.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Crowley, Hurley and Lyon as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 258.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked and prima facie proof of violation of the act, providing penalties for violation of the act, providing for the enforcement of the act by the chief of the Division of Labor Statistics and Law Enforcement and extending the benefits of the act to workers employed in lime and cement plants.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FOURTEEN.

##### AMENDMENT NUMBER ONE.

On page 1, line 11, of the title of the printed bill, as amended April 23, 1929, strike out the comma after the word "lime", and insert in lieu thereof the word "and"; also strike out the words "and other reduction".

## AMENDMENT NUMBER TWO.

On page 2, line 16, of the printed bill, as amended April 23, 1929, strike out the comma after the word "lime", and insert in lieu thereof the word "or".

## AMENDMENT NUMBER THREE.

On page 2, lines 16 and 17, of the printed bill, as amended April 23, 1929, strike out the words "or other reduction".

## AMENDMENT NUMBER FOUR.

On page 1, line 11, of the title of the printed bill, as amended on May 10, 1929, insert after the word "lime", the word "and".

## AMENDMENT NUMBER FIVE.

On page 1, line 11, of the title of the printed bill, as amended on May 10, 1929, strike out the word "and", after the word "cement".

## AMENDMENT NUMBER SIX.

On page 1, line 3, of the printed bill, as amended on May 10, 1929, insert after the word "workings" a comma (,) and, in the same line, insert before the word "making" the following: "tunneling".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 14?

The roll was called, and Assembly amendments to Senate Bill No. 14 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Waggy, Weller, and West—32.

NOES—None.

Senate Bill No. 14 ordered to print, and enrollment.

Assembly Bill No. 1008—An act to amend sections 737k and 737sz of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 986—An act providing for the allowance of traveling expenses of members of the State Curriculum Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 986 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1130—An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil;

regulating and licensing the distribution or sale of such products; prescribing penalties for violation of the provisions hereof and repealing acts and parts of acts inconsistent therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1130 passed by the following vote:

AYES—Senators Allen, Boggs, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Maloney, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, and Weller—25.

NOES—Senators Canepa, Murphy, Tubbs, and West—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1176—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1176 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1147—An act making an appropriation for printing and binding copies of the report of the State Park Commission made and prepared pursuant to the provisions of chapter 764, Statutes of 1927, and declaring the urgency of the same.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. Inasmuch as this act provides an appropriation for usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and West—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1147 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, and West—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1196—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years.

Bill read third time.

#### URGENCY CLAUSE

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and West—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1196 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 519—An act making an appropriation for work of exploration and engineering investigations in relation to the coordinated plan for the development of the water resources of California as set forth and described in Bulletin No. 12 of the Division of Engineering and Irrigation of the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 519 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Wagy, Weller, and West—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 994—An act to provide for the investigation of the economic problems of agriculture, and the appointment of a commission and the making of an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 994 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Slater, Wagy, Weller, and West—29.

NOES—Senator Jones, Ray—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 535—An act to appropriate money to pay the claims of corporations arising from the erroneous and unlawful assessment and payment under the provisions of the unconstitutional license acts approved March 20, 1905, and May 10, 1915, respectively, as amended, and the return of such unlawful corporation taxes erroneously collected under the provisions thereof.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 2. This act, inasmuch as it provides an appropriation for the usual current expenses of the State, shall, under the provisions of section 1, article IV of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, Weller, and West—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 535 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Garrison, Handy, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, and Weller—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1181—An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1181 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Evans, Fellom, Garrison, Handy, Human, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, and Weller—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON GOVERNMENTAL EFFICIENCY.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 567—An act providing for the creation of a commission to be known as the Olympiad State-wide Cooperative Commission, and prescribing the duties thereof:

Also: Assembly Bill No. 1182—An act to amend section 737*g* of the Political Code, relating to the salaries of superior court judges in and for the county of Contra Costa:

Also: Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11.

(Signed out)

MUELLER, Chairman.  
CORR.  
WELLER.  
MALONEY.  
MURPHY.  
BAKER.

Assembly Bills Nos. 567, 1182 and 200 ordered on file for second reading.

#### CONSIDERATION OF DAILY FILE.

#### SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1182—An act to amend section 737*g* of the Political Code, relating to the salaries of superior court judges in and for the county of Contra Costa.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 567—An act providing for the creation of a commission to be known as the Olympiad State-wide Cooperative Commission, and prescribing the duties thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof.

Bill read second time, and ordered on file for third reading.

## ADJOURNMENT.

At eleven o'clock and forty-five minutes p.m., on motion of Senator Breed, the President declared the Senate adjourned until nine o'clock a.m., Wednesday, May 15, 1929.

HAROLD J. POWERS, Minute Clerk.

## IN SENATE.

## SENATE CHAMBER,

SACRAMENTO, Wednesday, May 15, 1929.

The Senate met at nine o'clock a.m.

President pro tempore of the Senate Arthur H. Breed in the chair.  
Secretary Joseph A. Beek at the desk.

## ROLL CALL.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—40.

Quorum present.

## PRAYER.

By invitation of the President pro tempore, prayer was offered by the Rev. Harry Edwin Milnes of Sacramento.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, May 14, 1929, the further reading was dispensed with, on motion of Senator Slater.

## PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Rochester, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the drum corps of Roosevelt Camp No. 9: F. J. Gunther, manager, Los Angeles; Richard Eck, Los Angeles; M. H. Keith, Los Angeles; W. E. Haskell, Los Angeles; John Heine, Sacramento; John P. Schalles, Sacramento; Mahlon B. Warner, Sacramento; J. W. Blain, Monrovia; A. B. Pearson, Los Angeles; L. L. Adolph, Los Angeles; Geo. T. Bagent, Los Angeles; Wm. J. McCready, Los Angeles; Charles Lehn, Los Angeles; C. R. Judd, Los Angeles; G. S. Trule, Los Angeles; George G. Wildridge, Los Angeles, and John Rollins, Los Angeles.

On request of Senator Merriam, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Della Weeks Moore and Mrs. E. J. Steauffer of Santa Monica.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Duchancy of Martinez, member of Company F, Eighth California Volunteers, United Spanish War Veterans, and Frank McNamara of Martinez, United Spanish War Veteran and World War Veteran.

On request of Senator Rochester, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George A. Glover, chairman County Council of W. V. R., Los Angeles.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 319—An act to add new sections to the Penal Code to be numbered 537f, 537g, and 537h, relating to the use or misuse of motor vehicles hired, and the obtaining of credit or the possession of such motor vehicles with intent to defraud or by means of false statements, and prescribing punishment therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists—and appointed Assemblymen Fry, Hornblower and Reindollar as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By C. W. BOOTH, Assistant Clerk.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Lyon, Hurley and Crowley as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 258.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to time when an affidavit may be used.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 97 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923;

Also: Senate Bill No. 414—An act relating to the annual publication of financial reports of school districts;

Also: Senate Bill No. 879—An act to amend the title and sections 10, 11, 33 and 41 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 160, 414 and 879 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3;

Also: Senate Bill No. 420—An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections;

Also: Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions;

Also: Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 259, 420, 884 and 887 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons and corporations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 792 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 520—An act to amend chapter 4 of title I of part III of the Political Code by adding a new section 728 thereof, to relate to the Judicial Council assigning justice of the peace.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 520 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 78—An act to amend section 607 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 607a and 607b, relating to instructions to jurors in jury trials.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 78 ordered to enrollment.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 65—An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 65 ordered to enrollment.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 184—An act to amend sections 4, 5, 8, 9, 10, 11, 38, 40, 41 and 42 of an act of the Legislature of the State of California known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, relating to procedure, to the time and manner of notice, effect of protest, term of bonds, period of deferred payments on principal of bonds, number of zones, levy and effect of assessments and bonds, suit to determine validity, and supplemental issues; and to add fourteen new sections to said act, to be numbered sections 2a, 2b, 5a, 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, 25i, 25j and 25k, relating to limitations on the use of said act, and to provisions for an alternative method for making assessments and reassessments, the payment and enforcement of the same and the issuance, payment and enforcement of bonds, and providing for the proceedings which shall be affected by the foregoing amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 657—An act to amend the Penal Code of California, by adding thereto two new sections to be numbered 597h and 597i, relating to the cropping or cutting of the ears and tails of dogs, providing for the registration of such dogs and fixing penalties.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 782—An act to amend section 2186 of the Political Code.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 87 ordered to enrollment.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service by mail.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 74 ordered to enrollment.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of

the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 85 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 94—An act to add a new section to Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 94 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 91—An act to amend section 831b of the Code of Civil Procedure, relating to changing place of trial in municipal courts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 91—An act to amend section 831b of Code of Civil Procedure, relating to changing place of trial in municipal courts.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER NINETY-ONE.

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the following: "sections 831 and".

##### AMENDMENT NUMBER TWO.

On page 1, line 1, of the printed bill, strike out said line 1, and insert in lieu thereof the following:

"SECTION 1. Section 831 of the Code of Civil Procedure is hereby amended to read as follows:

831. The municipal court must, on motion, based upon a demand of the defendant therefor in writing, accompanied by an affidavit of merits, made and filed at the time he answers or demurs, change the place of trial of an action commenced in such court to another court in which such action is cognizable, as follows:

1. For the recovery of possession of real property, and for injuries thereto; to the municipal court or justice's court, if the action be cognizable in such justice's court, established in the city or township, respectively, where the real property is situated.

Where the real property is situated partly within and partly without a city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's court, or in the superior court, and the court so selected is the proper court for the trial of such action; *provided*, that all such actions must be tried in a court in which such action is cognizable, established in the county in which such real property or some part thereof is situated.

2. For the recovery of the penalty or forfeiture imposed by statute; to the municipal court or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause of action, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which said action is cognizable, situated in the county where said cause of action arose; and *provided*, that when such penalty or forfeiture is imposed for an offense committed on a lake, river, or other stream of water, situated partly within and partly without the city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court of such city, or in the appropriate justice's or superior court, and the court so selected is the proper court for the trial of such action.

3. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command



or in his aid, does anything touching the duties of such officer; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which such action is cognizable, situated in the county where the cause of action arose.

4. In all other cases; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, in which the defendants, or some of them, reside at the commencement of the action, if within the county in which the municipal court established in the city in which either of the parties reside, and none of the defendants reside in the city where the action is commenced; and cases in which none of the defendants reside in the county in which such action is commenced, to the municipal or justice's court, if cognizable therein, situated in the city or township, as the case may be, where the defendants, or some of them reside; otherwise to the superior court of such county.

When the action is for injury to person or personal property, or for death from wrongful act or negligence, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's or superior court, having jurisdiction over the territory where the injury occurs, or the injury causing death occurs, or in which the defendants, or some of them, reside at the commencement of the action, and the court so selected is the proper court for the trial of such action.

If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the municipal court established in the city where he resides, his residence must not be considered in determining the demand for change of place of trial of the action.

If none of the defendants reside in the state, or, if residing in the state and the place in which they reside is unknown to the plaintiff, the plaintiff may elect to sue in any municipal court, and the court so selected is the proper court for the trial thereof.

If the defendant is about to depart from the state, the plaintiff may elect to sue in the municipal court established in the city in which either of the parties reside, and the court so selected is the proper court for the trial thereof.

SEC. 2. Section 831b of said code is".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 91?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 91 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Weller, and Young—23.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to judicial townships, the population and the officers thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to judicial townships, the population and officers thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVENTY-TWO.

##### AMENDMENT NUMBER ONE.

On page 1, line 21, of the printed bill, after the word "three" and before the word "the", insert the following words: "and one-half".

##### AMENDMENT NUMBER TWO.

On page 2, line 2, of the printed bill, after the word "three" and before the word "the", insert the following words: "and one-half".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 72?



The roll was called, and Assembly amendments to Senate Bill No. 72 concurred in by the following vote:

AYES—Senators Breed, Cassidy, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Rochester, Slater, Tubbs, Wag, and Weller—21.

NOES—None.

Senate Bill No. 72 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 71—An act to add a new section to the Political Code, to be numbered 4185a, relating to qualifications and eligibility to the office of justice of the peace—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 71—An act to add a new section to be numbered 4185a, to the Political Code, relating to qualifications and eligibility for the office of justice of the peace.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVENTY-ONE.

##### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "ten".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 71?

The roll was called, and Assembly amendment to Senate Bill No. 71 concurred in by the following vote:

AYES—Senators Allen, Breed, Cassidy, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wag, and Weller—22.

NOES—None.

Senate Bill No. 71 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED THIRTY-THREE.

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the printed bill, strike out the word "necessary", at the end of said line.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 733?

The roll was called, and Assembly amendment to Senate Bill No. 733 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wagz, and Weller—25.  
NOES—None.

Senate Bill No. 733 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 61—An act to add new sections to be numbered 831*b* and 835*a*, to chapter 1 of title XI of part II of the Code of Civil Procedure, relating to practice and procedure in the justices' courts—and respectfully requests your honorable body to concur in said amendments:

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 61—An act to add new sections to be numbered 831*b* and 835*a*, to chapter 1 of title XI of part II of the Code of Civil Procedure, relating to practice and procedure in the justices' courts.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIXTY-ONE.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

##### AMENDMENT NUMBER TWO.

On page 1, line 21, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 61?

The roll was called, and Assembly amendments to Senate Bill No. 61 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Wagz, Weller, and West—24.  
NOES—None.

Senate Bill No. 61 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 62—An act to add a new section to be numbered 982*a* to chapter 3 of title XIII of part II of the Code of Civil Procedure, relating to appeals to superior courts—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 62—An act to add a new section to the Code of Civil Procedure, to be numbered 982*a*, relating to appeals to superior courts.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIXTY-TWO.

##### AMENDMENT NUMBER ONE.

On page 1, line 8, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 62?

The roll was called, and Assembly amendment to Senate Bill No. 62 concurred in by the following vote:

AYES—Senators Allen, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McKinley, Merriam, Murphy, Pedrotti, Slater, Waggy, Weller, West, and Young—25.

NOES—None.

Senate Bill No. 62 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHTY-NINE.

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, commencing with line 4 thereof, strike out all of lines 4, 5, 6, 7, 8, 9, 10 and 11, and insert in lieu thereof the following: "and the complaint contains a copy of such instrument, or a copy is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the answer denying the same be verified. (If the plaintiff count upon a written instrument, in whole or in part, that fact shall be pleaded.)"

##### AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, after the words "written instrument", strike out all the rest of said line 15, and all the rest of page 1 of said bill, from lines 16 to 24, inclusive, and insert in lieu thereof the following: "and a copy thereof is contained in the answer, or is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the plaintiff file with the clerk, within ten (10) days after receiving a copy of the answer, an affidavit denying the same, and serve a copy thereof on the defendant. (If the defendant count upon a written instrument, in whole or in part, that fact shall be pleaded.)"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 89?

The roll was called, and Assembly amendments to Senate Bill No. 89 concurred in by the following vote:

AYES—Senators Allen, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Slater, Waggy, Weller, West, and Young—24.

NOES—None.

Senate Bill No. 89 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 634, 644, 650, 657, 659, 660, 664, 953a, 953c, 956, and 1717 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 632, 633, 634, 644, 650, 657, 659, 660, 664, 953a, 953c, 956, and 1717 thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVENTY-THREE.

## AMENDMENT NUMBER ONE.

Strike out line 2 of the title of the printed bill, as amended in Assembly May 10, 1929, and insert in lieu thereof the following: "sections 650, 657, 659, 660, 953a and 953c thereof, and".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 73?

The roll was called, and Assembly amendment to Senate Bill No. 73 concurred in by the following vote:

AYES—Senators Allen, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Slater, Wagy, Weller, West, and Young—23.

NOES—None.

Senate Bill No. 73 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHTY-SIX.

## AMENDMENT NUMBER ONE.

On page 1, line 14, of the printed bill, as amended, following the word "and" insert the following: "except in any city and county".

## AMENDMENT NUMBER TWO.

On page 3, line 32, of the printed bill, as amended, following the period, insert a new paragraph as follows:

"7. To take testimony and proof, when ordered by the court appointing him so to do, and report the same to the court."

## AMENDMENT NUMBER THREE.

On page 3, line 33, of the printed bill, as amended, strike out all of the printed matter down to and including the period on page 3, line 41, and insert in lieu thereof the following:

"8. To charge and collect fees for the performance of official acts as follows:

(a) Such fees as are now or may hereafter be allowed by law to notaries public in this state for like services;

(b) For all other services (excepting, however, those hereinafter referred to in subdivision (c) hereof) such fees as may be fixed by stipulation of the parties or by order of the court;

(c) Whenever a court commissioner shall be called by the court appointing him to sit in the absence of a judge of the court, or to sit to assist the court in disposing of its business, he shall be paid such fees as may be fixed by the presiding judge of the superior court in and for such county or city and county; the payment in this subdivision (c) provided for shall be paid out of the salary fund of the county or



city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited;

(d) In each county or city and county having a population of nine hundred thousand inhabitants or more, the fees collected under subdivisions (a), (b), and (c) in this subsection shall be paid by said commissioner to the treasurer of the county in which said commissioner is appointed and acting."

#### AMENDMENT NUMBER FOUR.

On page 3, line 42, of the printed bill, as amended, strike out the numeral "8", and insert in lieu thereof the numeral "9".

#### AMENDMENT NUMBER FIVE.

On page 3, line 46, of the printed bill, as amended, strike out the numeral "9", and insert in lieu thereof the numerals "10".

#### AMENDMENT NUMBER SIX.

On page 3, line 47, of the printed bill, as amended, strike out all of the printed matter down to and including the period on page 3, line 48, and insert in lieu thereof a new section as follows:

"SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional."

#### AMENDMENT NUMBER SEVEN.

On page 3, line 10, of the printed bill, strike out the word "county", and substitute in lieu thereof the word "country".

#### AMENDMENT NUMBER EIGHT.

On page 3, line 31, of the printed bill, after the word "proceedings", strike out the comma.

#### AMENDMENT NUMBER NINE.

On page 1, line 24, of the printed bill, strike out the abbreviated word "Sec.", at the beginning of said line, and insert in lieu thereof the word "Section".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 86?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 86 by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Breed, Cassidy, Cobb, Crowley, Duval, Evans, Felton, Gray, Handy, Hurley, Inman, Jones, Ray, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, and West—24.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIXTY-EIGHT.

#### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, after the word "established", insert the following: "except those of which the juvenile court is given jurisdiction".

## AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, after the word "established", insert the following: "except those of which the juvenile court is given jurisdiction; and".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 68?

The roll was called, and Assembly amendments to Senate Bill No. 68 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Cobb, Crowley, Duval, Fellom, Gray, Handy, Inman, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, West, and Young—22.

NOES—None.

Senate Bill No. 68 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED THIRTY-FOUR.

## AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

## AMENDMENT NUMBER TWO.

On page 1, line 9, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 734?

The roll was called, and Assembly amendments to Senate Bill No. 734 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Inman, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Weller, and Young—22.

NOES—None.

Senate Bill No. 734 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 56—An act to add a new section to be numbered 933½ to title XII of part II of the Code of Civil Procedure, relating to police courts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 56—An act to add a new section to be numbered 933½ to title XII of part II of the Code of Civil Procedure, relating to police courts.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIFTY-SIX.

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the figures "934", and insert in lieu thereof the figures "933½".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 56?

The roll was called, and Assembly amendment to Senate Bill No. 56 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Cobb, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Murphy, Swing, Waggy, Weller, and West—22.

NOES—None.

Senate Bill No. 56 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIFTY-NINE.

## AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

## AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, strike out the word "arraignments", and insert in lieu thereof the word "arraignments".

## AMENDMENT NUMBER THREE.

On page 2, line 8, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 59?

The roll was called, and Assembly amendments to Senate Bill No. 59 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cobb, Crowley, Edwards, Fellom, Handy, Inman, Lyon, Maloney, McCormack, Merriam, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—22.

NOES—None.

Senate Bill No. 59 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure, to be numbered 900b, relating to new trials in justices' courts—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure to be numbered 900*b*, relating to new trials in justices' courts.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIXTY.

## AMENDMENT NUMBER ONE.

On page 1, line 7, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "thirty".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 60?

The roll was called, and Assembly amendment to Senate Bill No. 60 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Cobb, Crowley, Duval, Fellom, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and Young—23

NOES—None.

Senate Bill No. 60 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 93—An act to amend sections 631, 1312, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHLNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 93—An act to amend sections 631, 1312, 1330, and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER NINETY-THREE.

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, in the title, strike out the figures "1312".

## AMENDMENT NUMBER TWO.

On page 1, line 15, of the printed bill, after the word "clerk," strike out the words "at the time of", and in line 16 strike out the words "demanding a trial by jury", and insert in lieu thereof the following: "within ten days prior to the date set for trial".

## AMENDMENT NUMBER THREE.

On page 2 of the printed bill, strike out all of section 2, from line 1 down to and including line 28, on said page.

## AMENDMENT NUMBER FOUR.

On page 2, line 29, of the printed bill, strike out the figure "3", as the number of the section, and insert in lieu thereof the figure "2".

## AMENDMENT NUMBER FIVE.

On page 2, line 41, of the printed bill, strike out the figure "4", as the number of the section, and insert in lieu thereof the figure "3".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 93?





## AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, after the word "interest", and before the word "or", insert a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 64?

The roll was called, and Assembly amendments to Senate Bill No. 64 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Evans, Fellom, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Slater, Waggy, Weller, and Young—24.

NOES—None.

Senate Bill No. 64 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 99. An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRID J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER NINETY-NINE.

## AMENDMENT NUMBER ONE.

On page 2, line 9, of the printed bill, after the word "therein", insert the following:

"(4) When an answer is filed in an action to recover a debt or liquidated demand, if it is claimed that there is no defense to the action, on motion of the plaintiff, supported by a verified complaint, or if not verified, then by the affidavit of the plaintiff or of any other person having knowledge of the facts, the answer may be stricken out and judgment may be entered, in the discretion of the court, unless the defendant by affidavit shall show such facts as may be deemed by the judge hearing the motion sufficient to entitle him to defend.

Such affidavit shall be made by the defendant, or by any other person, having knowledge of the facts, and shall set forth facts showing that the defendant has a good and substantial defense to the plaintiff's action (or to a portion thereof) upon the merits, as the deponent verily believes, and it shall appear in the affidavit that the facts pertaining to the action have been fully and fairly stated to defendant's counsel, naming him, and that the defendant upon such statement has been advised by such counsel that he has a defense to the action (or to some portion thereof) upon the merits. The facts so stated shall be the personal knowledge of the affiant, shall be set forth in the affidavit with particularity, and the affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. If all facts relied upon as tending to establish such meritorious defense are not within the personal knowledge of one person, then such as are not within the knowledge of the person making the affidavit of merits shall be supported by the affidavit or affidavits of the person or persons qualified, as above, and said supporting affidavits shall be drawn with like particularity.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the plaintiff may have judgment entered forthwith for so much of his claim as such defense does not apply to, or as is admitted, on such terms as may be just, and the cause of action may be severed accordingly. A judgment entered under this section is an appealable judgment, as in other cases."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 99?

The roll was called, and Assembly amendment to Senate Bill No. 99 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Crowley, Edwards, Evans, Fellom, Handy, Hurley, Inman, Maloney, Merriam, Murphy, Pedrotti, Slater, Wagy, Weller, and Young—21.

NOES—None.

Senate Bill No. 99 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 81—An act to amend sections 591, 592, 593 and 594 of the Code of Civil Procedure, relating to trials.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 81 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 63—An act to add a new section to the Code of Civil Procedure, to be numbered 927g, relating to costs in small claims courts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 63 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure, to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 67 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 55 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 69 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 79 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 88 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 80—An act to add a new section to the Code of Civil Procedure, to be numbered 722, relating to proceedings supplemental to execution.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 80 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806 and 882 thereof, relating to the jurisdiction of courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 53 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 57 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge



Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings situated as to the roadway thereon and the tolls thereon only by the toll or other revenues received from such bridges or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or appurtenances thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure thereon; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or any highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the payment of contributions or advances; and providing the time and manner of making such repayments; also providing for the abatement of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the receipt, at the terms of such limitations of bonds issued hereunder, also issuing and authorizing certain bonds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or any highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, distributing and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereon; and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. MENIMUS, Chief Clerk

By FRED J. DESCH, Assistant Clerk

#### CONSIDERATION OF ASSEMBLY AMENDMENT

The Senate took up for consideration Assembly amendment to Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereon across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or

to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendations to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation

companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating \$50,000 for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto.

# ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SEVEN HUNDRED.

## AMENDMENT NUMBER ONE.

On page 7, line 32, of the printed bill, as amended in Senate May 6, 1929, strike out lines 32 to 38, inclusive, and insert in lieu thereof the following: "printed. When the state or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located, and the state shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 700?

The roll was called, and Assembly amendment to Senate Bill No. 700 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Breed, Cassidy, Christian, Crowley, Edwards, Evans, Felton, Handy, Hurley, Inman, Lyon, McCormack, McKinley, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, and Young—22.

**NOES**—None.

Senate Bill No. 700 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 249—An act providing money for the control of the floods of the Santa Ana River system, providing for cooperation by the interested counties and districts, directing the Division of Engineering and Irrigation, Department of Public Works, to conduct and carry on such work and relating thereto.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 249 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of



tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By LEROY J. DUSCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED ONE.

##### AMENDMENT NUMBER ONE.

On page 4, line 11, of the printed bill, as amended in Senate May 1, 1929, after the word "corporations", insert the word "now".

##### AMENDMENT NUMBER TWO.

On page 4, line 12, of the printed bill, as amended in Senate May 1, 1929, after the word "thereunder", strike out the period, and insert the following: "or in any existing franchise".

##### AMENDMENT NUMBER THREE.

On page 1, line 14, of the printed bill, as amended, following the word "and", insert the following: ", except in any city and county".

##### AMENDMENT NUMBER FOUR.

On page 3, line 32, of the printed bill, as amended, following the period, insert a new paragraph as follows:

"7. To take testimony and proof, when ordered by the court appointing him so to do, and report the same to the court."

##### AMENDMENT NUMBER FIVE.

On page 3, line 33, of the printed bill, as amended, strike out all of the printed matter down to and including the period on page 3, line 41, and insert in lieu thereof the following:

"8. To charge and collect fees for the performance of official acts as follows:

(a) Such fees as are now or may hereafter be allowed by law to notaries public in this state for like services;

(b) For all other services (excepting, however, those hereinafter referred to in subdivision (c) hereof) such fees as may be fixed by stipulation of the parties or by order of the court;

(c) Whenever a court commissioner shall be called by the court appointing him to sit in the absence of a judge of the court, or to sit to assist the court in disposing of its business, he shall be paid such fees as may be fixed by the presiding judge of the superior court in and for such county, city and county; the payment in this subdivision (c) provided for shall be paid out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited;

(d) In each county or city and county having a population of nine hundred thousand inhabitants or more, the fees collected under subdivisions (a), (b), and



(c) in this subsection shall be paid by said commissioner to the treasurer of the county in which said commissioner is appointed and acting."

## AMENDMENT NUMBER SIX.

On page 3, line 42, of the printed bill, as amended, strike out the numeral "8", and insert in lieu thereof the numeral "9".

## AMENDMENT NUMBER SEVEN.

On page 3, line 46, of the printed bill, as amended, strike out the numeral "9", and insert in lieu thereof the numerals "10".

## AMENDMENT NUMBER EIGHT.

On page 3, line 47, of the printed bill, as amended, strike out all of the printed matter down to and including the period on page 3, line 48, and insert in lieu thereof a new section as follows:

"SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional."

## AMENDMENT NUMBER NINE.

On page 3, line 10, of the printed bill, strike out the word "county", and substitute in lieu thereof the word "country".

## AMENDMENT NUMBER TEN.

On page 3, line 31, of the printed bill, after the word "proceedings", strike out the comma.

## AMENDMENT NUMBER ELEVEN.

On page 1, line 24, of the printed bill, strike out the abbreviated word "Sec.", at the beginning of said line, and insert in lieu thereof the word "Section".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 701?

The roll was called, and Assembly amendments to Senate Bill No. 701 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, Merriam, Murphy, Pedrotti, Slater, Waggy, and Weller—22.

NOTES—None.

Senate Bill No. 701 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 702 ordered to enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 538—An act authorizing the Department of Public Works of the State of California to lay out, acquire and construct a highway from the city of San Francisco across the bay of San Francisco to the county of Alameda, and providing for the payment of the cost thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 538 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 853—An act to amend section 4232 of the Penal Code, relating to the compensation of officers in counties of the third class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 853 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 885—An act to amend section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED EIGHTY-FIVE.

##### AMENDMENT NUMBER ONE.

In line 13 of the title of the printed bill, as amended in Assembly May 10, 1929, strike out the period following the word "cemeteries", in said line, and insert in lieu thereof a comma and the following: "and making the provisions of said act applicable in any city, city and county, or town, irrespective of population."

##### AMENDMENT NUMBER TWO.

On page 2, line 8, of the printed bill, as amended in Assembly May 10, 1929, strike out the word "county", following the word "said", in said line, and insert in lieu thereof the word "city".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 885?

The roll was called, and Assembly amendments to Senate Bill No. 885 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cobb, Crowley, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, Merriam, Murphy, Pedrotti, Sharkey, Slater, Waggy, Weller, and Young—22.

NOES—None.

Senate Bill No. 885 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 794—An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter 6, title 1, part IV, division 1 of the Civil Code, and to add two new sections to said chapter, to be numbered 411 and 412, respectively, all relating to foreign corporations and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 794—An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter 6, title 1, part IV, division 1 of the Civil Code, and to add two new sections to said chapter, to be numbered 411 and 412, respectively, all relating to foreign corporations.

ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED NINETY-FOUR.

AMENDMENT NUMBER ONE.

In line 4 of the title of the printed bill, as amended in the Senate April 3, 1929, strike out the word "two", and insert in lieu thereof the word "three".

AMENDMENT NUMBER TWO.

In line 5 of the title of the printed bill, as amended in the Senate April 3, 1929, strike out the word "and", and insert "and 413" before the word "respectively".

AMENDMENT NUMBER THREE.

On page 2, line 40, of the printed bill, as amended in the Senate April 3, 1929, insert the following after the period: "A copy of such articles, and any translation thereof, duly certified by the secretary of state of this state, must be filed with the county clerk of the county in this state in which the principal office of the corporation is located, and with the county clerk of any other county in this state in which the corporation owns real property."

AMENDMENT NUMBER FOUR.

Strike out all of line 47 of page 2 of the printed bill, as amended in the Senate April 3, 1929, following the period, and all of lines 48, 49, 50, 51 and 52 of said page and all of lines 1 and 2 of page 3 of said bill, and insert the following in lieu thereof: "No foreign corporation which has filed with the secretary of state a designation of an agent for the service of process, pursuant to the requirements of any law in force at the time of such filing, need file with the secretary of state the statement provided for in section 405, except for the purpose of designating a new agent. Any foreign corporation may revoke any designation heretofore or hereafter made of an agent for the service of process by filing with the secretary of state a statement setting forth such revocation and containing the name of the new agent and all other matters required by section 405, and any such corporation may designate a new agent by filing with the secretary of state the statement required by said section."

AMENDMENT NUMBER FIVE.

On page 3, line 3, of the printed bill, as amended in the Senate April 3, 1929, strike out the word "such", and insert in lieu thereof the words "any foreign".

AMENDMENT NUMBER SIX.

On page 3, line 7, of the printed bill, as amended in the Senate April 3, 1929, insert "or if no person has been designated," after the comma.

AMENDMENT NUMBER SEVEN.

On page 3, line 14, of the printed bill, as amended in the Senate April 3, 1929, strike out "by leave".

AMENDMENT NUMBER EIGHT.

Strike out all of lines 15, 16 and 17 and the words "action or proceeding", in line 18 of page 3 of the printed bill, as amended in the Senate April 3, 1929, and insert in lieu thereof the following: "by delivering to the secretary of state, or to any person employed in his office in the capacity of a deputy, duplicate copies of such process, and a fee of five dollars, and, if the corporation has not filed with the secretary of state the statement required by section 405, there shall also be delivered to the secretary of state a statement of the address of such corporation to which notice, and a copy of such process, shall be sent, whereupon service of such process upon such corporation shall be deemed to be complete and shall constitute valid

service on such corporation, and the corporation shall appear and answer within thirty days after such service on the secretary of state."

AMENDMENT NUMBER NINE.

Strike out the words "whereupon service of", in line 23 of page 3 of the printed bill, as amended in the Senate April 3, 1929, and all of line 24 of said page, and all of line 25 of said page except the word "the", and insert in lieu thereof the following: "or in case he has no record of such corporation or such offices, then, such notice shall be telegraphed and such copies shall be mailed to the corporation, at the address given in the statement delivered to the secretary of state at the time of such service; provided, however, that failure of the secretary of state to give such notice or to mail copies of such process shall not affect the validity of such service."

AMENDMENT NUMBER TEN.

Strike out all of line 28 of page 3 of the printed bill, as amended in the Senate April 3, 1929, and the words "after such mailing", and the period in line 29 of said page.

AMENDMENT NUMBER ELEVEN.

On page 4, line 4, of the printed bill, as amended in the Senate April 3, 1929, strike out "concern-", and insert in lieu thereof the word "upon".

AMENDMENT NUMBER TWELVE.

On page 4, line 5, of the printed bill, as amended in the Senate April 3, 1929, strike out "ing its property in this state, or".

AMENDMENT NUMBER THIRTEEN.

Strike out all of lines 8, 9, 10, 11, 12 and 13 of page 4 of the printed bill, as amended in the Senate April 3, 1929, and insert in lieu thereof the following: "If the corporation was not qualified at the time of the transaction out of which the cause of action arose, it shall not maintain nor defend any action or proceeding thereon until it shall have complied with the provisions of this chapter, and shall have paid to the secretary of state a penalty of two hundred fifty dollars in addition to the fees due for filing the copy and statement required by section 405, and shall file with the clerk of the court in which the action is pending, receipts showing the payment of said fees and penalty and all franchise taxes and any other taxes on business or property in this state that should have been paid for the period during which it transacted intrastate business. In case of the actual or persistent violation of the provisions of this chapter the court may also adjudge a forfeiture to the other party of one-fourth of the amount of the recovery that may be obtained in any such action or proceedings."

AMENDMENT NUMBER FOURTEEN.

On page 5 of the printed bill, as amended in the Senate April 3, 1929, insert the following after line 21:

"SEC. 9. A new section is hereby added to chapter six of title one, part four, division first of the Civil Code, to be numbered 413, and to read as follows:

413. Nothing contained in this chapter shall be construed to repeal, alter or amend the provisions of section 616 of the Political Code, or to prevent any foreign insurance company from carrying out the provisions of contracts made before the surrender of its right to engage in intrastate business in this state, nor the right to carry out contracts made with citizens of other states who may subsequently become citizens of or residents in this state.

The provisions of this chapter requiring the filing of copies of articles with the secretary of state and with county clerks shall not be applicable to foreign corporations which, prior to the eighth day of March, 1901, complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, but any such corporation and any other corporation which is qualified to do intrastate business in this state, upon the adoption, hereafter, of any amendment to its articles or any certificate supplemental thereto, or any act amendatory of or supplemental to the act creating it, must forthwith file with the secretary of state a copy thereof, certified by the proper official of the government under the laws of which it was created, and a verified translation thereof, if in a foreign language, and must file a copy thereof, certified by the secretary of state, with the county clerk of the county in which its principal office in this state is located and with the county clerk of any other county in which it owns real property."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 794?



The roll was called, and Assembly amendments to Senate Bill No. 794 concurred in by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Wagy, and Weller—22.  
 NOES—None.

Senate Bill No. 794 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 793—An act to amend sections 296, 365 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 793—An act to amend sections 296, 365 and 410 of the Civil Code, to add a new section to said code, numbered 296a, and to repeal section 321a of said code, all relating to corporations.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SEVEN HUNDRED NINETY-THREE.

##### AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, as amended in Assembly May 9, 1929, strike out the figures "318", and the comma following said figures.

##### AMENDMENT NUMBER TWO.

In line 10 of the title of the printed bill, as amended in Assembly May 9, 1929, strike out the comma preceding the word "and", and insert in lieu thereof the words: "of said code".

##### AMENDMENT NUMBER THREE.

On page 13, line 8, of the printed bill, as amended in Assembly May 9, 1929, strike out the words "and for a fair value".

##### AMENDMENT NUMBER FOUR.

On page 13, line 10, of the printed bill, as amended in Assembly May 9, 1929, strike out lines 10 to 14, inclusive, and insert in lieu thereof the following: "such shares shall be deemed fully paid."

##### AMENDMENT NUMBER FIVE.

On page 15, line 48, of the printed bill, as amended in Assembly May 9, 1929, strike out lines 48 to 52, inclusive; also strike out lines 1 to 4, inclusive, on page 16.

##### AMENDMENT NUMBER SIX.

On page 20, line 51, of the printed bill, as amended in Assembly May 9, 1929, strike out lines 51 and 52.

##### AMENDMENT NUMBER SEVEN.

On page 35, line 27, of the printed bill, as amended in Assembly May 9, 1929, strike out "653c", and insert in lieu thereof "653o".

##### AMENDMENT NUMBER EIGHT.

On page 35, line 29, of the printed bill, as amended in Assembly May 9, 1929, strike out "653c", and insert in lieu thereof "653o".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 793?

The roll was called, and Assembly amendments to Senate Bill No. 793 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Crowley, Duval, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, McCormack, Murphy, Pedrotti, Slater, Wagy, Weller, and Young—21.  
 NOES—None.

Senate Bill No. 793 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER EIGHT HUNDRED TWENTY-SEVEN.

##### AMENDMENT NUMBER ONE.

On page 3, line 48, of the printed bill, following the word "out", strike out the remainder of the line, and all of lines 49, 50 and 51, and insert in lieu thereof the following: "in any boarding place other than a boarding place licensed by the department of social welfare".

##### AMENDMENT NUMBER TWO.

On page 7, line 30, of the printed bill, after the semicolon following the word "felony", strike out the remainder of the line, and all of lines 31, 32, 33, 34, 35, and the word "and" in line 36.

##### AMENDMENT NUMBER THREE.

On page 7, line 37, of the printed bill, after the word "of", strike out the word "eighteen", and in lieu thereof insert the word "sixteen".

##### AMENDMENT NUMBER FOUR.

On page 8, line 48, of the printed bill, after the word "ordered", insert a period and strike out the remainder of the line, and all of lines 44 and 45.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 827?

The roll was called, and Assembly amendments to Senate Bill No. 827 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Breed, Christian, Cleveland, Cobb, Crowley, Fellom, Fellom, Handy, Inman, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Slater, Swing, Wagy, Weller, West, and Young—24.

**NOES**—None.

Senate Bill No. 827 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 866—An act to amend section 4236½ of the Political Code, relating to the compensation of county and township officers in counties of the seventh class—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 866—An act to amend section 4236½ of the Political Code, relating to the compensation of county and township officers in counties of the seventh class.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER EIGHT HUNDRED SIXTY-SIX.

#### AMENDMENT NUMBER ONE.

On page 2, line 38, of the printed bill, after the word "said", strike out the word "one", and insert in lieu thereof the word "four".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 866?

The roll was called, and Assembly amendment to Senate Bill No. 866 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Breed, Carter, Cleveland, Cobb, Crowley, Fellom, Gray, Handy, Inman, Jones, Herbert C., Maloney, McCormack, McKinley, Merriam, Murphy, Pedrotti, Sharkey, Slater, Swing, Tabbs, Wagy, West, and Young—25.

**NOES**—None.

Senate Bill No. 866 ordered to print, and enrollment.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 870—An act relating to the use of the air and to make uniform the law with reference thereto; providing for the licensing of aircraft, air-men and air navigation facilities; providing, in a certain contingency, for the creation of the Aeronautical Commission of California, prescribing its powers and duties and making an appropriation for its use; providing for the enforcement of the act and penalties for violations thereof and repealing acts in conflict therewith—and reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of May, 1929, at nine o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### RESOLUTION.

The following resolution was offered:

By Senator Murphy:

*Resolved*, That Assembly Joint Resolution No. 11 be withdrawn from the Committee on Federal Relations, and placed on file.

## AYES AND NOES DEMANDED.

A roll call was demanded by Senators Murphy, Crowley and Maloney.

The roll was called, and Senator Murphy's resolution adopted by the following vote:

AYES—Senators Allen, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Fellom, Garrison, Gray, Handy, Inman, Jones, Herbert C., Lyon, Maloney, Murphy, Slater, Swing, Tubbs, Wagv, and West—22.

NOES—Senators Duval, and Edwards—2.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NUMBER ELEVEN.

Senator Murphy asked for and was granted unanimous consent to consider Assembly Joint Resolution No. 11 at this time for purpose of adoption.

## ASSEMBLY JOINT RESOLUTION No. 11.

Relative to restricted immigration.

WHEREAS, The Legislature of this State has consistently urged adherence by the United States to a policy of restricted immigration; and

WHEREAS, The present absence of restriction and supervision of immigration across the southern boundary line of the United States, opens the door annually to thousands of citizens of the republic of Mexico, to large numbers of citizens of nations under the quota who would otherwise be excluded and to many aliens ineligible to citizenship; and

WHEREAS, The standard of living of the great mass of citizens of the republic of Mexico is such that no good reason exists why the citizens thereof should be given preference, as to entry into the United States, over the peoples of the European stocks from which the great majority of American citizens are descended; and

WHEREAS, The influx of laborers across the Mexican border causes unfair and unjust competition to American labor, and at the same time abrogates and nullifies the beneficial results to be expected from a national policy of restrictive immigration; and

WHEREAS, The continued unrestricted inflow of Mexican people and the rate of increase of those already here, mean the gradual replacement of the American people by those of Mexican blood; and indicate that in the near future the populations of the southern and western states of the United States will become predominantly Mexican; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the Legislature of this State protests against a continuance of the present unrestricted immigration from the republic of Mexico; and be it further

*Resolved.* That the Congress of the United States be and it is hereby respectfully petitioned and urgently requested promptly to provide legislation placing the republic of Mexico within the provisions of the restrictive immigration laws of the United States and providing a proper annual immigration quota therefor; and be it further

*Resolved.* That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States and to each Senator and Representative in Congress from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Allen, Breed, Cassidy, Christian, Cleveland, Crowley, Fellom, Garrison, Gray, Handy, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Murphy, Slater, Swing, Tubbs, Wagv, and West—22.

NOES—Senators Baker, Duval, Edwards, and Weller—4.

Title read and approved.

Assembly Joint Resolution No. 11 ordered transmitted to the Assembly.



## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey certain lands of the State of California situated in Placer County and commonly known as the Tahoe Hatchery Camp to the Tahoe Lake Elementary School District.

## AMENDMENT NUMBER ONE.

In line 2 of the title of the printed bill, strike out lines 2 to 4, inclusive, and insert in lieu thereof the following: "to any elementary school district within which or contiguous to which the property is situate, certain real property of the state situate in the county of Placer and commonly known as the Tahoe hatchery camp."

## AMENDMENT NUMBER TWO.

On page 1, line 3, of the printed bill, strike out all of lines 3 to 10, inclusive, and insert in lieu thereof the following: "authorized for and on behalf of and in the name of the State of California to sell and convey to any elementary school district within which or contiguous to which the property is situate, all of that certain real property situate in the county of Placer, State of California, belonging to the state and known as the Tahoe hatchery camp, or such part thereof as he may deem necessary for the needs of the district, and upon such terms and conditions as he shall prescribe.

The proceeds of such sale shall be deposited in the state treasury to the benefit of the general fund."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 889?

The roll was called, and Assembly amendments to Senate Bill No. 889 concurred in by the following vote:

AYES—Senators Baker, Breed, Cassidy, Cleveland, Cobb, Crowley, Duval, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C., Lyon, Maloney, McCormack, McKinley, Slater, Swing, Tubbs, Wagy, Weller, and Young—23.

NOES—None.

Senate Bill No. 889 ordered to print, and enrollment.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases—reports that it has met a like committee of the Assembly, consisting of Assemblymen Feigenbaum, Collier and Stockwell, and that the Committee on Free Conference has agreed to recommend the following: That the Senate do concur in the Assembly amendments.

SWING.  
MALONEY,  
SHARKEY.

Committee on Free Conference of the Senate.

The question being on the adoption of the report of Committee on Free Conference and the amendments to Senate Bill No. 745.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellem, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

#### RECESS.

At eleven o'clock and thirty-two minutes a.m., on motion of Senator Rochester, the President pro tempore declared the Senate at recess for five minutes to hear the drum corps of Roosevelt Camp No. 9, United Spanish War Veterans.

#### RECONVENED.

At eleven o'clock and thirty-six minutes a.m., the Senate reconvened. President pro tempore of the Senate Arthur H. Breed in the chair. Assistant Secretary Francis E. Dalin at the desk.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with extinguishers or receptacles for burning tobacco and other glowing, flaming or inflammable substances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 65 passed by the following vote:

AYES—Senators Baker, Boggs, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Lyon, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Weller, West, and Young—23.

NOES—Senators Breed, Canepa, Inman, Jones, Ray; Maloney, McCormack, Nelson, Pedrotti, Tubbs, and Wagy—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 609—An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 609 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## SENATOR CROWLEY IN THE CHAIR.

At eleven o'clock and three minutes a.m., Senator Crowley of the Twenty-second District was called to the chair.

Assembly Bill No. 526—An act to amend section 1444 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 526 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Waggy, Weller, and West—30.

NOES—Senator Tubbs—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, and West—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 257—An act to add a new section to the Political Code, to be numbered 1197*d*, relating to ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 257 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 318 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1091—An act to amend section 737u of the Political Code, relating to the salary of the superior judge in and for the county of Marin.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1091 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Evans, Garrison, Gray, Handy, Hurley, Inman, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 211—An act to amend section 1454 of the Code of Civil Procedure, relating to obtaining money and other personal property by heirs without administration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 211 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cleveland, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 1131—An act authorizing the Department of Natural Resources to receive in the name of the State of California gifts of lands and contributions for the purchase or maintenance of such lands for forestry purposes; providing for the acceptance thereof; and repealing an act entitled "An act authorizing the State Board of Forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1131 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, and West—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 21.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new paragraph to section 14 of article XIII thereof to be numbered (h) relating to revenue and taxation.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California, at its forty-eighth regular session, commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of said State be amended by adding a new paragraph to section 14 of article XIII thereof to be numbered (h) and to read as follows:

(h) The Legislature may provide for the reimbursement of any or all counties that may be determined to be sustaining a loss in revenue by the withdrawal from local taxation of any or all of the properties taxed for State purposes under the provisions of this section.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 21 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—30.

NOES—Senator Garrison—1.

Title read and approved.

Assembly Constitutional Amendment No. 21 ordered transmitted to the Assembly.

Assembly Bill No. 1183—An act to validate bonds of school districts, high school districts, union high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of the same, the act to take effect immediately.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article IV of the constitution of the State of California, and shall take

effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school building, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but were required to wait until 90 days after adjournment of this Legislature.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—36.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1183 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Wagy, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 818—An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 818 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Weller, West, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans,

and the commitment of veterans and to make uniform the law with reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 259 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Canepa, Christian, Cleveland, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by others to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the Department of Industrial Relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1179 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swing, Tubbs, Waggy, Weller, West, and Young—33.

NOES—Senator Canepa—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 5. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health, and safety, that this act shall, under the provisions of section 1, article IV, of the constitution of the State of California, take effect immediately.

The following is a statement of the facts constituting such necessity:

Due to the recent decision of the Supreme Court of the State of California in the case of Gottstien vs. Kelly, 77 Cal. Dec. 485, the possible construction to be placed upon the provisions of sections 3747 and 3764 of the Political Code would require that taxes, penalties and costs should be separately shown on the publication of delinquent lists and notices of sale under sections 3771 and 3771a; inasmuch as the tax collectors of the state have completed preparatory work on the publication of the delinquent list which must be published on or before June 8, 1929, and great expense would be involved in the publication of the delinquent list to state as separate items the amount of taxes, penalties and costs due on property subject to tax sales and the possibility of error would be greatly increased, many tax titles acquired at tax sales would be jeopardized.

This act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swang, Tabbs, Wagy, Weller, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Swang, Tabbs, Wagy, Weller, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 543—An act to amend section 2646 of the Political Code, relating to maintenance and repair of county highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 543 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Tabbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 603—An act relating to granting of leaves of absence to members of faculties of State teachers colleges and special schools governed by the Department of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 603 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swang, Tabbs, Wagy, Weller, and Young—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 817—An act to amend section 4 of an act entitled "An act to provide for the organization and government of public cemetery district," approved June 1, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 817 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman,





*Resolved*, That the said committee be instructed to have prepared its report not later than the thirty first of December, 1930, and that a copy of said report be not later than said date transmitted to the Governor of the State in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Allen, Baker, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Harter, Henson, Maloney, M. C. McCarthy, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—23.

NOES—Senator Jones, Ray—1.

Title read and approved.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Assembly.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 27.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section thereto to be known as and numbered section 19 of article XIII, relating to revenue and taxation.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting in favor thereof, to be proposed to the people of the State of California, that a new section to be known as and numbered section 19 be added to article XIII of the constitution of this State and to read as follows:

19. Notwithstanding any other provision of this constitution, the Legislature shall biennially set aside and provide for the distribution among the various firemen's pension, relief, health, life and accident insurance funds of any county, city and county, municipality or other political subdivision of a sum not to exceed one-half the revenues accruing from the taxation of premiums of fire insurance companies and associations for fire insurance premiums under the provision of subdivision (b) of section 14 of this article. The manner and amount of the moneys distributed under this section shall be determined by the Legislature but must be based upon the proportion that each particular pension, relief, health, life and accident insurance fund bears to the aggregate of all such funds existing in the State at the time the biennial distribution is made; *provided, however*, that the Legislature may provide for the distribution of a portion of such fund to counties, cities and counties, municipalities or other political subdivisions maintaining a paid or volunteer fire department where no provision has been made for the creation of a pension, relief, health, life or accident insurance fund in such political subdivision.

The Legislature shall enact all laws necessary to carry out the provisions of this section and may grant authority to local boards and commissions to use and apply any moneys distributed under the provisions of this section for the procuring of firemen's relief, health, life and accident insurance and for the payment of pensions of firemen.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 27 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Rochester, Swing, Tubbs, Wagy, Weller, West, and Young—27.

NOES—Senator Christian—1.

Title read and approved.

Assembly Constitutional Amendment No. 27 ordered transmitted to the Assembly.

Assembly Bill No. 1020—An act to amend sections 409 and 410 of the Political Code, relating, respectively, to the fees to be collected by

the Secretary of State and to the distribution by the Secretary of State of the laws, resolutions and journals of the Legislature and of decisions of the Supreme Court and of the District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1020 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Swing, Tubbs, Wagy, Weller, West, and Young—35.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Canepa, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Swing, Tubbs, Wagy, Weller, West, and Young—33.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1172—An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1172 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—37.  
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Senator Sharkey:

*Resolved*, That Assembly Bill No. 116 be recalled from the Senate Committee on Fish and Game and be placed on file.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Fellom, Gray, Handy, Hurley, Inman, Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Tubbs, and West—25.

NOES—Senators Baker, Duval, Edwards, Evans, Jones, Herbert C. McKinley, Slater, Wagy, and Young—9.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 268—An act to amend section 4312 of the Political Code, relating to officers having offices at county seat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 268 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Tubbs, Wagy, Weller, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 853—An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 853 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKenley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Swing, Tubbs, Wagy, Weller, and Young—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1154—An act providing for the membership of public schools in organizations for the promotion and advancement of public education, and for the listing of such organizations by the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Gray, Handy, Jones, Herbert C. Jones, Ray; Lyon, McCormack, McKinley, Mueller, Murphy, Nelson, Pedrotti, Slater, Wagy, Weller, West, and Young—28.

NOES—Senators Fellom, Inman, Maloney, and Tubbs—4.

Title read and approved.

Bill ordered transmitted to the Assembly.



## RECESS.

At twelve o'clock and thirty minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until the hour of one o'clock and thirty minutes p.m.

## RECONVENED.

At one o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 91—An act to amend sections 831 and 831½ of Code of Civil Procedure, relating to changing place of trial in municipal courts—and appointed Assemblymen Sewell, Anderson and West, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. Booth, Assistant Clerk.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Inman, McKinley and Weller, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 91.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California, by the United States for migratory bird reservations.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 880 ordered to enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 425—An act to amend section 29 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industries in State, interstate and foreign markets; to protect the State's reputation in these markets; to establish standards and standard containers for certain fruits, nuts and vegetables specified herein; and to prevent deception in the packing, marketing and sale of fruits, nuts and vegetables; to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act' approved May 23, 1925," approved June 2, 1927—and appointed Assemblymen Sewell, McGuinness and Jones, as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. Booth, Assistant Clerk.

## COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Boggs, Duval and Edwards as a Committee on Free Conference to meet with a like committee from the Assembly for the consideration of Senate Bill No. 425.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 11—An act creating an additional District Court of Appeal known as the District Court of Appeal for the Fourth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor;

Also: Assembly Bill No. 695—An act to repeal section 3898a of the Political Code, added by chapter 349 of the Statutes of 1921, and to add a new section thereto to be numbered section 3898b, both relating to the disposition of proceeds of funds from the sale of land deeded to the State for delinquent taxes for the purpose of vocational education of dependents of veterans;

Also: Assembly Bill No. 761—An act relating to retirement salaries of teachers and other employees employed in the public schools of this State and educational institutions supported in whole or in part by the State;

Also: Assembly Bill No. 1168—An act to amend section 16r-6 of the "Weights and Measures Act," approved June 16, 1913, as amended, relating to the salaries of the sealer of weights and measures and his deputies in counties of the sixth class.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1191—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said State upon certain trusts and conditions," approved May 27, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted to the county of Orange;

Also: Assembly Bill No. 1177—An act to amend sections 10 and 14 of the "State Housing Act," approved June 15, 1923, as amended, relating to delinquencies of rents used therein and to rear yards of apartment houses.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 157—An act relating to the granting of leaves of absence to employees of school districts;

Also: Assembly Bill No. 129—An act providing for the allowance of traveling expenses of members of governing boards of union or joint union high school districts;

Also: Assembly Bill No. 656—An act to amend section 4248 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class;

Also: Assembly Bill No. 855—An act to add a new section to the Code of Civil Procedure to be known as section 1238a, relating to the exercise of the right of eminent domain by an individual respecting water rights, ditches, canals, dams, reservoirs and other works, conduits or structures for the individual's use of water, notwithstanding other persons do not participate directly in said use or in the benefit therefrom;

Also: Assembly Bill No. 860—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 700—An act authorizing the Department of Finance to sell certain property belonging to the State of California, situated in Riverside County, State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1011—An act to amend sections 3820, 3821 and 3831 of the Political Code, relating to seizure and sale of personal property for unpaid taxes;

Also: Assembly Bill No. 1037—An act to amend "The California Fruit, Nut and Vegetable Standardization Act of 1927," approved June 2, 1927, by adding to said act a new section to be numbered 15a, relating to standards and standard containers for apples; to add a new section to said act to be numbered 38a, relating to a fund for the enforcement of said act, and to repeal "The California Standard Apple Act," approved June 3, 1921, as amended;

Also: Assembly Bill No. 1988. An act to amend sections 3682, 3732, 3746, 3748, 3756, and 3759 of the Penal Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes;

Also: Assembly Bill No. 1197. An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby;

Also: Senate Bill No. 1175.—An act to authorize, empower and direct the Governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and accounting claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor, and the manner of payment thereof, and to repeal an act entitled "An act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof," approved March 23, 1907, and also repealing an act entitled "Concerning the war debt of this State, and providing for the redemption thereof," approved April 19, 1856.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 393. An act to provide relief for owners of crops damaged by protected game animals.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 393 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 561. An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 561 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 403. An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide a means therefrom for fish and game protection and restoration," approved June 3, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 403 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 576. An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 576 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 658 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 139—An act to add a new section to the Penal Code to be numbered 1127a, relating to instructions on indirect evidence.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 684 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 886—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 886 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 239 ordered to enrollment.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 242 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmiller against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 237 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 808—An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 808 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption to Senate Joint Resolution No. 15—Relating to immigration.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 637—An act to amend the title and sections 1 (c), 2 and 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act"—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 637—An act to amend section 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

## ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER SIX HUNDRED THIRTY-SEVEN.

## AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended in Senate May 6, 1929, strike out the designation "(c)".

## AMENDMENT NUMBER TWO.

On page 1, line 12, of the printed bill, as amended in Senate May 6, 1929, strike out the designation "(c)".

## AMENDMENT NUMBER THREE.

On page 1, line 14, of the printed bill, as amended in Senate May 6, 1929, strike out said line 14, and insert in lieu thereof the following:

"SECTION 1. (a) The term "corporation" when used in this act means a corporation, a company, an association or a joint stock association.

(b) The term "person" when used in this act, means an individual, a firm or copartnership.

(c) The term "transportation company" when".

## AMENDMENT NUMBER FOUR.

On page 2, line 1, of the printed bill, as amended in Senate May 6, 1929, strike out the word "and", and insert in lieu thereof the word "any".

## AMENDMENT NUMBER FIVE.

On page 2, line 2, of the printed bill, as amended in Senate May 6, 1929, strike out the words "motor propelled or motor drawn vehicles", and insert in lieu thereof the words "auto truck".

## AMENDMENT NUMBER SIX.

On page 2, line 5, of the printed bill, as amended in Senate May 6, 1929, after the word "over", insert the article "a".

## AMENDMENT NUMBER SEVEN.

On page 2, line 7, of the printed bill, as amended in Senate May 6, 1929, strike out the period and the word "Provided", and insert in lieu thereof a semicolon and the following: "provided".

## AMENDMENT NUMBER EIGHT.

On page 2, line 9, of the printed bill, as amended in Senate May 6, 1929, after the word "transported", and before the word "by", insert the following: "incidental to the transportation of passengers".

## AMENDMENT NUMBER NINE.

On page 2, line 10, of the printed bill, between lines 10 and 11, insert the following:

"(d) The term "public highway," when used in this act, means every public street, road or highway in this state.

(e) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any transportation company usually or ordinarily operates any auto truck even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any auto truck is operated by a transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review."

## AMENDMENT NUMBER TEN.

On page 2, line 15, of the printed bill, strike out the words "motor propelled or motor drawn vehicles", and insert in lieu thereof the words "auto truck".

## AMENDMENT NUMBER ELEVEN.

On page 2, line 22, of the printed bill, strike out the words "motor propelled or motor drawn vehicles", and insert in lieu thereof the words "auto truck".

## AMENDMENT NUMBER TWELVE.

On page 1, line 6, of the printed bill, as amended May 6, 1929, strike out the words "motor propelled or motor drawn vehicles", and insert in lieu thereof the words "auto trucks".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 637?

The roll was called, and Assembly amendments to Senate Bill No. 637 concurred in by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McCormack, McKinley, Murphy, Slater, Wagly, and Young—22.

NOES—None.

Senate Bill No. 637 ordered to print, and enrollment.

#### RESOLUTIONS.

The following resolutions were offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant in favor of the Secretary of the Senate in the sum of five hundred forty-one dollars and fifty-five cents (\$541.55) in payment of the items set forth below, and the Treasurer is hereby directed to pay the same:

Telephone service to May 10-----	\$129 00
Western Union -----	9 51
State Supply Department, supplies and typewriter rent since April 30 -----	373 04
Mrs. Alexander Crossan, illuminating resolutions-----	30 00
Total-----	\$541 55

CARTER, Chairman.  
CASSIDY.  
MALONEY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Wagly, Weller, and Young—23.

NOES—None.

Also:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in a sum not to exceed nine hundred fifty dollars (\$950) in favor of Joseph A. Beck, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions and any incidental expenses in connection with completing the work of the forty-eighth session of the Senate of the State of California. Vouchers and receipts for all expenditures to be furnished to the Controller.

CARTER, Chairman.  
CASSIDY.  
MALONEY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Wagly, Weller, and Young—23.

NOES—None.

Also:

WHEREAS, The members of the Senate will desire to have shipped to their various places of residence their bill files, books of codes, stationery and other printed matter at the close of this session; therefore, be it

*Resolved*, That the Sergeant-at-Arms, Joseph F. Nolan, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping the same, properly packed, to said members; and the State Controller is hereby authorized to draw his warrant on the contingent expense fund of the Senate in favor of said Joseph F. Nolan, in a sum not to exceed six hundred fifty dollars

(\$650), and the State Treasurer is hereby directed to pay the same; and it is further directed that said Joseph F. Nolan furnish to the Controller vouchers and receipts for all expenditures made by him.

CARTER, Chairman.  
CASSIDY,  
MALONEY.

Resolution read.

Senator Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Wagy, Weller, and Young—23.

NOES—None.

By Senator Crowley:

*Resolved*, That the sum of \$2,925 be, and the same is hereby appropriated out of the fund for pay of officers, clerks and other employees of the Senate, to the order of Joseph A. Beek, Secretary, for services of self and clerks in arranging and preparing the bills, books and all other records of the Senate, in filing the same with the Secretary of State as provided by law, subsequent to adjournment of the forty-eighth session of the Legislature.

For the further purpose of indexing, correcting, comparing and proofreading, and otherwise preparing the Journal of the Senate of the forty-eighth session of the Legislature, and making the information thereon contained readily available for the use of members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the said forty-eighth session.

And for the further purpose of compiling, preparing and having printed after final adjournment a final calendar of the legislative business of the forty-eighth session, said calendar to comprise the history of all bills introduced, their authors, the number that shall have become laws, those that shall have been read a second time, and any and all such other information as will provide a perfect history of the session's business and a guide for the information of subsequent sessions of the Legislature; and further, a detailed statement of the expenses of both houses of the Legislature during the forty-eighth session. When said final calendar is prepared, the Secretary is directed to forward one copy to each public library in the State, which may apply for same, and one copy to each member of the Senate; and, he it further.

*Resolved*, That the State Controller is hereby authorized and directed to draw his warrant upon the unexpended balance of the fund provided for the pay of officers, clerks and all other employees of the Senate in favor of Joseph A. Beek, Secretary of the Senate, in the sum of \$2,925, and the Treasurer is hereby directed to pay the same.

Resolution read.

Senator Crowley moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Slater, Wagy, Weller, and Young—24.

NOES—None.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 44—An act to add a new section to the Penal Code, to be numbered 634<sup>3</sup>, relating to the protection of fish and game.

Bill read third time.

##### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Young moved to refer Assembly Bill No. 44 to Senator Canepa, as a Special Committee of One, to amend as follows:

##### AMENDMENT NUMBER ONE.

On page 1 of the printed bill, strike out all of lines 6 to 10, inclusive, and insert in lieu thereof the following: "drag-net in the waters of the Pacific ocean within



two miles of the shore line of the coast of California from Point Sal in Santa Barbara county northerly along said coast line to Point Estero in San Luis Obispo county, is guilty of a misdemeanor and upon con-".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 44, with instructions to amend, respectfully reports the same back, amended as per instructions.

CANEPA, Special Committee.

Report read, and on motion of Senator Young adopted.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 passed by the following vote:

AYES—Senators Allen, Breed, Canepa, Cassidy, Christian, Cobb, Crowley, Evans, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McKinley, Murphy, Nelson, Sharkey, Slater, Wagy, Weller, and Young—22.

NOES—None.

Title read and approved.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 1162—An act to amend section 15 of the Corporate Securities Act, relating to the State Corporation Department.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1162 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McKinley, Mueller, Murphy, Rochester, Sharkey, Slater, Wagy, Weller, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 320—An act to amend section 634 of the Penal Code, relating to the protection of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 320 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Handy, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McKinley, Murphy, Rochester, Sharkey, Slater, and Wagy—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1188—An act to amend the California Vehicle Act, approved May 30, 1923, as amended, by adding a new section thereto to be numbered 159½, relating to the motor vehicle fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1188 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cobb, Duval, Evans, Fellom, Handy, Inman, Jones, Herbert C. Jones, Ray, Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, and Waggy—24.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1174—An act providing for a Water Commission, defining its duties and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1174 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Waggy, and Young—30.  
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 38.

Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of procedure therewith.

WHEREAS, It is necessary that the Legislature of the State of California have further available adequate information so as to enable its members to consider proper legislation looking to the further conservation and use of the waters of the State; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That a committee of eight members consisting of four members of the Assembly to be appointed by the Speaker of the Assembly, and four members of the Senate to be appointed by the President of the Senate, be appointed to make an investigation of the water problems of the State including the desirability for, and the location of, a salt water barrier at or near Carquinez Straits; the water problems of those counties not included in the Big Basin of California and water studies of the State not heretofore completed; and to recommend to the Legislature of the State of California at the forty-ninth session thereof State-wide policy for the conservation and use of the waters of the State; and be it further

*Resolved.* That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

*Resolved.* That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require; and be it further

*Resolved.* That said committee is hereby authorized to hold public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

*Resolved.* That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind; to issue subpoenas and to compel the attendance of witnesses, and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article VIII of chapter 2, title I, part III of the Political Code of the State relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the sessions of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place in the State as said committee shall from time to time determine; and be it further

*Resolved.* That the sum of \$15,000 or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent

funds of the Senate and of the Assembly and the State Controller is hereby authorized and directed to draw his warrants in favor of the person entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 38 adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, McKinley, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Waggy, Weller, and Young—31.

**NOES**—None.

Title read and approved.

Assembly Concurrent Resolution No. 38 ordered transmitted to the Assembly.

Assembly Bill No. 1194—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; *provided*, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### URGENCY CLAUSE.

SEC. 5. The Legislature hereby declares this act an emergency measure necessary for the immediate preservation of the public peace, health, and safety and the same shall, under the provisions of section 1, article IV, of the constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C.



Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1194 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 833—An act relating to the election of teachers in the public schools.

Bill read third time.

#### MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Baker moved to refer Assembly Bill No. 833 to Senator Duval, as a Special Committee of One, to amend as follows:

#### AMENDMENT NUMBER ONE

On page 1, line 11, of the printed bill, strike out the following "Saturday in", and insert in lieu thereof the following: "day of".

Motion carried.

#### REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 833, with instructions to amend, respectfully reports the same back, amended as per instructions.

DUVAL, Special Committee.

Report read, and on motion of Senator Baker adopted.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 833 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Swing, Tubbs, Wagy, and Weller—34.

NOES—None.

Title read and approved.

Bill ordered to print, and transmitted to the Assembly.

#### ASSEMBLY CONSTITUTIONAL AMENDMENT No. 17.

A resolution to propose to the people of the State of California an amendment to section 18 of article VI of the constitution, relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its forty-eighth session, commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 18 of article VI of the constitution of said State be amended to read as follows:

18. The justices of the Supreme Court, and of the District Courts of Appeal and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed, and no justice or judge of a court of record shall practice law in or out of court during his continuance in office; *provided, however,* that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for



which he may be elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge. Section 22 of article VI of this constitution is repealed.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 17 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Handy, Hurley, Inman, Jones, Herbert C., McCormack, McKinley, Merriam, Murphy, Nelson, Sharkey, Slater, Swing, Wagy, Weller, and West—27.

NOES—Senators Canepa, Garrison, Gray, Jones, Ray; Rochester, and Tubbs—6.

Title read and approved.

Assembly Constitutional Amendment No. 17 ordered transmitted to the Assembly.

#### SENATOR ALLEN IN THE CHAIR.

At one o'clock and fifty minutes p.m., Senator Allen of the Second District was called to the chair.

Assembly Bill No. 494—An act providing for the establishment and maintenance of 24-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

#### CALL OF THE SENATE.

Pending the announcement of the vote, Senator Merriam moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—36.

The secretary announced the absentees.

Time, one o'clock and fifty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### PROCEEDINGS UNDER CALL OF THE SENATE.

##### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1145—An act relating to the acquisition of Carquinez bridge; creating a public corporation to be known as Carquinez Bridge Authority and providing for the appointment of the Carquinez Bridge Commission; defining the powers and duties of said commission and providing for the acquisition of said bridge and its operation as a publicly owned utility and as part of the highway system of the State of California; providing also for the issuance and sale of revenue bonds

of said corporation for the purchase of said bridge and for the payment of interest on said bonds and the amortization thereof; providing for tolls of said bridge for the operation and maintenance thereof and payment of interest on and the amortization of said bonds; creating a district known as Carquinez Bridge District, defining the boundaries of the same and abrogating the right of counties to grant competitive franchises therein; providing for and creating a fund to carry out the purposes of this act: and providing for a revolving fund to meet any deficiency in the operation and financing of said bridge and providing for a method for the payment of the costs of the printing and sale of said bonds.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Breed moved to refer Assembly Bill No. 1145 to Senator Nelson, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 10, line 30, of the printed bill, strike out all of lines 30 to 44, inclusive.

AMENDMENT NUMBER TWO.

On page 10, line 45, of the printed bill, strike out the numerals "19", and insert in lieu thereof the numerals "18".

AMENDMENT NUMBER THREE.

On page 12, line 24, of the printed bill, strike out the numerals "20", and insert in lieu thereof the numerals "19".

AMENDMENT NUMBER FOUR.

On page 12, line 32, of the printed bill, strike out the numerals "21", and insert in lieu thereof the numerals "20".

AMENDMENT NUMBER FIVE.

On page 12, line 34, of the printed bill, strike out the numerals "22", and insert in lieu thereof the numerals "21".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1145, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report read, and on motion of Senator Breed adopted.

Bill ordered to print.

Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation for the exclusion of Filipinos. Resolution read.

AMENDMENT FROM THE FLOOR.

During the reading of the resolution, the following amendment was offered, and its adoption moved by Senator Garrison.

AMENDMENT NUMBER ONE.

On page 1, line 4, of the printed bill, strike out the words "the Chinese,".

Amendment adopted.

Assembly Joint Resolution No. 15 ordered to print, and on file.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—reports that it has met a like committee of the Assembly, consisting of Assemblymen Jones, Bliss and Emmett, and reports that the Committee on Free Conference has agreed to recommend that the Senate concur in the Assembly amendments.

BOGGS,  
COBB,  
SLATER,

Senate Committee on Free Conference.

JONES,  
EMMETT,  
BLISS,

Assembly Committee on Free Conference.

The question being on the adoption of the report.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, West, and Young—33.

NOES—None.

## REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927—reports that it has met a like committee of the Assembly, consisting of Assemblymen Jones, Sewell and McGuinness, and that the Committee on Free Conference has agreed to recommend that the Assembly recede from its amendments.

BOGGS,  
DUVAL,  
EDWARDS,

Senate Committee on Free Conference.

JONES,  
McGUINNESS,  
SEWELL.

Assembly Committee on Free Conference.

The question being on the adoption of the report.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wag, Weller, and Young—29.

NOES—None.

Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Wagy moved to refer Assembly Bill No. 200 to Senator Cassidy, as a Special Committee of One, to amend as follows:

AMENDMENT NUMBER ONE.

On page 2, line 11, of the printed bill, as amended, strike out the following: "upon application of the state controller."

AMENDMENT NUMBER TWO.

On page 2, line 31, of the printed bill, as amended, strike out the comma after the figures "1920", and also strike out the words "and of the", and insert in lieu thereof a period.

AMENDMENT NUMBER THREE.

On page 2, line 32, of the printed bill, as amended, strike out all of lines 32 to 35, inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 200, with instructions to amend, respectfully reports the same back, amended as per instructions.

CASSIDY, Special Committee.

Report read, and on motion of Senator Wagy adopted.

Bill ordered to print.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California, including the Santa Ana River, Mojave River and all water resources of southern California—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 519?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 519 by the following vote:

AYES—None.

NOES—Senators Allen, Breed, Canepa, Cleveland, Cobb, Duval, Evans, Garrison, Handy, Jones, Ray, Maloney, McCormack, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young 22.

COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Nelson, Boggs and Wagy, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly Bill No. 519.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.



Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 745 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 683 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 425—An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 425 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners—and appointed Assemblymen Sewell, Little and West as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Inman, Weller and McKinley, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 86.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties,

and making an appropriation therefor—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from its amendments to Assembly Bill No. 1174?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1174 by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Cobb, Duval, Fellom, Garrison, Handy, Jones, Ray; Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Sharkey, Slater, Wagy, Weller, and Young—22.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Swing, Boggs and Nelson as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate amendments to Assembly Bill No. 1174.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

The question being: Shall the Senate recede from its amendments to Assembly Bill No. 853?

The roll was called, and the Senate refused to recede from its amendments by the following vote:

AYES—None.

NOES—Senators Allen, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Jones, Ray; Maloney, McCormack, McKinley, Nelson, Pedrotti, Slater, Wagy, Weller, and West—23.

#### COMMITTEE ON FREE CONFERENCE APPOINTED.

The President announced the appointment of Senators Cleveland, Ray Jones, and Maloney as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate amendments to Assembly Bill No. 853.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class—the following Assemblymen: Snyder, Young and Hawes, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 853—An act to amend section 4255 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class—reports that it has met a like committee of the Assembly, consisting of Assemblymen Snyder, Hawes and Young, and reports that the Committee on Free Conference has agreed to recommend that the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

## AMENDMENT NUMBER ONE.

On page 6, line 35, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

## AMENDMENT NUMBER TWO.

On page 6, line 39, of the printed bill, immediately following the comma after the words "per annum", insert the following: "one at one thousand five hundred dollars per annum".

## AMENDMENT NUMBER THREE.

On page 8, line 46, of the printed bill, immediately following said line 46, insert the following paragraph:

"The provisions contained in this subdivision shall go into effect January 1, 1931."

## AMENDMENT NUMBER FOUR.

On page 9, line 28, of the printed bill, strike out all of lines 28 to 41, inclusive, and insert in lieu thereof the following:

"13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and clerical help not to exceed nine hundred dollars in each year, and the board of supervisors shall provide him with the necessary office room; *provided, however*, that from and after the first day of January, 1931, the justice shall be paid a salary of one thousand eight hundred dollars a year and clerical help not to exceed six hundred dollars in each year."

## AMENDMENT NUMBER FIVE.

On page 11, line 2, of the printed bill, strike out the word "month", and insert in lieu thereof the word "annum".

JONES, RAY,  
CLEVELAND,  
MALONEY.

Senate Committee on Free Conference.

YOUNG,  
HAWES.

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Garrison, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Mueller, Pedrotti, Rochester, Sharkey, Slater, Waggy, West, and Young—27.

NOES—None.

## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to section 17 of article VI of the constitution of the State of California, relating to the compensation of judicial officers.

*Be it resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of Cali-



fornia that section 17 of article VI of the constitution of this State be amended to read as follows:

Sec. 17. The justices of the Supreme Court and of the District Courts of Appeal shall severally receive for their services such compensation as is or shall be provided by law, which shall be paid monthly by the State.

The compensation of each of the judges of the superior courts of the State of California shall be paid in part by the State and in part by the county or city and county in and for which the judge is elected or appointed. The Legislature shall fix and prescribe the compensation which shall be paid by the State. The board of supervisors of the county or city and county in and for which the judge is elected or appointed shall fix and prescribe the compensation which shall be paid by said county or city and county. The compensation of a judge of a court of record shall not be diminished during his continuance in office. In each county or city and county in which there is more than one judge of the superior court the compensation of each of the judges of said court shall be the same. Until otherwise determined the compensation now fixed and prescribed by law shall constitute the compensation to be paid by the State and by each county or city and county respectively.

Amendment read.

#### AMENDMENT FROM THE FLOOR.

During the reading of the constitutional amendment, the following amendment was offered, and its adoption moved by Senator McKinley.

#### AMENDMENT NUMBER ONE.

On page 1, line 17, of the printed measure, strike out the period in said line, and insert in lieu thereof a comma and the following: "not to exceed four thousand dollars."

Amendment adopted.

Assembly Constitutional Amendment No. 36 ordered to print, and on file.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SEVENTY-TWO.

##### AMENDMENT NUMBER ONE.

On page 2, line 2, of the printed bill, as amended in Senate May 1, 1929, strike out the word "seven", and strike out all of line 3 and that part of line 4 preceding the word "and", and insert in lieu thereof the following: "one and one-half, two and one-half and twelve 'A.'" and any net found in any boat in said districts one and one-half, two and one-half".

##### AMENDMENT NUMBER TWO.

On page 4, line 32, of the printed bill, after the word "nets", insert the following: "in district one and one-half it shall be lawful to use crab nets."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 572?



The roll was called, and Assembly amendments to Senate Bill No. 572 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, West, and Young—25.  
 NOES—None.

Senate Bill No. 572 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER FIVE HUNDRED SEVENTY-FOUR.

##### AMENDMENT NUMBER ONE.

In line 6 of the title of the printed bill, strike out the period following the numerals "1911", in said line, and insert in lieu thereof a comma and the following: "as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city."

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 7 and 8, and insert in lieu thereof the following: "approved May 1, 1911, as amended, is hereby amended to read as follows:

Sec. 4. All of the land described in this act,".

##### AMENDMENT NUMBER THREE.

On page 1 of the printed bill, strike out all of lines 12 to 17, inclusive, and insert in lieu thereof the following: "and by any of the provisions of this act, except that said city or".

##### AMENDMENT NUMBER FOUR.

On page 2 of the printed bill, strike out all of lines 2 to 4, inclusive, and insert in lieu thereof the following: "the use of the tidelands of said bay, lying bayward of said bulkhead line. If during such lease, rental, or other holding, such holding shall interfere with the use of any of the tidelands of San Diego bay, lying bayward of said bulkhead line, for navi-".

##### AMENDMENT NUMBER FIVE.

On page 2, line 10, of the printed bill, after the period following the word "holding", in said line, insert the following: "No provision contained in this act shall be construed to supersede or in any way limit or affect the provisions of any law which may be passed by the Legislature at its forty-eighth session, granting to the county and to the city of San Diego, jointly, for county and municipal purposes, any of the tidelands herein described."

##### AMENDMENT NUMBER SIX.

On page 2 of the printed bill, strike out all of line 13, and insert in lieu thereof the following:

"Sec. 5. All of the land described in this act,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 574?

The roll was called, and Assembly amendments to Senate Bill No. 574 concurred in by the following vote:

AYES—Senators Allen, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, and West—26.

NOES—None.

Senate Bill No. 574 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego County and for the administration thereof and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DUSCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 318—An act providing for a State Park on Mission Bay in San Diego County and for the administration thereof.

ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED EIGHTEEN.

#### AMENDMENT NUMBER ONE.

On page 1, line 13, of the printed bill, after the period following the word "park" in said line, insert the following paragraph:

"SEC. 3. The provisions of this act shall not affect easements or rights of way heretofore granted or acquired, upon or across such waters or lands for highway purposes; nor shall said provisions in any way affect any existing lease or franchise of any such state-owned water or tidelands, but upon the expiration of every such lease or franchise, the lands or waters pertaining thereto shall forthwith pass under the control of the state park commission and be administered as part of the state park herein created."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 318?

The roll was called, and Assembly amendment to Senate Bill No. 318 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray; Maloney, McCormack, McKinley, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, and West—27.

NOES—None.

Senate Bill No. 318 ordered to print, and enrollment.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, May 15, 1929.

*To the Senate of the State of California.*

Senate Bill No. 565 is returned herewith without my approval.

This bill provides an appropriation of \$525,000 to the University of California for the construction and equipment of buildings at Los Angeles. This is coupled with the provision that The Regents shall pay to the State the net sale proceeds from other property which they are now in the course of disposing.

The bill is substantially a temporary financing measure for the university's construction program. It is essentially an urgency measure and was intended as such, but through inadvertence the urgency clause was omitted. A new bill to take care of the situation has been introduced and is already through both houses. All parties agree that I should not sign the present measure.

Accordingly, the bill is returned without approval.

Respectfully submitted.

C. C. YOUNG, Governor.

## SUSTAINING GOVERNOR'S VETO.

The question being: Shall Senate Bill No. 565 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Allen, Baker, Boggs, Breed, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—28.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1023—An act to amend section 1557 of the Penal Code, relating to extradition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252—An act to add a new article to chapter 3 of title I, part III of the Political Code, to be numbered article IIh, embracing sections 374 to 374g, inclusive, relating to a Department of Military and Veterans' Affairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary schools of the State of California.

Bill read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During third reading of the bill, Senator Cobb moved to refer Assembly Bill No. 1112 to Senator Murphy, as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

Strike out lines 1 to 3, inclusive, of the title of the printed bill, as amended in Senate May 6, 1929, and insert in lieu thereof the following:

"An act providing for the adoption or compilation, publication, use and disposal of textbooks and supplementary textbooks in the schools of the State of California."

## AMENDMENT NUMBER TWO.

On page 1 of the printed bill, as amended in Senate May 6, 1929, strike out line 2, and insert in lieu thereof the following: "shall supersede the provisions of chapters three and four".

## AMENDMENT NUMBER THREE.

On page 4, line 12, of the printed bill, as amended in Senate May 6, 1929, strike out the word "in" in said line, and insert in lieu thereof the word "at".

## AMENDMENT NUMBER FOUR.

On page 5 of the printed bill, as amended in Senate May 6, 1929, strike out lines 46 to 51, inclusive.

## AMENDMENT NUMBER FIVE.

On page 6, line 14, of the printed bill, as amended in Senate May 6, 1929, after the word "state" in said line, insert the following: "to be credited to the free text-book fund."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Special Committee of One, to which was referred Assembly Bill No. 1112, with instructions to amend, respectfully reports the same back, amended as per instructions.

MURPHY, Special Committee.

Report read, and on motion of Senator Cobb adopted.

Bill ordered to print.

## LIEUTENANT GOVERNOR IN THE CHAIR.

At two o'clock p.m., Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assembly Bill No. 3—An act to amend sections 851 and 863 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Senators Allen, Breed, Christian, Cleveland, Cobb, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Sharkey, Slater, Wagy, Weller, West, and Young—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## ASSEMBLY JOINT RESOLUTION No. 16.

Relating to resurvey of north boundary of Hoopa Indian Reservation and modification of Klamath River Fish and Game District Initiative Act.

WHEREAS, The Klamath River is the principal source of supply of salmon and steelhead trout spawn for artificial propagation of those species of food fishes in the State of California; and

WHEREAS, The people of the State of California, by initiative act passed at the general election in November, 1924, ordained that the waters of the Klamath River were, and would thereafter be the Klamath River Fish and Game District and prohibited the construction or maintenance of any dam or other artificial obstruction within the district; and

WHEREAS, An effort is now being made to annul said initiative act by causing the United States to resurvey the north boundary of the Hoopa Indian Reservation along the lower Klamath River so as to relocate the said north boundary at a point 26 chains north of the position it has occupied since the early eighties thus placing several miles of the river under the jurisdiction of the federal government and beyond the control of the initiative act; and



WHEREAS, If this resurvey is allowed and approved by the Department of the Interior, dams will be constructed within the area thus beyond the provisions of the initiative act and the run of salmon and steelhead trout in the Klamath River will be totally destroyed, and the principal supply of the State's spawn will be eliminated; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California hereby protests any change in or relocation of surveyed lines affecting in any manner the Klamath River within the State of California, as being an attempt to modify and annul the solemn act of the people of this State in creating the Klamath River Fish and Game District; and be it further

*Resolved,* That it is the sense of this resolution and of this Legislature that before any approval of any change in existing surveys, or before any new surveys be approved, that a public hearing or protests already on file be held under the authority of the Department of the Interior in the manner and form prescribed by law and existing regulations at which time all parties interested may appear and be heard; and be it further

*Resolved,* That copies of this resolution be forwarded to the President of the United States, the Secretary of the Interior, and to all Senators and Representatives of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Allen, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Slater, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 16 ordered transmitted to the Assembly.

Assembly Bill No. 810—An act to amend section 3 of the "Street Improvement Act of 1913," approved June 16, 1913, relating to notice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 810 passed by the following vote:

AYES—Senators Allen, Baker, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Garrison, Gray, Handy, Hurley, Jones, Ray, Maloney, McCormack, Merriam, Mueller, Murphy, Rochester, Slater, Waggy, West, and Young—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 48.

Relative to certain abuses arising from the conduct of fruit and vegetable auctions within this State.

WHEREAS, The orderly and systematic conduct of fruit and vegetable markets within this State, is of essential interest and concern to the producer and consumer alike; and

WHEREAS, Current reports clearly indicate that subsidiaries of certain public utilities operating fruit and vegetable auctions within this State, are guilty of unethical practices, including the sale of fruit and vegetables in car load lots, at auction, for less than the f.o.b. price thereof at loading points, and the granting of rebates in various forms to purchasers, thus demoralizing the producers' markets without benefiting the consumers; and

WHEREAS, These fruit and vegetable auctions are controlled or owned by, or are subsidiaries of corporations controlled or owned by public utilities engaged in public freight and passenger transportation within this State; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That the Railroad Commission of this State is hereby requested fully to investigate and study the operations of the aforesaid fruit and vegetable auctions and to ascertain

whether such auctions operating as aforesaid are subject to the regulation and control of the commission, and if so to take such steps as may be necessary in order to eliminate the aforesaid abuses; and, if such auctions are not so subject to the commission to determine the nature and extent of legislation necessary in order to eliminate such abuses and to preclude further unfair trade practices on the part of such public utilities; and be it further

*Resolved*, That the Railroad Commission is requested to report the result of its investigation and study to the Legislature at its next session, together with the commission's recommendations for legislation, if any, necessary in order to accomplish the purposes herein indicated.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 48 adopted by the following vote:

AYES—Senators Allen, Baker, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Jones, Ray, Maloney, McKinley, Murphy, Rochester, Sharkey, Slater, Waggy, West, and Young—24.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 48 ordered transmitted to the Assembly.

Assembly Bill No. 394—An act to amend section 5*a* of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved April 5, 1927, relating to sale of poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 394 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, West, and Young—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240—An act to amend sections 2 and 4 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, and to add a new section thereto to be numbered 4*a*, all relating to the State park system and the powers and duties of the Department of Natural Resources and the Park Commission in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Duval, Edwards, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, Murphy, Pedrotti, Rochester, Sharkey, Slater, Waggy, Weller, West, and Young—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1055 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Rochester, Slater, Swing, Wag, Weller, and West—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485—An act to define motor club service, and to define license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violations thereof, and repealing all acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 passed by the following vote:

AYES—Senators Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Edwards, Evans, Fellom, Handy, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Pedrotti, Sharkey, Slater, Wag, Weller, and West—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 34.

Relative to the joint legislative committee appointed to study and investigate the regulation and control of the sale of corporate securities within this State.

WHEREAS, A legislative committee consisting of three members of the Assembly and three members of the Senate was appointed pursuant to the provisions of Assembly Concurrent Resolution No. 6 of the forty-eighth session of the Legislature filed with the Secretary of State January 18, 1929, and enrolled as chapter 6; and

WHEREAS, Said committee has met, held hearings and reported its findings and submitted its recommendations to the Legislature, all as directed in said Concurrent Resolution No. 6; and

WHEREAS, Said committee has incurred certain expenses in the performance of its duties as prescribed in said Concurrent Resolution No. 6; and

WHEREAS, Said committee has recommended to the Legislature that said committee continue to function until the convening of the forty-ninth session of the Legislature; now, therefore, be it

*Resolved by the Assembly, the Senate concurring.* That the joint legislative committee, consisting of three members of the Assembly appointed by the Speaker of the Assembly, and three members of the Senate appointed by the President of the Senate, shall continue to meet and function, at such times and places as it may determine, during the session of the present Legislature and during the interim between sessions and until the convening of the forty-ninth session of the Legislature of the State; and said committee shall, upon the convening of the forty-ninth session of the Legislature report its findings and submit its recommendations to said Legislature, based upon the result of the committee's study and investigation made and conducted in the manner hereinafter directed; and be it further

*Resolved,* That, in case any vacancy occurs in the membership of said committee due to death, inability to act or other cause, such vacancy shall, upon request of a majority of the members of the committee be filled by appointment by the Speaker of the Assembly from the membership of the Assembly, or by the President of the Senate from the membership of the Senate, as the case may be; and be it further



*Resolved*, That the committee, shall be given such assistance and advice by the Corporation Commissioner and his deputies as the committee may desire and request, and the committee is hereby authorized and empowered to study and investigate the present methods of controlling and regulating the sale of corporate securities within this State, and in other states, the control, management and operation of stock and bond exchanges in their connection with the sale of corporate securities in California, the efficacy and advisability of amendment of the present Corporate Securities Act, and the corporation laws, and all conditions and matters necessary in order to enable the committee fully to inform itself and to advise the Legislature at its forty-ninth session of the advisability or necessity of legislation for the regulation or control of the sale of corporate securities within California; and be it further

*Resolved*, That said joint committee, heretofore appointed and hereby continued in existence, is a committee of the Legislature and as such is hereby authorized and empowered to sit at such places and times as the committee may determine, and, in the manner prescribed in article VIII of chapter 2 of title I of part III of the Political Code, to take all steps necessary to compel attendance upon the committee of witnesses and to procure evidence and testimony, and to subpoena, summon and examine all witnesses and to require the production of all persons, books, agreements, minutes of meetings, documents, records, papers of every kind, and accounts, which the committee deems necessary in order to fully inform itself of the advisability or necessity of future legislation for the control or regulation of the sale of corporate securities within California, and every member of the committee is hereby authorized to administer oaths, and the committee is fully empowered to do all things necessary to fully accomplish all the purposes of this resolution; and be it further

*Resolved*, That the sum of \$5,000 or so much thereof as may be necessary, is hereby appropriated for payment of the actual and necessary expenses of said committee heretofore incurred in compliance with the provisions of said Assembly Concurrent Resolution No. 6 and for payment of the actual and necessary expenses of said committee to be incurred in compliance with the provisions of this concurrent resolution; said sum of \$5,000 to be paid from the contingent funds of the Assembly and of the Senate, one-half of said amount to be paid from each of said contingent funds upon warrants drawn on the State Treasurer by the Controller to cover vouchers certified to by the chairman of said committee, which warrants the Controller is hereby directed to draw and the State Treasurer to pay.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 34 adopted by the following vote:

AYES—Senators Baker, Breed, Carter, Christian, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Handy, Jones, Ray, Maloney, McCormack, Murphy, Pedrotti, Rochester, Slater, Wag, Weller, and Young—21.

NOES—Senator West—1.

Title read and approved.

Assembly Concurrent Resolution No. 34 ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 47.

A resolution calling for the appointment of a special legislative committee to consider the constitutional mandate with respect to mechanics' liens and to suggest remedial legislation.

WHEREAS, The constitution of the State of California declares that mechanics, materialmen, artisans and laborers shall have a lien upon the property upon which they have bestowed labor or furnished material and provides that the Legislature shall provide for a speedy and efficient enforcement of such liens; and

WHEREAS, It appears that existing statutes do not efficiently provide for the protection of such classes of lienors and that the purpose of such constitutional mandate seems to be defeated; and

WHEREAS, It appears that remedial legislation may be needed; now, therefore, be it

*Resolved by the Assembly, the Senate concurring*, That a joint legislative committee of six, three of whom shall be members of the Assembly and appointed by the Speaker of the Assembly and three of whom shall be members of the Senate and appointed by the Lieutenant Governor, be appointed to consider the matter and



make a report at the next session of this Legislature and to suggest any appropriate legislation that in their opinion may be proper with respect thereto.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 47 adopted by the following vote:

AYES—Senators Baker, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Handy, Jones, Ray; Maloney, McCormack, McKinley, Murphy, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—25.  
NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 47 ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Merriam.

The Secretary was directed to call the roll.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cobb, Edwards, Evans, Handy, Jones, Herbert C. Jones, Ray; McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Wagy, Weller, and Young—21.

NOES—Senators Canepa, Christian, Cleveland, Duval, Fellom, Garrison, Gray, Hurley, Inman, Maloney, Mueller, Murphy, Pedrotti, Rochester, Tubbs, and West—16.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An act to amend section 67 of the Code of Civil Procedure, relating to the superior court of the city and county of San Francisco, increasing the number of judges thereof, and providing for their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Fellom, Garrison, Handy, Hurley, Jones, Ray; Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to section 17 of article VI of the constitution of the State of California, relating to the compensation of judicial officers.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

## CALL OF THE SENATE.

Pending the announcement of the vote, Senator McKinley moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Slater, Tubbs, Wagy, Weller, and West—31.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McKinley.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 36 refused adoption by the following vote:

AYES—Senators Baker, Boggs, Carter, Cassidy, Cleveland, Cobb, Duval, Evans, Fellom, Handy, Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Wagy, Weller, and West—19.

NOES—Senators Allen, Breed, Christian, Garrison, Gray, Hurley, Inman, Jones, Herbert C., Jones, Ray, Mueller, Murphy, Rochester, Slater, and Tubbs—14.

Assembly Bill No. 567—An act providing for the creation of a commission to be known as the Olympiad State-wide Cooperative Commission, and prescribing the duties thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 567 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Christian, Cobb, Duval, Evans, Fellom, Garrison, Handy, Hurley, Inman, Jones, Herbert C., Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Rochester, Slater, Tubbs, Wagy, Weller, and West—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388—An act to amend section 25 of the Voting Machine Act, being an act creating a State Commission on Voting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. Approved May 3, 1923.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Christian, Cobb, Duval, Evans, Fellom, Garrison, Handy, Hurley, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72—An act to amend section 626 of the Penal Code, relating to the protection of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 72 passed by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Christian, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Rochester, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 668—An act to amend section 50 of the Acquisition and Improvement Act of 1925, approved May 23, 1925, as amended, relating to what work may be done.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 passed by the following vote:

AYES—Senators Allen, Boggs, Breed, Carter, Christian, Cobb, Duval, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jones, Herbert C. Jones, Ray; Lyon, Maloney, McCormack, Merriam, Mueller, Rochester, Slater, Tubbs, Wagy, Weller, and Young—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION.

The following resolution was offered:

By Senator McKinley:

*Resolved*, That the Secretary of the Senate be and he is hereby authorized, empowered and directed to return and deliver to the persons entitled thereto various of the papers, records and documents introduced in evidence upon the trial of Carlos S. Hardy before the Senate sitting as the High Court of Impeachment.

Resolution read, and on motion of Senator McKinley adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article IX thereof a new section to be numbered 64.

relative to the payment of retirement salaries to teachers who have qualified therefor by service in the public school system as provided by law.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 405—An act to amend sections 2179, 2189, 2190 of the Political Code, relating to the Department of Institutions.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 405 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco Harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; and to make an appropriation of \$5,000 for the expense of printing said bonds.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 441 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California, to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 158 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 195 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 371—An act to promote the purity of legislation by requiring the registration of persons engaged in influencing or attempting to influence legislation, defining advocates, and advocating, requiring the filing of statements of money received and expended by such persons and requesting a disclosure of the source from which money was received and how it was expended; prohibiting acts and practices in relation to influencing legislation and providing for the punishment of violation hereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 888—An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out



therefrom, to the city of Martinez, and regulating the management, use and control thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 888 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 253 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 695 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 737—An act to add a new section to the Civil Code to be numbered 48a, relating to libel.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 516—An act to amend section 5 of the Direct Primary Law, approved June 16, 1912, as amended, relating to nomination of candidates for public office.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 516 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 846—An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the Governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 846 ordered to enrollment.

RECESS.

At two o'clock and ten minutes p.m., on motion of Senator Breed, the President declared the Senate at recess until two o'clock and fifteen minutes p.m.

RECONVENED.

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.

Assistant Secretary Francis E. Dalin at the desk.

## MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 751—An act to amend section 791 of the Political Code, relating to the appointment of notary publics in counties of the second class;

Also: Assembly Bill No. 535—An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 65—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 98a, requiring motor vehicles to be equipped with receptacles for burning tobacco and other glowing, flaming or inflammable substances;

Also: Assembly Bill No. 1181—An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School;

Also: Assembly Bill No. 994—An act to provide for the investigation of the economic problems of agriculture, by the University of California;

Also: Assembly Bill No. 203—An act to promote the better education of social workers; to provide for and regulate the examination of social workers; to provide for the issuance of licenses as social workers to qualified applicants by the Department of Social Welfare; to provide that the Department of Social Welfare shall enforce the provisions thereof; to provide penalties for the violations of any of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 661—An act to amend sections 24 and 31 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, relating to the appropriation for and payment of installments of assessments assessed against counties for the construction of highways by joint highway districts;

Also: Assembly Bill No. 1190—An act relating to the granting of franchises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach, by the State of California;

Also: Assembly Bill No. 1132—An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies;

Also: Assembly Bill No. 1172—An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article XIII of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929;

Also: Assembly Bill No. 1179—An act requiring all employers who accept tips or gratuities given to employees by the general public to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the Department of Industrial Relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 526—An act to amend section 1444 of the Code of Civil Procedure, relating to appraisers and appraisements in probate proceedings;

Also: Assembly Bill No. 1007—An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship;

Also: Assembly Bill No. 1020—An act to amend sections 409 and 410 of the Political Code, relating, respectively, to the fees to be collected by the Secretary of State and to the distribution by the Secretary of State of the laws, resolutions and Journals of the Legislature and of decisions of the Supreme Court and of the District Courts of Appeal;

Also: Assembly Bill No. 318—An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed;

Also: Assembly Bill No. 340—An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class:

Also: Assembly Bill No. 259—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF DAILY FILE.

##### THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 693—An act to amend section 340 of the Code of Civil Procedure, relating to the time for commencement of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 693 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cobb, Edwards, Evans, Hurley, Jones, Herbert C., Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1121—An act to amend section 2322.2 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1121 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cobb, Edwards, Evans, Handy, Hurley, Jones, Herbert C., Lyon, Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, and West—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40—An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 passed by the following vote:

AYES—Senators Allen, Baker, Breed, Carter, Cassidy, Cobb, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C., Lyon, Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### ASSEMBLY CONCURRENT RESOLUTION No. 45.

Relative to leaves of absence of the Governor, Lieutenant Governor and the members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California.

*Resolved by the Assembly, the Senate concurring.* That leave of absence from the State of California for a longer period than 60 days, during their term of office, is

herely granted to His Excellency C. C. Young, Governor of the State of California, to H. L. Carrahan, Lieutenant Governor of the State of California; and to the following members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California:

Senators James M. Allen, C. C. Baker, Frank S. Boggs, Arthur H. Breed, Victor J. Caneppa, Henry E. Carter, Bert A. Cassidy, J. H. Chatham, George C. Churchill, Chas. H. Cobb, John Joseph Crowley, Walter H. David, Nelson, F. Edwards, Herbert J. Evans, Roy Felton, J. C. Garrison, P. J. Gray, Fred C. Handy, Edgar S. Hurley, J. M. Inman, Herbert C. Jones, Ray Jones, Charles W. Lyon, Thomas A. Maloney, Thomas McCormack, J. W. McKim, Frank F. Merriam, Edm. A. Modell, Daniel C. Murphy, H. C. Nelson, J. L. Pedrotti, George W. Rochester, Wm. R. Sharkey, Herbert W. Slater, Ralph E. Spring, Tallant Tobbs, J. I. Wagy, Frank C. Weller, T. C. West and Sanborn Young.

Assemblymen Elbert G. Adams, Reece J. Anderson, Henry J. Arnold, Willard E. Badham, Willis M. Barry, Van Beekard, Roy Bishop, George R. Bliss, Archibald E. Brock, William M. Byrne, Harold C. Chandler, F. C. Chubbuck, Frank B. Child, Jier, Frank L. Coombs, Edward Craig, James C. Crawford, Bradford S. Critchfield, Melvyn I. Cronin, Ernest C. Crowley, Charles H. Deane, A. C. DeYong, H. L. DeLinger, Robert P. Enley, Crawford D. Fells, Dan W. Ferguson, Walter W. Finney, E. J. Feigenbaum, Robert F. Fisher, James C. Firth, Robert B. Fry, Joseph P. Gilmore, William E. Harper, Fred C. Hayes, S. L. Hartsinger, William W. Hoffman, William B. Hoadlowner, Ray R. Ingels, Chris N. Johnston, Augustus F. Jovett, Isaac Jones, William P. Josc, Morgan Kerton, George N. Kilgus, Edgar C. Lacey, Walter J. Little, Frank W. Lattrell, Harry Lyons, M. J. McDonough, Frank McKinley, Henry McGinness, M. S. Meeker, Thomas Miller, James A. Miller, Frank W. Mixer, Albert H. Morgan, Jr., Harry F. Morrison, Roy J. Nisner, Fred B. Noyes, Charles A. Oliver, Harry L. Packman, Robert L. Phillips, James L. Quigley, Charles F. Remondler, Frederick M. Roberts, Eugene W. Richard, Jerome V. Seafield, Hubert B. Seander, Jerrald L. Sewall, Harry F. Smith, Beat B. Snyder, C. C. Spaulding, James E. Stockwell, Percy G. West, Dan E. Williams, Ray Williamson, Myron D. Witter, Clare Woolwine, T. M. Wright, Forrest R. Young.

### Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 45 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Child, David, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, McKinley, Merriam, Pedrotti, Rochester, Sharkey, Slater, Tobbs, Wagy, Weller, West, and Young—29.

NOES—None.

### Title read and approved.

Assembly Concurrent Resolution No. 45 ordered transmitted to the Assembly.

Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 412a, relating to the service of summons on nonresident persons in certain actions.

### Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 654 passed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, David, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Maloney, McKinley, Merriam, Nelson, Pedrotti, Slater, Tobbs, Wagy, West, and Young—25.

NOES—Senators Rochester, and Weller—2.

### Title read and approved.

Bill ordered transmitted to the Assembly.



## ASSEMBLY JOINT RESOLUTION No. 15.

Relative to memorializing and petitioning Congress to enact legislation for the restriction of Filipino immigration.

WHEREAS, The policy of unrestricted immigration as it would cheap labor has had a tendency towards destruction of American ideals and American racial unity; and

WHEREAS, This policy has tended to exploit the Chinese, the Japanese and the Hindus, resulting in their regulation or exclusion; and

WHEREAS, Filipinos have not been among those excluded under the immigration laws of the United States in accordance with our national policy of restrictive immigration; and

WHEREAS, The present absence of restriction on immigration from the Philippine Islands opens the door annually to thousands of Filipinos, causing unjust and unfair competition to American labor, and nullifying the beneficial results to be expected from a national policy of restrictive immigration; and

*Resolved by the Assembly and the Senate at its State Capitol, jointly,* That the Legislature of the State of California earnestly petitions Congress to enact legislation which will restrict immigration from the Philippine Islands; and which will prevent all Filipinos entering the United States who are afflicted with communicable diseases; and be it further

*Resolved,* That the Chief Clerk of the Assembly be and he is hereby directed to send copies of this resolution to each member of the Senate and the House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Cassidy, Cobb, Edwards, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Maloney, Nelson, Rochester, Sharkey, Tubbs, Wagy, Weller, West, and Young 21.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 15 ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, MAY 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 62—An act to add a new section to be numbered 982a, to chapter 3 of title XIII of part II of the Code of Civil Procedure, relating to appeals to superior courts;

Also: Senate Bill No. 64—An act to amend the Code of Civil Procedure, by amending section 112 thereof, and to repeal sections 113 and 114 of the same code, relating to jurisdiction of justice courts;

Also: Senate Bill No. 65—An act to amend sections 2665 and 2672 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 67—An act to add new sections to the Code of Civil Procedure to be numbered 719 and 77a, relating to the establishment of appellate departments of the superior court in counties, cities and counties wherein any municipal court is established, and to the constitution, organization, jurisdiction, government and procedure thereof;

Also: Senate Bill No. 68—An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts;

Also: Senate Bill No. 69—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judge, clerk and other officers of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts;

Also: Senate Bill No. 70—An act to amend section 794 of the Code of Civil Procedure, relating to trials;

Also: Senate Bill No. 93—An act to amend sections 631, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury;

Also: Senate Bill No. 237—An act making an appropriation to pay the claim of C. J. Holzmillner against the State of California;

Also: Senate Bill No. 239—An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California;

Also: Senate Bill No. 242—An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California;

Also: Senate Bill No. 393—An act to provide relief for owners of crops damaged by protected game animals;

Also: Senate Bill No. 403—An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927;

Also: Senate Bill No. 444—An act relating to the annual publication of financial reports of school districts;

Also: Senate Bill No. 560—An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 55, and to repeal sections 2, 25 and 31 of an act entitled "An act establishing and creating a department of the State Mining Bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers, fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, and to add eight new sections thereto to be numbered So. S. S. 87, 114, 115, 116 and 117, relating to a division in the Department of Natural Resources for the supervision of petroleum and gas, relating to the appointment of agents for service of orders and notices, declaring the unreasonable waste of natural gas to be opposed to the public interest, permitting and authorizing agreements in the interests of conservation and providing for their specific enforcement, relating to the filing and hearing of complaints concerning the waste of gas, or the drilling operations or abandonment of wells; providing for the hearing of appeals from orders and decisions of the supervisor, his deputies and district boards of commissioners and for oaths, subpoenas and depositions; relating to proceedings instituted by the waste of gas, relating to proceedings instituted by the unreasonable waste of gas, relating to certain requirements concerning removal of operating structures and casing from wells, and relating to certain requirements concerning the sale, exchange or other transfer of wells and land, creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof, making an appropriation for the purposes of this act, prescribing penalties for violations of the act, and generally providing for the protection of the natural resources of petroleum and gas from waste and destruction, and declaring the same to be an urgency measure to take effect immediately;

Also: Senate Bill No. 561—An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor;

Also: Senate Bill No. 658—An act making an appropriation for the purpose of carrying out the provisions of the act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925;

Also: Senate Bill No. 733—An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another;

Also: Senate Bill No. 788—An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within, or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the

work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to form and manner of issuance of bonds;

Also: Senate Bill No. 808—An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season;

Also: Senate Bill No. 866—An act to amend section 4236l of the Political Code, relating to the compensation of county and township officers in counties of the seventh class;

Also: Senate Bill No. 884—An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions;

Also: Senate Bill No. 887—An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this State for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the State to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation;

Also: Senate Joint Resolution No. 9—Relative to Dale-Lehlbach Retirement Bill;

Also: Senate Bill No. 55—An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts;

Also: Senate Bill No. 57—An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts;

Also: Senate Bill No. 59—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters;

Also: Senate Bill No. 60—An act to add a new section to the Code of Civil Procedure to be numbered 900b, relating to new trials in justices' courts;

Also: Senate Bill No. 61—An act to add new sections to be numbered 831h and 835a, to chapter 1 of title XI of part II of the Code of Civil Procedure, relating to practice and procedure in the justices' courts;

Also: Senate Bill No. 63—An act to add a new section, to be numbered 927g, to chapter 12 of title XI of part II of the Code of Civil Procedure, relating to costs in small claims courts and executions upon judgments thereof;

Also: Senate Bill No. 72—An act to amend section 4014 of the Political Code, relating to judicial townships, the population and the officers thereof;

Also: Senate Bill No. 74—An act to amend section 1013 of the Code of Civil Procedure, relating to service of notices and other papers by mail and effect thereof;

Also: Senate Bill No. 78—An act to add a new section to the Code of Civil Procedure, to be numbered 607a, relating to instructions in jury trials;

Also: Senate Bill No. 80—An act to add a new section to be numbered 722 to chapter 2 of title IX of part II of the Code of Civil Procedure, relating to proceedings supplemental to execution;

Also: Senate Bill No. 82—An act to amend section 681a of the Code of Civil Procedure, relating to stay of executions;

Also: Senate Bill No. 85—An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges;

Also: Senate Bill No. 87—An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers;

Also: Senate Bill No. 94—An act to add a new section to the Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county;



Also: Senate Bill No. 88—An act to amend section 2031 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 97—An act to amend section 2009 of the Code of Civil Procedure, relating to the purposes for which an affidavit may be used.

Also: Senate Bill No. 249—An act providing money for the study of the flood problems of the Santa Ana River system, the preparation of plans and specifications in connection therewith, providing for study of rainfall penetration in connection therewith, and establishment and maintenance of gauging stations; providing for the cooperation by interested counties and districts, and directing the Division of Engineering and Irrigation, Department of Public Works, to provide for the carrying on of said work under its own direction or under the direction of the Department of Agriculture of the United States, and relating thereto;

Also: Senate Bill No. 259—An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3;

Also: Senate Bill No. 520—An act to add a new section to the Code of Civil Procedure, to be known as section 170b, relating to justices of the peace;

Also: Senate Bill No. 538—An act authorizing California Toll Bridge Authority and the Department of Public Works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof;

Also: Senate Bill No. 702—An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across creeks, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect;

Also: Senate Bill No. 734—An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts;

Also: Senate Bill No. 792—An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons;

Also: Senate Concurrent Resolution No. 31—Relative to the passing of the mother of H. L. Carnahan;

Also: Senate Bill No. 466—An act to amend the "American River Flood Control District Act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees; a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions; a new section to be numbered section 11g, providing for a bond validation proceeding; a new section to be numbered section 18a, making an appropriation in the sum of \$30,000 to defray the expense of the district and providing that said appropriation shall be returned to the State and relating to the manner of said repayment; a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage;

Also: Senate Bill No. 567—An act to amend sections 2, 3, 4, 19, and 27, of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements;

Also: Senate Bill No. 615—An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recordation of precise street plans; providing for the control of the construction of buildings within the lines of streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties,



or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith;

Also: Senate Bill No. 642—An act to amend an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act: for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a State Superintendent of Weights and Measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, by adding thereto a new section to be numbered 16a, relating to sealers of weights and measures;

Also: Senate Bill No. 687—An act to amend section 632 of the Penal Code, relating to the protection of fish; and to repeal section 633 of the Penal Code, relating to the protection of fish;

Also: Senate Bill No. 820—An act to provide for the labeling, disinfecting and advertising of convict made goods, wares and merchandise, and requiring that notice that such articles are on sale shall be conspicuously posted in places where such articles are offered for sale;

Also: Senate Bill No. 755—An act to appropriate the sum of \$45,000 for the purchase of a burial plot in the city of Oakland; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1929, at two o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 14—An act to amend sections 1 and 2 of an act entitled "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to the keeping of records of the hours worked, providing penalties for violation of the act, providing for the enforcement of the act by the Department of Industrial Relations and extending the benefits of the act to workers employed in sheds or buildings in lime and cement plants where dust is created;

Also: Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 141j, relating to the liability of an owner or driver or person responsible for the operation of a vehicle for the injury or death of a guest;

Also: Senate Bill No. 56—An act to add a new section to be numbered 933½ to title XII of part II of the Code of Civil Procedure, relating to police courts;

Also: Senate Bill No. 71—An act to add a new section to be numbered 4185a, to the Political Code, relating to qualifications and eligibility for the office of justice of the peace;

Also: Senate Bill No. 73—An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a and 953c thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662, respectively, relating to findings, judgments, new trials and appeals;

Also: Senate Bill No. 79—An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs;

Also: Senate Bill No. 89—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments;

Also: Senate Bill No. 91—An act to amend sections 831 and 831b of the Code of Civil Procedure, relating to changing place of trial in municipal courts;

Also: Senate Bill No. 99—An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts;

Also: Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof;

Also: Senate Bill No. 158—An act to add a new section to the Code of Civil Procedure of California, to be known as section 66a, relating to judges of the superior court in San Diego County, and to repeal certain acts therein named;

Also: Senate Bill No. 161—An act making an appropriation to pay the expense of purchasing and maintaining a system of telegraphing typewriting equipment

and the leasing of wire facilities necessary for the operation of said system, for communication service between the Bureau of Criminal Identification and Investigation at Sacramento and the cities of San Francisco and Los Angeles and providing for connection therewith by other cities and counties of the State, declaring the urgency thereof, and providing for the act to take effect immediately.

Also: Senate Bill No. 195—An act empowering the Director of Public Works to provide for the lighting of State highways, State bridges, grade crossings, intersections, and hazardous road sections located on the State highway system, to make for greater safety and to reduce daytime congestion upon our public highways, and providing for the payment of the cost of the installation and upkeep thereof.

Also: Senate Bill No. 253—An act to repeal section 772 of the Penal Code, relating to removal of public officers by summary proceedings.

Also: Senate Bill No. 304—An act to amend section 42.5 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

Also: Senate Bill No. 320—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills.

Also: Senate Bill No. 337—An act to amend new sections to article XVIII of chapter 3, of title I, of part III, of the Political Code, to be numbered 694a, 694b, 694c, 694d, 694e, 694f, 694g, 694h, and 694i, relating to the organization, powers and duties of the State Board of Agriculture, the State Agricultural Society and district agricultural association, and the officers, members and employees thereof, and the powers and duties of the Department of Finance in relation thereto, and creating a Division of Exhibits within the Department of Finance.

Also: Senate Bill No. 495—An act to amend sections 2179, 2189, 2190 of the Political Code, relating to the Department of Institutions.

Also: Senate Bill No. 496—An act to amend sections 2, 4, 7, 8, 10, 31, 32, and 46 of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alley, courts, places and rights of way, and of any of the following avenues of public travel, namely: ferries, subways, viaducts, bridges or independent subterranean ways in public places, and providing for the construction or improvement thereof, in cases where the same are to be made public, to provide for the payment of the cost, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bond, to represent the assessments for the cost, damages and expense of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

Also: Senate Bill No. 520—An act to amend sections 1044, 1083a, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections.

Also: Senate Bill No. 516—An act to amend section 5 of the Direct Primary Law, approved June 16, 1912, as amended, relating to the election of candidates for public office.

Also: Senate Bill No. 576—An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements thereon; to provide for the construction, repair and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Also: Senate Bill No. 684—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Also: Senate Bill No. 695—An act to amend section 111 of the Penal Code, relating to trial of convicts.

Also: Senate Bill No. 699—An act to add a new section to the Code of Civil Procedure to be numbered 1035, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

Also: Senate Bill No. 701—An act to regulate the construction, operation and maintenance of toll bridges and toll roads, and to vest the jurisdiction within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges, or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon; and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith.

Also: Senate Bill No. 712—An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to

engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act;

Also: Senate Bill No. 723—An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties respecting the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor;

Also: Senate Bill No. 745—An act to amend section 1446 of the Penal Code, relating to judgments in criminal cases;

Also: Senate Bill No. 794—An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter 6, title I, part IV, division I of the Civil Code, and to add three new sections to said division to be numbered 411, 412 and 413, respectively, all relating to foreign corporations;

Also: Senate Bill No. 797—An act providing for the formation, government and operation of harbor districts, for the creation, improvement and development of recreational harbors, for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or counties or wholly or partially including territory of one or more municipalities within said county or counties or lying within unincorporated territory of said county or counties and one or more municipalities therein; defining recreational harbors; and providing generally what may and may not be done in such harbors so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor districts and harbors, and authorizing counties and cities, jointly and separately, to defray or contribute out of their general funds to such costs and expenses of such harbor districts, and authorizing the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes; authorizing the establishment of appropriate funds in the manner provided by law for the impounding and disbursement of the moneys required to meet such costs and expenses; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially; and authorizing the legislative body of the county or city assessing, in addition to all the district taxes, the question of the formation of such harbor district to determine what zones, if any, within the harbor district are beneficial to a greater or less extent than other zones, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such districts to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; providing the means whereby the legislative body of any city heretofore or hereafter granted any rights in respect to tidelands and submerged lands may permit the exercise of such rights by the board of governors in any harbor district formed hereunder and providing for the appointment within any such harbor district formed under this act of a board of governors and fixing the qualifications, tenure of office, powers, duties and manner of election of such board of governors, and providing the means by which territory may be annexed to any harbor district formed hereunder;

Also: Senate Bill No. 827—An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 5, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended;

Also: Senate Bill No. 876—An act to amend the title and sections 10, 11, 23 and 41 of an act entitled "An act providing for the creation, organization and government of joint high schools," as amended of two or more counties of the State of California," approved April 5, 1917, relating to revenue bonds, and the levy of assessments and special assessment taxes;

Also: Senate Bill No. 885—An act to amend section 1 and the title of an act entitled "An act authorizing and providing for the abandonment and disposal of



cemeteries and cemetery lands, or parts of either, be incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations, sole or joint owners owning or controlling such cemeteries, and authorizing and providing for the removal of the remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing an act to amend the existing," approved May 20, 1921, relating to the abandonment of cemeteries, and making the provisions of said act applicable in any city, city and county or town, irrespective of population;

Also: Senate Bill No. 886—An act to amend the Workmen's Compensation, Insurance and Safety Act, approved May 20, 1913, as amended, by adding a new section thereto to be numbered 431, relating to such reinterment, etc.;

Also: Senate Bill No. 888—An act granting to the city of Martinez title and submersed lands of the State of California precluding the right to wharf out therefrom, to the city of Martinez, and regulating the mooring, use and control thereof;

Also: Senate Bill No. 889—An act authorizing the Director of Finance to sell and convey to any elementary school district within the boundaries to which the property is situated, certain real property of the State situated in the county of Placer and containing acres in the Tabor-Hatchery School;

Also: Senate Concurrent Resolution No. 17—Approving two certain agreements to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the election of said city of San Diego at a special municipal election held thereon on the thirtieth day of March, 1929;

Also: Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article XVIII of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California;

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 5, authorizing the issuance and sale of 10,000 bonds of the State of California, in the denomination of \$1,000 each, authorizing the issuance of the proceeds of the sale of said bonds for certain purposes, and amending, repealing, validating and making fully and completely effective the San Francisco Housing Improvement Act of 1920 as passed by the Senate and Assembly at the forty-fifth session of the Legislature and approved by the Governor;

And reports that the same were correctly enrolled and presented to the Governor on the fifteenth day of May, 1929, at two o'clock and forty minutes P. M.

JONES, RAY, Chairman.

#### ON EDUCATION

SENATE CHAMBER, SATURDAY, MAY 15, 1929

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 36—An act to amend an act entitled "An act to prevent the formation and prohibit the existence of secret and social fraternities in the public schools," approved March 13, 1909, by amending sections 1 and 2 thereof and adding a new section thereto to be numbered section 3, relating to the existence of secret fraternities in public schools, has had the same under consideration, and respectfully reports the same back, with recommendations that it do pass.

(Signed out)

BAKER, Chairman.  
ROTHWATER.  
CASSIDY.  
PEDAROTTI.  
SHARKEY.  
McCORMACK.  
JONES, RAY.

#### CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1182—An act to amend section 737*a* of the Political Code, relating to the salaries of superior court judges in and for the county of Contra Costa.

Bill read third time.

The question being on the passage of the bill.



The roll was called, and Assembly Bill No. 1182 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Cassidy, Cobb, Duval, Edwards, Evans, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Lyon, Maloney, McCormack, McKinley, Merriam, Nelson, Pedrotti, Rochester, Sharkey, Slater, Tubbs, Waggy, Weller, West, and Young—30.

**NOES**—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 passed by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Christian, Cobb, Crowley, Edwards, Evans, Gray, Handy, Hurley, Maloney, McCormack, McKinley, Pedrotti, Sharkey, Tubbs, Waggy, Weller, West, and Young—22.

**NOES**—Senators Carter, Cleveland, Fellom, Garrison, Inman, Jones, Herbert C. Jones, Ray, Murphy, Nelson, Rochester, and Slater—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477—An act to amend sections 24, 28, 43 and 46 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 477 passed by the following vote:

**AYES**—Senators Allen, Boggs, Breed, Carter, Cassidy, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Herbert C. Jones, Ray, Lyon, Maloney, McCormack, Merriam, Mueller, Murphy, Pedrotti, Sharkey, Slater, Waggy, and West—30.

**NOES**—Baker, Christian, McKinley, Nelson, Rochester, Tubbs, Weller, and Young—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received, and ordered printed in the Journal:

REPORT OF THE COMMITTEE OF THE STATE SENATE, APPOINTED TO ASCERTAIN WHETHER ILLEGAL COMBINATION OR CONSPIRACY EXISTS AMONG MANUFACTURERS AND DEALERS IN CEMENT.

Your committee appointed pursuant to that certain resolution adopted by this Senate upon the seventeenth day of January, 1929, to investigate as to the existence or nonexistence of a reputed illegal combination or conspiracy among manufacturers and dealers in cement in the State of California, for the control of the market price in cement and the suppression of free competition, begs leave to report as follows:

On January 18, 1929, the President of the Senate, pursuant to the resolution of said Senate adopted on January 17, 1929, appointed Senators Boggs, Carter, Inman, Herbert C. Jones and Waggy, as a committee to investigate as to the existence or nonexistence of such reputed illegal combination or conspiracy, with full power to issue subpoenas and bring witnesses before it and examine them as to the facts or purported facts as to such reputed illegal combination or conspiracy and to compel

the production for examination by such committee of all necessary books, papers, documents and records material thereto, and did by said resolution of January 17, 1929, set aside from the contingent fund of the Senate the said make provision for the use of said committee in and investigation of the same of \$4000.

Said committee so appointed has, as yet, had nothing and undertaken to discharge its said duty of investigating as to the existence or nonexistence of such criminal illegal combination or conspiracy.

Subpoenas duces tecum were duly and regularly issued and duly and regularly served upon Robert B. Henderson, W. H. George, George R. Gray, L. F. Deane, John T. Connor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emory Wilson, requiring each of them to bring with him certain books, papers, documents and records in his possession or under his control and deposited and described in the subpoena.

In pursuance of said subpoenas duly and regularly issued and served, said persons appeared before said committee of investigation of this Senate, and refused and declined to answer certain questions made up to the same and referred to produce proper books, papers, documents and records material of them, such being in their possession or under their control and required to and refused to do, particularly aspects from the report of said committee presented to and filed with this Senate, on March 8, 1929, and from the explanation and report of said committee presented to and filed with the Senate on March 11, 1929, and questions being also set forth in the 'Excerpts from the transcript of testimony' introduced to the Senate, March 8, 1929, to which reference is hereby made.

The truth as to the existence or nonexistence of such criminal illegal combination or conspiracy is all set to rest largely within the knowledge of these said witnesses or in the proper books, papers, documents and records material of them, such being in their possession or under their control.

This honorable Senate did on March 11, 1929, adopt a resolution declaring the said W. H. George, George R. Gray, L. F. Deane, John T. Connor, C. C. Merrill, C. A. Low, Arthur B. Shelby, H. T. Battelle and A. Emory Wilson to be guilty of contempt of this Senate and ordering that said persons and each of them be committed to the county jail in the county of Sacramento, State of California, until they purged themselves of this contempt by answering the questions which were propounded to them by said committee, and by producing the books, papers, documents and records required of them by the said subpoenas duces tecum.

Said persons did thereafter institute action legal in nature for the purpose of determining the legality of the said order of this Senate that they be committed to the said county jail in the county of Sacramento, State of California.

The Supreme Court of the State of California, at the instance of said committee and of the Attorney General of the State of California, granted original jurisdiction over said matters pending before said court, the view of compelling said matters to the end that the same court be enabled to determine whether or not the adjournment of the Legislature by the Senate in this said matter was as it might be advised in the premises.

That said matter was brought to said Supreme Court upon oral argument of or about the twenty-second day of March, 1929.

That upon the fifteenth day of May, 1929, the said court, the date set for the final adjournment of the Legislature, said Supreme Court rendered its decision in said matter, holding that said Senate had jurisdiction to bind said persons in contempt thereof, and that said persons were in contempt of the Senate, but discharged said persons upon the ground that the commitment of said Senate was void because of the lack of certain averments therein.

Your committee reports that if said Supreme Court had not rendered the said decision within a reasonable time before the adjournment of said Legislature, said commitment could have been amended so as to have amended said writress to answer the questions propounded by said committee as herein recited, but that owing to the lateness of the rendition of said decision, this Senate is now precluded from pursuing said matter and from taking any other or further steps to secure said evidence, and that because thereof said investigation must now be abandoned.

However, your committee does have to report that owing to the similarity of prices of cement prevailing between the various cement companies throughout the State of California, that we are not satisfied that an illegal combination in restraint of trade does not exist, and that we are of the further opinion that said said witnesses herein compelled to testify and to produce the books and papers mentioned, the existence or nonexistence of such illegal combination might have been established, but that said refusal made your committee to the conclusion that evidence in the possession of said persons might have disclosed the existence of such illegal combination in restraint of trade.

J. M. INMAN,  
HENRY F. CARTER,  
F. S. ROGERS,  
J. L. WAGY.

## CONSIDERATION OF DAILY FILE.

## THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary schools of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1112 passed by the following vote:

AYES—Senators Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, Merriam, Mueller, Murphy, Pedrotti, Tubbs, and Wagy—21.

NOES—Senators Baker, Boggs, Breed, Evans, Jones, Herbert C., Jones, Ray; Lyon, McCormack, McKinley, Nelson, Rochester, Sharkey, Slater, Weller, West, and Young—16.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 282—An act to amend section 736b of the Political Code, relating to the salaries of judges in the superior courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 282 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1055—An act to amend sections 2 and 17 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district.

Also: Assembly Bill No. 240—An act to amend section 2 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to and defining the State park system and authorizing cities to donate real property to the State for inclusion in the State park system;

Also: Assembly Bill No. 494—An act providing for the establishment and maintenance of 24-hour elementary schools by elementary school districts with the approval of the State Board of Education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof;

Also: Assembly Bill No. 485—An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith;

Also: Assembly Bill No. 70—An act to amend section 67 of the Code of Civil Procedure, relating to the superior court of the city and county of San Francisco, increasing the number of judges thereof, and providing for their compensation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation for the restriction of Filipino immigration.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 34—Relative to the joint legislative committee appointed to study, inquire into, and survey, the corporation laws of, and the sale of corporate securities within, this State and other states.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 654—An act to amend the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered 412a, relating to the seizure of judgments on insolvent persons in certain actions;

Also: Assembly Bill No. 200—An act to provide for the payment of certain moneys received from the government of the United States to the several counties, and also to regulate the manner of expenditure thereof;

Also: Assembly Bill No. 72—An act to amend section 626 of the Penal Code, relating to the protection of game;

Also: Assembly Bill No. 388—An act relating to the compensation of election officers in school elections;

Also: Assembly Bill No. 668—An act to amend section 29 of the Association and Improvement Act of 1925, approved May 23, 1925, as amended, relating to definition of terms.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF DAILY FILE.

#### THIRD READING OF ASSEMBLY BILLS—(RESUMED)

Assembly Bill No. 1145—An act relating to the acquisition of Carquinez Bridge; creating a public corporation to be known as Carquinez Bridge Authority and providing for the appointment of the Carquinez Bridge Commission; defining the powers and duties of said commission and providing for the acquisition of said bridge and its operation as a publicly owned utility and as part of the highway system of the State of California; providing also for the issuance and sale of revenue bonds of said corporation for the purchase of said bridge and for the payment of interest on said bonds and the amortization thereof; providing for tolls of said bridge for the operation and maintenance thereof and payment of interest on and the amortization of said bonds; creating a district known as Carquinez Bridge District, defining the boundaries of the same and abrogating the right of counties to grant competitive franchises therein; providing for and creating a fund to carry out the purposes of this act; and providing for a revolving fund to meet any deficiency in the operation and financing of said bridge and providing for a method for the payment of the costs of printing and sale of said bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1145 refused passage by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cobb, Evans, Gray, Hurley, Lyon, Maloney, McCormack, Merriam, and Sharkey—15.

NOES—Senators Allen, Cassidy, Christian, Cleveland, Crowley, Duval, Edwards, Fellom, Garrison, Handy, Inman, Jones, Ray, McKinley, Mueller, Nelson, Rochester, Slater, Tubbs, Waggy, Weller, West, and Young—22.

#### LIEUTENANT GOVERNOR IN THE CHAIR.

At two o'clock and twenty-five minutes p.m. Lieutenant Governor H. L. Carnahan, President of the Senate, in the chair.



## MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 659. An act to add a new section to the Code of Civil Procedure to be numbered 103b, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 699 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 23—An act to amend the "California Vehicle Act," approved May 30, 1923, as amended, by adding thereto a new section, to be numbered 141½, relating to the liability of an owner or driver of a motor vehicle for the injury or death of a guest.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER TWENTY-THREE.

## AMENDMENT NUMBER ONE.

On page 2 of the printed bill, as amended in Senate March 27, 1929, strike out lines 4 to 12, inclusive, and insert in lieu thereof the following: "death of such guest proximately resulting from the intoxication, wilful misconduct, or gross negligence of such owner, driver or person responsible for the operation of such vehicle; *provided*, that in any action for death or for injury or damage to person or property by or on behalf of a guest or the estate, heirs or legal representatives of such guest, the burden shall be upon plaintiff to establish that such intoxication, wilful misconduct or gross negligence was the proximate cause of such death or injury or damage."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 23?

The roll was called, and Assembly amendment to Senate Bill No. 23 concurred in by the following vote:

AYES—Senators Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Fulton, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormick, McKinley, Morrison, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, Weller, and Young—31.

NOES—None.

Senate Bill No. 23 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 297—An act to amend sections 2, 4 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, defining the powers and duties of the Department of Natural Resources and the park commission in relation to the State park system and authorizing the making of contracts between the commission and cities, counties and other political subdivisions, and with the government of the

United States for the care and maintenance and control, for the purpose of the State park system, by either party to such a contract, of lands under the jurisdiction of the other party and authorizing the contracting parties to expend moneys for the care, maintenance and control thereof, and respectively reports from time to time to concur in said amendments.

ARTHUR A. OHNIMUS, *Chief Clerk*,  
By FRED J. DUSCH, *Assistant Clerk*.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 297—An act to amend sections 2, 4 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, defining the powers and duties of the Department of Natural Resources and the park commission in relation to the State park system and authorizing the making of contracts between the commission and cities, counties and other political subdivisions, and with the government of the United States for the care and maintenance and control, for the purposes of the State park system, by either party to such a contract, of lands under the jurisdiction of the other party and authorizing the contracting parties to expend moneys for the care, maintenance and control thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER TWO HUNDRED NINETY-SEVEN.

##### AMENDMENT NUMBER ONE.

Strike out all of lines 1 to 8, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act making an appropriation to pay the expense of purchasing and maintaining a system of telegraphing typewriting equipment and the leasing of wire facilities necessary for the operation of said system for communication service between the bureau of criminal identification and investigation at Sacramento and the cities of San Francisco and Los Angeles and providing for connection therewith by other cities and counties of the state, declaring the urgency thereof, and providing that this act shall take effect immediately."

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expense of purchasing and maintaining a system of telegraphing typewriting equipment and the leasing of wire facilities necessary for the operation of said system, for communication service between the bureau of criminal identification and investigation at Sacramento and the cities of San Francisco and Los Angeles, to be centered in and operated under the direction of the bureau of criminal identification and investigation at Sacramento.

SEC. 2. Any and all other cities and counties in the state may connect with said system and receive said service at such points and in such manner as may be severally agreed upon by and between them and the bureau of criminal identification and investigation; *provided*, that the whole of the cost of making or maintaining said connection with said system by or for such other cities and counties shall be borne by such other cities and counties and none thereof by the state."

##### AMENDMENT NUMBER THREE.

On page 1, line 15, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "3".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 297?

The roll was called, and Assembly amendments to Senate Bill No. 297 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Fellom, Garrison, Gray, Handy, Hurley, Iman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, and Young—32.  
**NOES**—None.

Senate Bill No. 297 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage of Senate Bill No. 197—An act to prevent unfair discrimination against California manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against nonresident manufacturers.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 890—An act relating to the board of trustees of the California Institution for Women and the appointment and terms of office of the members of said board.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 890 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 164—An act making an appropriation to pay the expense of purchasing and maintaining a system of telegraphing typewriting equipment and the leasing of wire facilities necessary for the operation of said system for communication service between the Bureau of Criminal Identification and Investigation at Sacramento and the cities of San Francisco and Los Angeles and providing for connection therewith by other cities and counties of the State, declaring the urgency thereof, and providing that this act shall take effect immediately, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
 By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 164—An act making an appropriation to pay the expense of purchasing and maintaining a system of telegraphing typewriting equipment and the leasing of wire facilities necessary for the operation of said system for communication service between the Bureau of Criminal Identification and Investigation at Sacramento and the cities of San Francisco and Los Angeles and providing for connection therewith by other cities and counties of the State, declaring the urgency thereof, and providing that this act shall take effect immediately.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED SIXTY-FOUR.

##### AMENDMENT NUMBER ONE.

In line 1 of the title of the printed bill, as amended, after the figure "2", insert a comma and the following: "4".

##### AMENDMENT NUMBER TWO.

Strike out all of lines 9, 10, 11, 12, 13 and 14 of the title of the printed bill, as amended, and insert in lieu thereof the following: "May 25, 1927, defining the powers and duties of the department of natural resources and the park commission in relation to the state park system and authorizing the making of contracts between the commission and cities, counties and other political subdivisions, and with the

government of the United States for the care and maintenance and control, for the purposes of the state park system, by either party to such a contract, of lands under the jurisdiction of the other party and authorizing the contracting parties to expend moneys for the care, maintenance and control thereof."

## AMENDMENT NUMBER THREE.

On page 2, line 20, of the printed bill, as amended, strike out the comma following the word "purchase", and insert in lieu thereof the word "and", and strike out the word "condemnation" and the comma following said word in said line 20, and insert in lieu thereof the following: "and, with the consent of the owner, or his", and strike out the words "or in any other manner", in line 21 of said page 2.

## AMENDMENT NUMBER FOUR.

On page 2, line 29, of the printed bill, as amended, after the period, insert the following: "Acquisition of property by the state park commission under the provisions of this section shall be subject to the approval of the department of finance and the governor."

## AMENDMENT NUMBER FIVE.

On page 2 of the printed bill, as amended, delete all of lines 30 to 47, inclusive.

## AMENDMENT NUMBER SIX.

On page 2, line 48, of the printed bill, as amended, strike out the figure "4", and insert in lieu thereof the figure "3".

## AMENDMENT NUMBER SEVEN.

On page 2, line 50, of the printed bill, as amended, preceding the word "Concurs", insert the following: "Sec. 5."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 164?

The roll was called, and Assembly amendments to Senate Bill No. 164 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Cleveland, Cobb, Crowley, David, Edwards, Evans, Faxon, Hahn, Hanson, Jones, Jones, Ray, Lyon, Maloney, McCormick, McKelvey, Merritt, Murphy, Murphy, Rochester, Slater, Wagy, Weller, and Young—30.

NOES—None.

Senate Bill No. 164 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article XIII of the constitution of the State, relating to property exempt from taxation—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By Fred J. Dersch, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article XIII of the constitution of the State, relating to property exempt from taxation.

## ASSEMBLY AMENDMENT TO SENATE CONSTITUTIONAL AMENDMENT NUMBER FORTY-FIVE.

## AMENDMENT NUMBER ONE.

On page 2, line 13, of the printed measure, strike out the period following the word "bridge", in said line, and insert in lieu thereof a semicolon and the following: "provided, however, that whenever the state ceases to collect tolls for the use of any such bridge or property so acquired and the same becomes free to the public use, then such bridge and property shall become and remain exempt from all taxation and the state shall not thereafter make any payments to the county or city and county under the provisions of the franchise."



The question being: Shall the Senate concur in Assembly amendment to Senate Constitutional Amendment No. 45?

The roll was called, and Assembly amendment to Senate Constitutional Amendment No. 45 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cobb, Crowley, Edwards, Evans, Fellam, Hendy, Hursey, Johnson, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, and Young—28.

**NOES**—None.

Senate Constitutional Amendment No. 45 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1929.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. CHINIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED THIRTY-TWO.

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended in Senate April 11, 1929, after the word "injury", insert the word "inflicted".

##### AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, as amended in Senate April 11, 1929, commencing with the word "shall", strike out to and including the word "another" in line 25.

##### AMENDMENT NUMBER THREE.

On page 2, line 3, of the printed bill, as amended in Senate April 11, 1929, strike out the period after the word "state", and insert the following: "shall come or be brought, to report the same immediately, both by telephone and in writing, to the chief of police, city marshal, town marshal or other head of the police department of any city, city and county, town or municipal corporation of this state, or to the sheriff of the county, if such hospital or pharmacy is located outside the incorporated limits of a city, town or other municipal corporation. Such report shall state the name of such person, if known, his whereabouts and the character and extent of such injuries. It shall also be the duty of every physician, or surgeon, who has under his charge or care any person suffering from any wound or injury inflicted in the manner above mentioned, to make a like report to the appropriate officers hereinabove named."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 132?

The roll was called, and Assembly amendments to Senate Bill No. 132 concurred in by the following vote:

**AYES**—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellam, Gerstetter, Hendy, Johnson, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Rochester, Sharkey, Slater, Wagy, and Young—27.

**NOES**—None.

Senate Bill No. 132 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1929.

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 662—An act to amend

section 67a of the Code of Civil Procedure, relating to judges in counties of the first class—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure, relating to judges in counties of the first class.

#### ASSEMBLY AMENDMENT TO SENATE BILL NUMBER SIX HUNDRED SIXTY-TWO. AMENDMENT NUMBER ONE

On page 1, line 3, of the printed bill, as amended in Senate April 23, 1929, preceeding the word "In", insert the following numerals: "67a."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 662?

The roll was called, and Assembly amendment to Senate Bill No. 662 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Cassidy, Chapman, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Harbo, Harvey, Ingers, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Wagy, and Young—30

NOES—None.

Senate Bill No. 662 ordered to print, and enrollment.

Also:

#### ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 134—An act to amend sections 1377, 1378 and 1379 of the Penal Code, relating to compromise of criminal charges and prescribing penalties for violations of the provisions thereof.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER ONE HUNDRED THIRTY-FOUR.

##### AMENDMENT NUMBER ONE.

On page 1, line 6, of the printed bill, as amended in Senate May 1, 1929, after the comma following the word "robbery", insert the words "grand theft" and a comma.

##### AMENDMENT NUMBER TWO.

On page 1, line 8, of the printed bill, as amended in Senate May 1, 1929, strike out the word "or", and insert in lieu thereof a comma.

##### AMENDMENT NUMBER THREE.

On page 1, line 8, of the printed bill, as amended in Senate May 1, 1929, after the word "wrecking", insert the following: "or solicitation to commit any of the above named felonies".

##### AMENDMENT NUMBER FOUR.

On page 1, line 14, of the printed bill, as amended in Senate May 1, 1929, strike out the word "riotously", and insert in lieu thereof the word "riotously".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 134?

The roll was called, and Assembly amendments to Senate Bill No. 134 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Cassidy, Christian, Cleveland, Cobb, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Sharkey, Slater, Wagye, and Young—26.

NOES—Senator Rochester—1.

Senate Bill No. 134 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664 of the Code of Civil Procedure, relating to the administration of estates—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS.

The Senate took up for consideration Assembly amendments to Senate Bill No. 96—An act to amend sections 1327, 1491, 1616 and 1664 of the Code of Civil Procedure, relating to the administration of estates.

#### ASSEMBLY AMENDMENTS TO SENATE BILL NUMBER NINETY-SIX.

##### AMENDMENT NUMBER ONE.

On page 1, in the title of the printed bill, strike out the figures "1327".

##### AMENDMENT NUMBER TWO.

On page 1 of the printed bill, strike out all of section 1, being from line 1 to 12, inclusive.

##### AMENDMENT NUMBER THREE.

On page 1, line 13, of the printed bill, strike out the figure "2", as the number of said section, and insert in lieu thereof the figure "1".

##### AMENDMENT NUMBER FOUR.

On page 1, line 17, of the printed bill, strike out the figure "3", as the number of said section, and insert in lieu thereof the figure "2".

##### AMENDMENT NUMBER FIVE.

On page 2, line 29, of the printed bill, strike out the figure "4", as the number of said section, and insert in lieu thereof the figure "3".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 96?

The roll was called, and Assembly amendments to Senate Bill No. 96 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Handy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Wagye, West, and Young—30.

NOES—None.

Senate Bill No. 96 ordered to print, and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 339—An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER THREE HUNDRED THIRTY-NINE.

## AMENDMENT NUMBER ONE.

On page 2, line 5, of the printed bill, after the word "must", strike out the remainder of said line 5 and all of line 6, excepting the words "be tried by a", and insert in lieu thereof the following: "unless such jury be waived as provided by section 631 of this code,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 339?

The roll was called, and Assembly amendment to Senate Bill No. 339 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Garrison, Gray, Handy, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Mueller, Rochester, Sharkey, Slater, Wagy, Weller, and Young—28.

NOES—None.

Senate Bill No. 339 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 519—An act to amend section 1188 of the Political Code, relating to elections—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY AMENDMENT.

The Senate took up for consideration Assembly amendment to Senate Bill No. 519—An act to amend section 1188 of the Political Code, relating to elections.

## ASSEMBLY AMENDMENT TO SENATE BILL NUMBER FIVE HUNDRED NINETEEN.

## AMENDMENT NUMBER ONE.

On page 1 of the printed bill, as amended in Senate May 6, 1929, strike out all of lines 10 to 13, inclusive, and insert in lieu thereof the following:

"1188. An independent candidate for any partisan public office may be nominated not less than sixty nor more than ninety days prior to any primary election, and a candidate for any public office for which no candidate has been nominated at any primary election may be nominated subsequently to said primary election (or in lieu thereof if no primary election has been held), in the manner following:"

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 519?

The roll was called, and Assembly amendment to Senate Bill No. 519 concurred in by the following vote:

AYES—Senators Allen, Baker, Boggs, Cassidy, Christian, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Inman, Jones, Ray, Maloney, McCormack, McKinley, Mueller, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—30.

NOES—None.

Senate Bill No. 519 ordered to print, and enrollment.

Also:

## ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 28—A resolution to



propose to the people of the State of California an amendment to the constitution of said State, by adding to article XVI thereof a new section to be numbered 8, authorizing the issuance and sale of 10,000 bonds of the State of California in the denomination of \$1,000 each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, localizing, validating and making fully and completely effective the San Francisco Harbor Improvement Act of 1929 as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the Governor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 28 ordered to enrollment.  
Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties, and making an appointment therefor—the following Assemblymen: Crittenden, Mixer and Bernard, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 49—Relative to appreciation of the financial aid extended to California by road building by the United States.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER FORTY-NINE.

Senator Handy asked for and was granted unanimous consent to consider Assembly Concurrent Resolution No. 49, without reference to committee.

#### ASSEMBLY CONCURRENT RESOLUTION No. 49.

Relative to appreciation of the financial aid extended to California in road building by the United States.

WHEREAS, The United States government, in federal aid, forest road, and national park funds, during the past ten years, has contributed approximately \$32,000,000 to the highway development of California under the direction of the United States Bureau of Public Roads; and

WHEREAS, The United States Bureau of Public Roads through Thomas H. McDonald, director, Dr. L. I. Hewes, deputy chief engineer in charge of the eleven western states, and Captain C. H. Sweetser, district engineer in charge in California, has been nationally helpful and cooperative in its participation in highway development in California, and has contributed greatly toward establishing the fine standard of highway construction now in force in California; now, therefore, be it

*Resolved*, That the State of California through its Legislature, by concurrent resolution of the Assembly and Senate, does hereby express its appreciation of the financial aid extended to California in road building by the United States and does hereby further express its appreciation of the fine cooperation supplied by Mr. McDonald, Dr. Hewes and Captain Sweetser representing the Bureau of Public Roads; and be it further

*Resolved*, That a copy of this concurrent resolution properly engrossed be sent to the President of the United States, the Secretary of Agriculture, Thomas H. McDonald, Dr. L. I. Hewes and Captain C. H. Sweetser.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 49 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Christian, Cleveland, Cobb, Crowley, Duxal, Edwards, Evans, Feltom, Garrison, Gray, Handy, Inman, Maloney, McCor-

mack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tabbs, Wagy, Weller, West, and Young—30.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 49 ordered transmitted to the Assembly.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENROLLMENT, ENROLLMENT AND READING.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Enrollments, Enrollment and Printing has examined Senate Bill No. 282. An act to amend section 7295 of the Penal Code, relating to the salaries of judges in the superior courts, and reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1929, at two o'clock and thirty minutes P.M.

JONES, RAY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, May 15, 1929.

*To the Senate of the State of California.*

I am herewith returning Senate Bill No. 282 without my approval.

This bill provides for a uniform State contribution of \$4,000 to the salaries of the superior judges of the State. At the election of 1922, under the same proposition was presented to the voters, except that the amount proposed was \$2,000 for each judge. This was defeated, however, by a majority of more than 82,000.

At the last legislative session, representatives from the Finance and the Ways and Means committees worked on the problem for several weeks, and finally agreed upon a schedule of State contribution to these salaries based on the respective populations of the counties, and as far as could be devised. These amounts will be automatically adjusted when the next Federal census reveals more precise figures.

By this action the State's cost of this contribution of superior judges has varied almost one third, or approx to two \$240,000 per biennium. The State commiserates the work of its judges and desires to treat them fairly, but after the generous increase of last session it would hardly seem proper to follow it up by another biennial raise of \$190,000, which would be the case should this bill become a law.

Accordingly I am withholding my approval.

Respectfully submitted

C. C. YOUNG, Governor.

#### SUSTAINING GOVERNOR'S VETO.

Message from the Governor announcing his objections to Senate Bill No. 282 read.

The question being: Shall Senate Bill No. 282 become a law notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Gray and Tabbs—2.

NOES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Follom, Garrison, Hardy, Healey, Inman, Jones, Ray, Lyon, Maloney, McComack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Wagy, Weller, West, and Young—32.

#### MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning

Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference on Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California, including the Santa Ana River, Mojave River and all water resources of southern California—the following Assemblymen: Bernard, Crittenden and Adams, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California including the Santa Ana River, Mojave River and all water resources of southern California—reports that it has met a like committee of the Assembly, consisting of Assemblymen Adams, Bernard and Crittenden, and that the Committee on Free Conference has agreed to recommend the following: That the Senate amendments be concurred in and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE

On page 1, line 12, of the printed bill, as amended in Senate May 13, 1929, strike out lines 12 to 19, inclusive; also strike out lines 1 and 2 on page 2.

#### AMENDMENT NUMBER TWO.

On page 2, line 3, of the printed bill, as amended in Senate May 13, 1929, strike out the numeral "3", and insert in lieu thereof the numeral "2".

#### AMENDMENT NUMBER THREE.

On page 2, line 14, of the printed bill, as amended in Senate May 13, 1929, strike out the numeral "4", and insert in lieu thereof the numeral "3".

BOGGS,  
NELSON,  
WAGY.

Senate Committee on Free Conference.

CRITTENDEN,  
BERNARD,  
ADAMS.

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christie, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Jones, Ray, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Slater, Tubbs, Waggy, Weller, and West—31.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 519—An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California,

including the Santa Ana River, Mojave River and all water resources of southern California.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1174—An act providing for a Water Resources Commission, defining its duties and making an appropriation therefor, reports that it has met a like committee of the Assembly, consisting of Assemblymen Crittenden, Bernard and Mixer, and that the Committee on Free Conference has agreed to recommend the following: That the Senate amendments be concurred in and that the bill be further amended as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 10, of the printed bill, as amended in Senate May 13, 1929, strike out lines 10 to 12, inclusive, and insert in lieu thereof the following: "ervation, flood control or navigation."

##### AMENDMENT NUMBER TWO.

On page 1, line 16, of the printed bill, as amended in Senate May 13, 1929, strike out line 16 to 18, inclusive, and insert in lieu thereof the following: "of the State of California. The commission is".

WAGY,  
BOGGS,  
NELSON.

Senate Committee on Free Conference.

CRITTENDEN,  
BERNARD,  
MIXTER.

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and the amendments.

The roll was called, and the report of Committee on Free Conference and the amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Cassidy, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Hardy, Hurley, Inman, Jones, Ray, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Nelson, Rochester, Sharkey, Slater, Tubbs, Wagy, Weller, West, and Young—34.

NOES—None.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 86—An act to amend section 258 of the Code of Civil Procedure, relating to the appointment of court commissioners, reports that it has met a like committee of the Assembly, consisting of Assemblymen Sewell, Little and West, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

##### AMENDMENT NUMBER ONE.

On page 1, line 3, of the title of the printed bill, as amended in the Assembly May 14, 1929, following the word "commissioners", strike out the period, and insert in lieu thereof: "and to add a new section to chapter two of title three of part one of the Code of Civil Procedure to be numbered 259a, relating to the powers and duties of nine hundred thousand or more."

##### AMENDMENT NUMBER TWO.

On page 1, line 19, of the printed bill, as amended in the Assembly May 14, 1929, following the period, add a new section to read as follows:

"Sec. 2. A new section is hereby added to chapter two of title three of part one of the Code of Civil Procedure to be numbered 259a, and to read as follows:

259a. Subject to the supervision of the court, every court commissioner of a county or city and county having a population of nine hundred thousand inhabitants



or more shall, in addition to the powers and duties contained in section 259 of this code, have power:

1. To hear and determine all proceedings for crimes and alternative writs and writs of habeas corpus in the supreme court of the county, or city and county, for which he is appointed.

2. To take pleadings and answer and present his findings thereon as to any matter of fact upon which information is received by the court, and any party to any contested proceeding may except to such finding within ten days after written notice that the same has been filed and may argue his exceptions before the court on giving notice of such fact to that purpose.

3. To take and approve sworn and unsworn depositions whenever the same may be required in actions or proceedings in such superior courts, and to examine the witnesses thereon when an objection has been taken to their admissibility, and to receive later evidence and affidavits, and take judgments and decisions in any action or proceeding in any of the courts of that state, or to give judgment on proceedings which arise and in that manner determine any point of law, including and other proceedings relating thereto or arising out of any action under the laws of this or any other state or country.

4. To act as judge and hearing, every arbitrator qualified as to law and been appointed for that purpose, provided that while acting as such he shall exercise no judicial power, and that when he is so appointed he shall be compensated.

5. When ordered by the court concerning law or equity in any suit pending his findings and conclusions in the same, the appointee, previous to the filing of any written findings including motions or petitions for the return and report of evidence, the allowance of temporary alimony, costs and attorneys' fees, and issue of writs of contempt, proceedings in equity, proceedings and proceedings of proceedings.

6. When ordered by the court, accepting and all to be done, taking on and determining all proceedings and proceedings of the same, the appointee, the findings, the findings, and conclusions of the court.

7. To charge and accept the same fees for the performance of duties as are now paid or that may hereafter be authorized by any law or statute, provided that the appointee shall not be liable for any thing or any part of any compensation, the compensation, the same, as expressly fixed by law, provided, however, that in such action, or suit, and cause, having a judgment or law, provided that, said judgment or cause, the law as provided shall be paid to said appointee by the treasurer of the county, or city and county, or county, such compensation to be appointed and during the term he shall be deposited in the general fund of such county, or city and county, by said treasurer.

Sec. 5. If any action, suit, or cause, or cause, or cause, of this act is for any cause, shall be determined, such action shall not affect the making of the following provisions of this act. The Legislature hereby declares that it would have passed this act, and would continue, continuing, continuing, and continuing, amendment of the fact that the law is now in force, and continuing, continuing, continuing, or process, the following amendments:

INMAN  
WELLS  
MCKINLEY

Senate Committee on Free Conference.

WEST,  
STEWART,  
LITTLE,

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and amendments.

The roll was called, and the report and amendments adopted by the following vote:

Ayes: Simpson, Allen, Bazz, Brand, Caswell, Christian, Cleveland, Clark, Daniel, Edwards, Evans, Feltner, Feltner, Gail, Harris, Harker, James, Jones, Ray, Maloney, McCune, McKim, Moore, Mullins, Nelson, Richardson, Shuckley, Slater, Tubbs, Wagy, Wells, West, and Young—31.

Yeas: None.

Also:

ASSEMBLY CHAMBER, Session No. 15, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning

Senate Bill No. 86—An act to amend sections 258 and 259 of the Code of Civil Procedure, relating to court commissioners.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 86 ordered to print and enrollment.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference, concerning Senate Bill No. 91—An act to amend sections 831 and 8315 of Code of Civil Procedure, relating to changing place of trial in municipal courts, reports that it has met in free conference of the Assembly, consisting of Assemblymen Sewell, Little and Anderson, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### AMENDMENT NUMBER ONE.

On page 1, line 5, of the printed bill, as amended in the Assembly May 13, 1929, beginning with the word "accompanied", strike out all the printed matter down to and including the word "filed" on page 1, line 6.

#### AMENDMENT NUMBER TWO.

On page 1, line 7, of the printed bill, as amended in the Assembly May 13, 1929, strike out the words "or demurs".

INMAN,  
WILLER,  
MCKINLEY.

Senate Committee on Free Conference.

WEST,  
ANDERSON,  
SEWELL.

Assembly Committee on Free Conference.

The question being on the adoption of the report of Committee on Free Conference and amendments.

The roll was called, and the report of Committee on Free Conference and amendments adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Carter, Cassidy, Christian, Chavand, Cobb, Crowley, Duval, Evans, Feltom, Garrison, Gray, Hood, Hursey, Ingram, Maloney, McKinley, Mueller, Murphy, Nelson, Rochester, Shaffer, Slater, Tibbs, Weller, West, and Young—30.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 91—An act to amend sections 831 and 8315 of Code of Civil Procedure, relating to changing place of trial in municipal courts.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 91 ordered to print and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article XIII thereof a new section to be numbered 18, relative to taxation of ocean marine insurers.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment

No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new section to article XIII so be known as section 17, relating to persons and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of financing the work.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the State and to recommend some method of financing the work.

Also: Assembly Bill No. 252—An act to add a new article to chapter 3 of title I of part III of the Political Code to be numbered article 114, containing sections 374 to 379, inclusive, relating to a Department of Military and Veterans Affairs.

Also: Assembly Bill No. 257—An act to add a new section to the Political Code to be numbered 11474, relating to boats.

Also: Assembly Bill No. 364—An act to add a new section to be numbered 56 to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to sale of poisons.

Also: Assembly Bill No. 816—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 13, 18 and 20 of the "Improvement Bond Act of 1915," approved June 11, 1915, and to add a new section to said act to be known as section 5a, relating to the assurance of bonds to represent assessments levied for public improvements and the laying out, opening, extending, widening or straightening, a wall or in part, of public streets, squares, lanes, alleys, courts and places or for the condemnation of property necessary or convenient for such purposes, done or made under the "Street Opening Act of 1903."

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 81—An act to amend section 3817 of the Political Code, relating to the redemption of property sold for taxes.

Also: Assembly Bill No. 848—An act to establish a State prison, creating a commission to select and purchase a suitable site therefor, and the construction of buildings and other improvements in connection therewith, to provide for the confinement and transfer of prisoners thereon and the prison, to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 329—An act to amend section 624 of the Penal Code, relating to the protection of fish and game.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 833—An act relating to the election of teachers in the public schools.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1119—An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended by adding thereto a new section to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1194—An act appropriating \$525,000 to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the chairman of the Department of Finance an obligation bearing said The Regents' apt to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Committee on Free Conference concerning Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments; schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved May 31, 1927, and to add new sections thereto to be numbered sections 3a, 14a and 20a, relating to the regulation of the occupation and practices of hairdressers, cosmeticians, and cosmetologists, was unable to agree, and the following Assemblymen: Sewell, Clondman and Woolwine were appointed on another Committee on Free Conference, to meet with a like committee from your honorable body.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

#### REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 258—An act to amend sections 2, 3, 4, 6, 7, 8, 12, 14, 16, 17, 18, 19, 20, and 23 of an act entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the State Board of Cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to





## ASSEMBLY CONSTITUTIONAL AMENDMENT No. 37.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article IV thereof a new section to be numbered section 22a, relating to retirement salaries for State employees.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California, at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article IV thereof a new section to be numbered 22a and to read as follows:

Sec. 22a. The Legislature shall have power to provide for the payment of retirement salaries to employees of the State who shall qualify therefor by service in the work of the State as provided by law. The Legislature shall have power to fix and from time to time change the requirements and conditions for retirement which shall include a minimum period of service, a minimum attained age and minimum contribution of funds by such employees and such other conditions as the Legislature may prescribe, subject to the power of the Legislature to prescribe lesser requirements for retirement because of disability.

The rates of contribution and the periods and conditions of service and amount of retirement salaries fixed in pursuance of this section shall not be changed except by a vote of two-thirds of the members elected to each of the two houses of the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 37 adopted by the following vote:

AYES—Senators Boggs, Breed, Carter, Cassidy, Christian, Crowley, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Murphy, Nelson, Rochester, Sharkey, Slater, Tubbs, Wag, West, and Young—27.

NOES—Senators Allen, Cleveland, Cobb, Duval, Jones, Ray, and Weller—6.

Title read and approved.

Assembly Constitutional Amendment No. 37 ordered transmitted to the Assembly.

Assembly Bill No. 167—An act to provide an institution for the confinement, care, training and rehabilitation of defective delinquents; to provide for the admission and commitment of such defective delinquents, and providing penalties for certain violations of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 refused passage by the following vote:

AYES—Senators Boggs, Carter, Cassidy, Evans, Fellom, Garrison, Hurley, Inman, Maloney, McKinley, Merriam, Sharkey, and Young—13.

NOES—Senators Allen, Breed, Christian, Cleveland, Cobb, Crowley, Duval, Edwards, Handy, Jones, Ray, McCormack, Nelson, Rochester, Slater, Tubbs, Wag, Weller, and West—18.

Assembly Bill No. 8—An act to amend section 190 of the Penal Code, relating to murder in the first degree.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 refused passage by the following vote:

AYES—Senators Cassidy, Cobb, Evans, Garrison, Mueller, Rochester, and Tubbs—7.

NOES—Senators Allen, Boggs, Breed, Carter, Christian, Cleveland, Crowley, Duval, Edwards, Fellom, Handy, Hurley, Inman, Maloney, McCormack, McKinley, Merriam, Nelson, Sharkey, Slater, Weller, West, and Young—23.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly committees on this day returned the following bills, etc., without recommendation:

Senate Bills Nos. 2, 7, 90, 98, 106, 121, 137, 168, 170, 186, 187, 189, 225, 247, 251, 262, 273, 279, 281, 291, 299, 304, 315, 353, 373, 378, 394, 408, 435, 469, 470, 472, 496, 524, 577, 616, 644, 661, 666, 673, 693, 739, 831, 842, 862, 878 and 882; Senate Constitutional Amendments Nos. 7, 40, and 42, and Senate Joint Resolutions Nos. 10, 13, and 14.

ARTHUR A. OHNIMUS, Chief Clerk.  
By C. W. BOOTH, Assistant Clerk.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 46 Relative to the creation of a committee for the making of a comprehensive study of legislative organization and procedure—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership: 5; committee vote: Ayes—5.

BREED, Chairman.

## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 415—An act providing for the protection of watersheds against forest fire, and providing an appropriation therefor:

Also: Senate Bill No. 248—An act validating certain leases of city properties, by the legislative authorities of certain municipalities operating under freeholders' charters:

Also: Senate Bill No. 551—An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act:

Also: Senate Bill No. 839—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, by adding a new section numbered 24½ to said act, relating to the powers of city prosecutors in cities of the second and one-half class operating under a freeholders' charter:

Also: Senate Bill No. 221—An act to amend sections 2 and 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to fees:

Also: Senate Bill No. 504—An act to amend section 1, 2, 4, 5, 7, 9, 15, and 19 of an act entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments," approved May 16, 1919, and to add a new section thereto numbered 13a, relating to an alternative procedure for making entries on assessment rolls for the collection of assessments, and for sales of property for delinquent assessments;

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said State, being an amendment of section 1 of article II of said constitution, relative to elections and eligibility of voters, disabilities and absent voters;

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article IV of the constitution of said State, relating to officers, employees, and attaches;

Also: Senate Bill No. 620—An act to revise an act entitled "An act defining mattresses, regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall

be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled, and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended;

Also: Senate Constitutional Amendment No. 8—Relative to the training and ratifying of municipal charters and amendments thereto.

Also: Senate Bill No. 856—An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

Also: Senate Bill No. 873—An act making an appropriation to pay the claim of Buron Fitts against the State of California.

Also: Senate Bill No. 652—An act relating to the powers and duties of the Department of Public Health and making an appropriation for its use.

Also: Senate Bill No. 868—An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France;

Also: Senate Bill No. 854—An act to amend section 73799 of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

Also: Senate Bill No. 858—An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years;

Also: Senate Bill No. 724—An act to provide for the organization and government of public water districts, in unincorporated territory, and authorizing the levy of taxes for the maintenance thereof;

Also: Senate Bill No. 680—An act to repeal chapters 1 and articles I to VI inclusive of chapter II of title X of part IV, division III, of Civil Code, and to add a new chapter I of title X of part IV, division III, in place thereof, and to declare title XI of part III of the Code of Civil Procedure in certain respects limited by said new chapter I, and to amend article VII of chapter 2 of title X of part IV, division III, of the Civil Code, by making said article VII, chapter 2 of title X of part IV, division III, of the Civil Code; all relating to partnerships; and to make the Partnership Law of the State of California uniform with the law of other states;

Also: Senate Bill No. 871—An act authorizing and empowering high school districts maintaining junior college courses to charge tuition to all students nonresident of the State of California;

Also: Senate Bill No. 357—An act amending section 2333 of the Political Code, relating to the Department of Social Welfare and making an appropriation therefor.

Also: Senate Bill No. 735—An act to amend section 1 of an act of the Legislature of the State of California, entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof, for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality owns unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to types of improvement authorized;

Also: Senate Bill No. 48—An act to provide for the creation of a Commission for the Study of the Problem of Public Education in California and making an appropriation therefor;

Also: Senate Bill No. 844—An act to amend section 2210 of the Political Code, relating to the Woman's Relief Corps Home of California;

Also: Senate Bill No. 27—An act to amend section 6266 of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 43—An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as



amended, relating to party conventions, membership and organization of State central committees and county central committees;

Also: Senate Bill No. 128—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau; and to make an appropriation therefor;

Also: Senate Bill No. 268—An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class;

Also: Senate Bill No. 270—An act to amend section 10 of an act entitled "An act to provide for the protection of fur bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the Fish and Game Commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals;

Also: Senate Bill No. 359—An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, and to add a new section to said act to be numbered 76a, relating to the foreclosure of bonds.

Also: Senate Bill No. 434—An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add four new sections thereto to be numbered 7a, 8, 9 and 10, regulating fisheries of the State operating for commercial purposes, and prescribing the seasons in which sardines may be taken;

Also: Senate Bill No. 460—An act to add a new chapter to the Penal Code to be numbered chapter 11, comprising sections 258, 259 and 260, to title VIII of part I of said code, relating to slander;

Also: Senate Bill No. 481—An act to be known as the "Bovine Tuberculosis Law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculous animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the State for such reacting cattle; to provide for the eradication of bovine tuberculosis among calves by areas; to provide for the care and feeding of the offspring of certain cattle therein, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the Director of Agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith;

Also: Senate Bill No. 547—An act to amend section 3480a of the Political Code, providing a method of refunding reclamation district bonds now or hereafter issued or outstanding and to add a new section to the Political Code to be designated section 3457a thereof providing for the cancellation of warrants or reclamation districts and for the issuance of warrants in lesser denominations in lieu thereof;

Also: Senate Bill No. 552—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts;

Also: Senate Bill No. 752—An act to amend the Improvement Act of 1911, approved April 7, 1911, by repealing section 103, relating to alternative specifications for sewer construction;

Also: Senate Bill No. 789—An act to amend sections 7 and 8 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to protest;

Also: Senate Bill No. 874—An act to amend sections 2 and 15b of the "Building and Loan Commission Act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the Building and Loan Commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner and providing for the bonding of all officers and employees of licensees of the Building and Loan Commissioner;

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California that the constitution of said State be amended by adding to article V thereof a new section to be numbered 21, relating to the executive branch of the State government;

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article XII of the constitution of the State of California amending sections 1 and 7, and repealing sections 2, 3, 9, 11, 12 and 14 of that article;

Also: Senate Joint Resolution No. 12—Requesting the United States Senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1929, at two o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 13—An act to amend section 2210b of the Political Code, relating to the Woman's Relief Corps Home of California;

Also: Senate Bill No. 84—An act to amend the Code of Civil Procedure by amending section 204e thereof, relating to jury commissioners in counties, or cities and counties, where there is a secretary of the judges of the superior court;

Also: Senate Bill No. 125—An act to add a new section to the Penal Code, to be numbered 1308, relating to bail bonds;

Also: Senate Bill No. 127—An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds, payment of judgments thereon, and refund of the principal sum thereof under certain circumstances to the judgment debtor;

Also: Senate Bill No. 133—An act to amend section 2 of an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, and to add a new section thereto to be numbered 2a, further defining the purposes of such employment bureaus and the powers and duties of the Commissioner of the Bureau of Labor Statistics in the conduct thereof;

Also: Senate Bill No. 136—An act relating to productive activities of prisoners at State prisons and reformatories, providing for payments and credits for such work, defining the powers and duties of the State Board of Prison Directors in respect thereto and prescribing certain penalties and forfeitures;

Also: Senate Bill No. 138—An act to add a new section to the Penal Code to be numbered 1127c, relating to instructions on evidence of flight;

Also: Senate Bill No. 140—An act to add a new section to the Penal Code to be numbered 1127b, relating to instructions to the jury with reference to the opinions of expert witnesses;

Also: Senate Bill No. 141—An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties;

Also: Senate Bill No. 146—An act to amend the Code of Civil Procedure by adding a new section numbered 519a, providing for the release from attachment and execution of real property owned by any person not a party to the action;

Also: Senate Bill No. 181—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act;

Also: Senate Bill No. 219—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class;

Also: Senate Bill No. 222—An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund;

Also: Senate Bill No. 264—An act to regulate the display of red lights on or in view of public highways and granting to boards of supervisors authority for the zoning of public highways relative to the display of red lights;

Also: Senate Bill No. 306—An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving, and protecting the channel of the Pajaro River;

Also: Senate Bill No. 322—An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation;

Also: Senate Bill No. 323—An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations;

Also: Senate Bill No. 392—An act to amend section 476a of the Penal Code, relating to checks, orders and drafts;

Also: Senate Bill No. 346—An act to amend an act entitled "An act to create a public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof;

Also: Senate Bill No. 350—An act making an appropriation to clear and straighten the channel of the Mokelumne River from Woodbridge to the Galt-New Hope Bridge for protection of State and county bridges and highways;

Also: Senate Bill No. 388—An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts;

Also: Senate Bill No. 418—An act to amend section 2 of the "County Improvement Act of 1921," approved June 3, 1921, as amended;

Also: Senate Bill No. 487—An act to provide for the establishment and maintenance of preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of State aid to cities, counties, cities and counties, and groups of counties, for the care and treatment of such persons; defining the powers and duties of the Department of Public Health and Bureau of Tuberculosis in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 493—An act making an appropriation to be expended by the State Director of Agriculture in the performance of his powers and duties in relation to land settlement and land settlement projects;

Also: Senate Bill No. 503—An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries;

Also: Senate Bill No. 523—An act to amend section 13 of the "State Medical Practice Act," approved June 2, 1913, as amended, relating to reciprocity certificates;

Also: Senate Bill No. 549—An act to add a new section to be numbered 402h to part I, article X of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material;

Also: Senate Bill No. 550—An act to amend sections 3, 6, 6a, 9, 11, 12, 13 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended;



Also: Senate Bill No. 553—An act to amend section 537 of the Code of Civil Procedure, relating to attachment;

Also: Senate Bill No. 579—An act amending section 1 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended;

Also: Senate Bill No. 588—An act to add a new section to the Penal Code to be known as section 537i, relating to the defrauding of garage keepers;

Also: Senate Bill No. 618—An act to add a new section 3474 to the Penal Code, relating to the sale and use of poisons and providing a penalty for the violation thereof;

Also: Senate Bill No. 631—An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this State, and providing for revocation of license by the Insurance Commissioner;

Also: Senate Bill No. 639—An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto;

Also: Senate Bill No. 655—An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district;

Also: Senate Bill No. 665—An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman Memorial;

Also: Senate Bill No. 681—An act to repeal chapter 3 of title X of part IV, division III of the Civil Code, and to add a new chapter 3 of part IV, division III, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states;

Also: Senate Bill No. 705—An act to add a new section to the Political Code to be numbered section 4041i, relating to powers and duties of boards of supervisors;

Also: Senate Bill No. 707—An act relating to the leasing of real property by the political subdivisions of the State and providing a procedure therefor;

Also: Senate Bill No. 713—An act to amend sections 11, 14, 25 and 29 of an act entitled "An act to provide for the formation, government, creation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, relating to sanitary districts and the taxes and bonds thereof and the construction or extension of sewers and sewer systems thereof;

Also: Senate Bill No. 815—An act making an appropriation for the Bureau of Child Hygiene, State Department of Public Health;

Also: Senate Bill No. 825—An act to provide for the government of high schools;

Also: Senate Bill No. 847—An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners;

Also: Senate Bill No. 850—An act making an appropriation to pay the claim of Fred F. Freitas against the State of California;

Also: Senate Bill No. 859—An act granting to the city of Pacific Grove the title to the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto;

Also: Senate Bill No. 860—An act to amend section 44 of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended;

Also: Senate Bill No. 867—An act to add a new section to be numbered 104 to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts;

Also: Senate Bill No. 869—An act to amend section 30 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the California Highway Patrol and the personnel thereof;

Also: Senate Bill No. 876—An act to validate franchises to construct and operate toll roads;

Also: Senate Bill No. 877—An act to validate licenses and franchises for the construction, keeping and taking toll on roads;



Also: Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific Coast, and directing the State Fish and Game Commission to confer and cooperate with the states of Oregon, Washington, and with the United States Department of Fisheries, relative to the control of salmon fishing;

Also: Senate Concurrent Resolution No. 28—Relative to continuing the legislative investigation as to the advisability of establishing a State prison in one of the southern counties of the State of California;

Also: Senate Bill No. 297—An act to add a new section, numbered 1927 to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered;

Also: Senate Bill No. 308—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county and district budgets and to the levy of taxes and prescribing limitations on county expenditures;

Also: Senate Bill No. 309—An act to amend section 692 of the Penal Code, relating to malicious injury to real property;

Also: Senate Bill No. 400—An act to amend section 627 of the Penal Code, relating to trespass;

Also: Senate Bill No. 428—An act providing for the board and lodging of high school pupils in lieu of transportation to and from schools;

Also: Senate Bill No. 450—An act to add a new section to the Penal Code to be numbered 557½, relating to motor vehicles, number plates and registration certificates;

Also: Senate Bill No. 581—An act to amend section 3630 of the Political Code, and to add thereto a new section to be numbered 363½, relating to the Department of Public Works;

Also: Senate Bill No. 599—An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof;

Also: Senate Bill No. 626—An act to add new sections to the Civil Code of the State of California, to be known as sections 452½, 452½, 452½, 452½, and 452½, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan, regulating their method of organization, requiring a bond to be filed with the Insurance Commission, providing for the repayment of money paid by applicants if the association fails to qualify within one year, fixing the minimum number of applicants necessary to qualify, regarding such associations, whether domestic or as a foreign company, to fix a certain membership or to submit to probation or certificate of authority, permitting merger or consolidation with other domestic companies, limiting applicants to the age of 55 years, exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for selection of applicants or members from laws regulating transference of insurance except sections 452½ and 453 of the Civil Code, and providing for and limiting associations and covered ones;

Also: Senate Bill No. 826—An act to amend sections 1 and 6 of an act entitled "An act authorizing municipal corporations to appropriate the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands;

Also: Senate Bill No. 822—An act to amend section 5 of an act entitled "An act to provide for the burial of our Union soldiers, sailors and marines dying without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended, relating to duties of boards of supervisors of counties;

Also: Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding section 15 to article IX thereof, relating to the Henry E. Huntington Library and Art Gallery;

Also: Senate Bill No. 214—An act to amend section 9 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to applications for certification under said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1929, at two o'clock p.m.

JONES, RAY, Chairman.

#### ON MILITARY AFFAIRS

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 571—An act to amend section 1 of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended, has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—8; committee vote: Ayes—8.

CLEVELAND, Chairman.

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 571—An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified:

Also: Assembly Concurrent Resolution No. 31—Relating to an investigation of the ways and means of the construction of a tube and approaches between San Pedro and Wilmington;

Also: Assembly Bill No. 1169—An act to amend section 1 of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913 as amended;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 31—An act granting in trust to the city and county of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor;

Also: Senate Bill No. 151—An act to establish a nautical school at the port of Los Angeles, to provide for the conduct and maintenance thereof, to make an appropriation therefor, and to authorize the Governor to request and to receive aid from the United States in compliance with the provisions of an act of Congress approved March 4, 1911, or any other act of Congress authorizing the granting of aid in the establishment and maintenance of said school;

Also: Senate Bill No. 401—An act declaring that certain lands situate in the city of Oakland, county of Alameda, State of California, are not tidelands and releasing any claim that the State of California may have in and to said lands;

Also: Senate Bill No. 442—An act to amend section 2465 of the Political Code, relating to certain pilotage to be agreed on;

Also: Senate Bill No. 443—An act to amend section 2457 of the Political Code, relating to licensed pilots;

Also: Senate Bill No. 444—An act to amend sections 2430, 2440, 2457, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467 of the Political Code, relating to Board of Pilot Commissioners, pilots and monthly account of pilotage, and to repeal sections 2441, 2442 and 2445 of the Political Code;

Also: Senate Bill No. 445—An act to amend section 2467 of the Political Code, relating to exemption from pilotage of certain vessels;

Also: Senate Bill No. 671—An act to amend sections 4, 8 and 17 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended by an act approved June 1, 1923; to add a new section to said act to be numbered section 18a, granting authority to the Surveyor General to refuse to grant any permit or lease applied for under the provisions of this act when in his judgment the work of prospecting for, developing or extracting mineral would cause loss or damage to property near the land applied for; and repealing acts or parts of acts in conflict herewith, and adding a section declaring this act to be an urgency measure;

Also: Senate Bill No. 5—An act to create a harbor district to be called Orange County Harbor District, to provide for the location, improvement, development and protection on the seacoast of Orange County of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof; to provide for the construction of works and the acquisition of property therefor; to authorize the advance by Orange County of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

FELLOM, Chairman.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Public Morals, to which was referred Senate Bill No. 774—An act fixing penalties for the illegal possession of intoxicating liquors and requiring prosecuting officers to plead prior convictions;

Also: Senate Bill No. 848—An act declaring all buildings and places nuisances, wherein or upon which any game or games prohibited by law are permitted or carried on, and providing for the abatement of such nuisances;

Has had the same under consideration, and respectfully reports the same back without recommendation.

COBB, Chairman.

## ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 803—An act authorizing the Department of Finance of the State of California to purchase certain lands in the county of Los Angeles;

Also: Senate Bill No. 437—An act to add a new section to the Political Code, to be numbered 3667, relating to transfer of persons from place of commitment to State institutions;

Also: Senate Bill No. 436—An act to amend section 2171 of the Political Code, relating to the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons;

Also: Assembly Bill No. 490—An act to provide for the inspection by the State Department of Agriculture of deciduous fruits and grapes shipped out of the State and providing for the issuance of certificates of inspection to shippers thereof; making an appropriation therefor and prescribing penalties for the violation of this act;

Has had the same under consideration, and respectfully reports the same back without recommendation.

GRAY, Chairman.

## ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 29—An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 38—An act to provide proper sanitary conditions at railroad terminals for the preservation of the health of employees;

Also: Senate Bill No. 52—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919;

Also: Senate Bill No. 104—An act to regulate the practice of nursing; to provide for the examination and registration of graduate nurses and for the issuance, revocation and cancellation of certificates of registration as registered nurses; creating a State Board of Nurse Examiners and defining the powers and duties of said board; creating the nurses' fund and providing that all fees collected hereunder shall be placed in said fund and for the disposition of the moneys in said fund and providing generally for the violation hereof and to repeal that certain act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of The Board of Regents of the University of California, and to provide penalties for violation thereof,'" approved June 12, 1915, as amended, and providing that the State Board of Nurse Examiners shall become a part of the Department of Professional and Vocational Standards, should such a department be created, and in that event defining the powers and duties of said department under this act;

Also: Senate Bill No. 143—An act to provide for the examination and certification of persons, other than registered nurses, engaging in the practice of nursing for compensation and providing penalties for the violation of the provisions thereof



and to repeal an act entitled "An act to promote the better education of trained attendants and the better care of the sick in the State of California; to provide for and regulate the examination and licensure of trained attendants; to provide for the issuance of licenses as trained attendants to qualified applicants by the State Board of Health; to provide that the State Board of Health shall enforce the provisions hereof; to provide penalties for the violation of any of the provisions hereof and to repeal all acts and parts of acts inconsistent with the provisions of this act," approved May 2, 1919; and providing that the State Board of Nurse Examiners shall succeed to the powers, duties and responsibilities of the said Board of Public Health should such State Board of Nurse Examiners be created, and providing that the Department of Professional and Vocational Standards shall succeed to the powers, duties and responsibilities of the State Board of Public Health should such a department be created and in that event creating a State Board of Practical Nurse Examiners, and defining the powers and duties of said board and said department under this act:

Also: Senate Bill No. 261—An act to be known as the "Pure Milk Law of California," to define "market milk", to protect the wholesomeness, purity and identity of market milk; to classify and grade market milk; to prevent the sale of impure and unwholesome milk; to empower the Department of Public Health of the State of California to conduct health examinations of milk handlers; to empower cities, counties and groups of cities and counties to establish approved milk inspection service; to provide for the supervision of the Department of Public Health of the State of California over general public health work when officially conducted in dairy laboratories; to provide for the payment of a fee to defray the expenses of certain approved milk inspection services; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to provide for milk seeping contests; to provide for rules and regulations for entering the processors of this act; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure Milk Law," approved June 3, 1927, and all acts or parts of acts inconsistent with the provisions of this act:

Also: Senate Bill No. 352—An act to amend section 1 of an act entitled "An act to secure the safety of the public at bathing places upon the seacoast and lakes," approved March 10, 1909, relating to life lines.

Also: Senate Bill No. 497—An act to amend sections 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy:

Also: Senate Bill No. 498—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons:

Also: Senate Bill No. 545—An act to amend sections 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy:

Also: Senate Bill No. 546—An act to amend section 5a of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons:

Also: Senate Bill No. 802—An act to amend an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof":

Also: Senate Bill No. 883—An act to regulate the practice of dietetics; to provide for the examination and registration of dietetics and for the issuance, revocation and cancellation of certificate of registration as dietitian; creating a State Board of Dietetic Examiners and defining the powers and duties of said board; creating a dietetic fund and providing that all fees collected hereunder shall be placed in said fund and for the disbursement of the money in said fund and providing for the violation hereof; providing that the State Board of Dietetic Examiners shall become a part of Professional and Vocational Standards, should such a department be established, and in that event defining the powers and duties of that department under this act:

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—7; committee vote: Ayes—7.

CROWLEY, Chairman.



## ON AGRICULTURE AND LIVE STOCK.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 232. An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes, produced by another in the State of California, and making the same an urgency measure;

Also: Senate Bill No. 851. An act to amend the title and sections 9 and 14 of an act known as the "Bovine Tuberculosis Law" of California, approved April 4, 1927, and to add a new section thereto to be numbered 17, relating to the care and feeding of the offspring of certain bovine animals, the tuberculin testing thereof, and the segregation of such offspring; and providing an appropriation to carry into effect the provisions of this act;

Also: Senate Bill No. 872. An act to regulate the handling and sale of eggs and the manufacture of egg products; to promote the development of the California egg industry; to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing for the licensing of persons, firms and corporations engaged in such business; providing for the enforcement of this act by the Department of Public Health of the State of California, defining its powers and duties thereunder; providing penalties for the violation of the provisions of this act; and repealing chapter 425, Statutes of 1925;

Also: Senate Bill No. 641. An act to revise an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended;

Also: Senate Bill No. 147—An act to amend subdivision (n) of section 12 of the "General Dairy Law of California," approved June 15, 1923, as amended, relating to licenses and license fees for manufacturers of and dealers in, and those furnishing, renovated butter, oleomargarine, adulterated butter, or any substance designed to be used as a substitute for butter;

Also: Senate Bill No. 295—An act to add two new sections to the Penal Code, to be numbered 643a and 643b, respectively, making it an offense to induce the breach of nonprofit cooperative association or corporation marketing contracts, and providing penalties therefor;

Also: Senate Bill No. 490—An act to provide for the inspection by the State Department of Agriculture of deciduous fruits and grapes shipped out of the State and providing for the issuance of certificates of inspection to shippers thereof; making an appropriation therefor and prescribing penalties for the violation of this act;

Also: Senate Bill No. 500. An act to establish and adopt a trademark or label for articles manufactured and commodities produced or grown in the State of California, providing for the use thereof and fixing a penalty for the wrongful use thereof;

Also: Senate Bill No. 477—An act relating to the expenditure of the live stock preservation fund, created in the California Dog Law, as adopted by the Legislature at the forty-eighth session thereof;

Also: Senate Bill No. 478—An act to prevent the introduction of rabies into portions of the State not infected; to control the spread of such disease after introduction; and authorizing the State Department of Agriculture to make rules and regulations therefor;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership 13.

(Signed out)

BOGGS, Chairman.  
GARRISON.  
MERRIAM.  
COBB.  
HANDY.  
JONES, RAY.  
DUVAL.  
WAGY.  
SHARKEY.  
EDWARDS.  
McCORMACK.  
SLATER.

## ON BANKING.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 804—An act relating to industrial loan companies and providing for their regu-

lation and supervision, defining the powers and duties of the State Superintendent of banks in relation thereto, and prescribing penalties for violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Aye—9.

(Signed out)

WELLER, Chairman.  
DUVAL,  
EDWARDS,  
MCKINLEY,  
MURPHY,  
NELSON,  
CANIPA,  
BAKER.

#### ON BUILDING AND LOAN ASSOCIATIONS

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 473—An act to amend section 629 of the Civil Code, relating to arrears in payments due to building and loan associations, has had the same under consideration, and respectfully reports the same back without recommendation.

• Committee membership—5; committee vote: Ayes—5.

(Signed out)

DUVAL, Chairman.  
EDWARDS,  
SLATTER,  
YOUNG.

#### ON CIVIL SERVICE

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 178—An act to add a new section to be numbered 14a to an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor to repeat all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, relating to the placing of incorporated State employees upon the merit list and providing compensation therefor—has had the same under consideration, and respectfully reports the same back without recommendation.

MALONEY, Chairman.

#### ON CONSERVATION

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 50—An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State Nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the distribution of nursery stock for public planting and reforestation.

Also: Senate Bill No. 780—An act to amend an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; to repeal acts or parts of acts in conflict herewith; to provide for an appropriation to defray the cost of administering this act," as approved May 25, 1921, and as amended, by amending section 18 thereof, relative to fixing boundary lines of oil or gas fields;

Also: Assembly Bill No. 1150—An act to amend the "Water Commission Act," approved June 16, 1913, as amended, by adding thereto a new section, to be numbered 20b, relating to a reservation of a portion of the waters originating within a county for use within said county of origin and providing for the appropriation and use of such water, declaring all portions of said "Water Commission Act" not inconsistent with this amendment to be applicable thereto, and declaring the provisions of section 46 of said "Water Commission Act" to be applicable to this amendment;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—7.

EVANS, Chairman.

1. The first group of people who are not in the labor force are those who are not in the labor force for any reason. This group includes people who are not in the labor force because they are not in the labor force for any reason. This group includes people who are not in the labor force because they are not in the labor force for any reason.

[illegible]

4. *And, Paragraph 1. First Paragraph on "Governmental Institutions" in which will be listed the State Educational Institutions. It is necessary to reference to the Bureau of the State of California as agent of the State, but not the Commissioner of State Schools, according to the Bureau of State of California, and the Bureau of State Schools.*

of the State's Public Health Department No. 21-4 is included as evidence in the present case. Since it is known, as previously stated, that the 17th of the 19th century is the State's history, the evidence and conclusion.

1. The Soviet Transplantation Commission, the first international commission for the purpose of the Study of Cardiac and Vascular Transplantation, of the State of Transplantation and holding of Transplantation Research for the countries of the Soviet Union, VI. Planning of the Transplantation and Research of Organs.

2018. National Geographic International Ltd. — is committed to its quest to the top of the world. The name of a person or persons, including all its parts, shall be the property of the State of California, including its derivatives.

1990). Nelson's (1989) research has shown that the majority of the population of the United States is concerned that the environment will be degraded by travelling between 2 and 24 of various risk factors in the 7 days prior to travel.

Under the terms of the Convention, the U.S. Government is required to the people of the State of Maryland, as provided in section 10 of article VI of the Constitution, to send to the Legislature a copy of every law.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California the amendment of the constitution of the State to provide for the election of judges of the superior courts of the State.

NOTE. Section 17(1)(b)(iii) of the Income Tax Act, 1961, provides that income in the form of any right or authority or power conferred by the Government, local or State, or any authority or body, shall be deemed to be income of the person in whom it is conferred.

<sup>1</sup> The *Shang Shu* (Imperial Archives) documents the Shang succession as follows: In the month of the Snake at Yanyang, an earthquake in the capital of the State of Chou, leading to prince Xiang's death, gave victory to the candidate, Di, prince of Luoyang, and his son.

NOTE: Since a Congressional Amendment No. 20 is necessary to propose to the people of any State of California an amendment to the constitution of said State, an additional sections 2 and 3 of article XXI, covering up the question of Congressional

[illegible]

From these considerations, however, it is not possible to conclude that the absence of a significant correlation between the concentration of the active substance and the rate of polymerization is due to the fact that the active substance is not a true catalyst.

The "Sanskrit" inscription from the 12th century is supposed to be the earliest of any kind of writing on copper in the collection of the State of Mysore. It is a record of the gift of a village to the temple of the goddess of the river, and is written in the Devanagari script.

The United States Geological Survey has been authorized to continue its work of collecting and publishing information on the geology of the United States, and to publish a report on the geology of the United States, and to publish a report on the geology of the United States.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the

Also: Senate Constitutional Amendment No. 36—A resolution to propose to the

[illegible]

purposes; creating an interest and sinking fund for the payment of interest on said bonds and of the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$35,000 for the expense of printing, lithographing and selling of said bonds:

Also: Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending sections 1, 2, 4, 4b, 10, 12, 16, 18, 23 and 24 of article VI thereof, and by adding new sections thereto numbered 4d, 4e and 4f, all relating to the judicial department of the State:

Also: Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the constitution of said State by adding a new article to be numbered XXIV thereto, relating to the construction, maintenance and operation of a salt water barrier in the Carquinez Strait, a dam and reservoir and incidental works on the Sacramento River at Kennett, California; and of dams, pumping plants and canals for the transportation of water from near the mouth of the San Joaquin River into the San Joaquin Valley for domestic and irrigation uses; and for the construction of dams and other works on the Santa Ana River for flood control and water conservation; and relating to the conservation, control, development, utilization and regulation of certain of the water resources of the State for the purpose of flood control, navigation, river flow control, domestic use, irrigation, reclamation, salinity control, power development, and other public uses; and conferring upon the Department of Public Works certain additional duties; and relating to the issuance and sale of State bonds providing for and creating a fund for the carrying out of the purposes of this article; authorizing the expenditure of the moneys in said fund for the said purposes; creating an interest and sinking fund for the payment of interest on said bonds and the redemption of same; and making an appropriation therefor; and providing for the application on the interest and principal of said bonds of all moneys received by the State under the terms of this article; and making an appropriation of \$45,000 for the expense of printing, lithographing and selling of said bonds:

Also: Senate Constitutional Amendment No. 43—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 9 of article XIII of said constitution, relating to State and county boards of equalization;

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the constitution of the State by amending section 1 of article IV of the constitution, relating to the initiative and referendum;

Also: Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section 1 of article XIII of the constitution, relating to taxation;

Also: Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to section 22 of article VI of the constitution, relating to practice of law and the acceptance of remuneration other than salary by judges;

Also: Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the constitution of said State, by amending sections 2, 3, 15, 23 and 23a of article IV thereof, relating to the Legislative Department;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—10.

SWING, Chairman.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 32—An act to amend section 604a of the Civil Code, relating to religious corporations:

Also: Senate Bill No. 324—An act to add a new section to the Civil Code, to be numbered 322b, relating to the liability of stockholders in banks, insurance companies and building and loan associations adopting the word "Limited" or "Ltd.", as part of their corporation name;

Has had the same under consideration, and respectfully reports the same back without recommendation.

McKINLEY, Chairman.

#### ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 432—An act to amend section 2322.19 of the Political Code, relating to the horticultural commissioner in counties of the nineteenth class;



Also: Senate Bill No. 461—An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class;

Also: Senate Bill No. 463—An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class;

Also: Senate Bill No. 464—An act to amend section 9a19 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to county librarian of counties of the nineteenth class;

Also: Senate Bill No. 467—An act to amend section 17 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purposes, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to elections of fire commissioners;

Also: Senate Bill No. 480—An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class;

Also: Senate Bill No. 727—An act to amend section 1033 of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth and second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same;

Also: Assembly Bill No. 120—An act to amend section 9a4 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary and expenses of the county librarian in counties of the fourth class;

Also: Assembly Bill No. 121—An act to amend section 4233 of the Political Code, relating to the salaries and expenses of officers of counties of the fourth class;

Also: Assembly Bill No. 430—An act to amend section 928 of the Penal Code, relative to the grand jury;

Also: Assembly Bill No. 589—An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class;

Also: Assembly Bill No. 590—An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

CHRISTIAN, Chairman.

#### ON REVISION OF CRIMINAL LAW AND PROCEDURE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 135—An act to amend sections 8, 9 and 10 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter 115 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, as amended;

Also: Senate Bill No. 204—An act to add a new section to the Penal Code to be numbered 1257, relating to new trials and reversals on appeal;

Also: Senate Bill No. 256—An act to amend section 1382 of the Penal Code, relating to dismissal of an action for want of prosecution;

Also: Senate Bill No. 272—An act to amend section 601 of the Penal Code, relating to the malicious use of dynamite;

Also: Senate Bill No. 277—An act to amend section 447 of the Penal Code, relating to the definition of arson;

Also: Senate Bill No. 308—An act to amend section 1192a of the Penal Code, relating to the duty of courts to ascertain and make statements of facts relative to persons convicted of offenses;

Also: Senate Bill No. 374—An act to add a new section to the Penal Code to be numbered 80, relating to the publication of false matter respecting measures introduced in the Legislature, or the vote of any member of the Legislature thereon;

Also: Senate Bill No. 375—An act providing that any publisher, proprietor, or editor of any newspaper shall print the answer of any candidate for public office, made to a statement appearing in said newspaper;

Also: Senate Bill No. 383—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 511—An act to add a new section to an act entitled "An act to enforce the provisions of article XVIII of the amendments to the constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures," approved May 7, 1921, to be numbered 4a, relating to searches;

Also: Senate Bill No. 515—An act to add a new section to the Penal Code, to be numbered 654d, relating to illegal searches and seizures;

Also: Senate Bill No. 517—An act prohibiting the manufacture, sale, transportation and possession of intoxicating beverages; imposing duties on certain officers with respect thereto and providing penalties for violation of the act;

Also: Senate Bill No. 532—An act to add a new section to the Penal Code to be numbered 969b, relating to the statements contained in indictments and informations in cases where deadly weapons are used;

Also: Senate Bill No. 570—An act to amend section 772 of the Penal Code, relating to removal of public officers from office;

Also: Senate Bill No. 600—An act relating to penalties for crime and providing for the means of enforcement;

Also: Senate Bill No. 669—An act to amend section 1525 of the Penal Code, relating to search warrants;

Also: Senate Bill No. 672—An act to amend section 146 of the Penal Code, relating to public officers;

Also: Senate Bill No. 822—An act to create a restitution department and the office of restitution officer in the office and under the direct supervision of the district attorney in each county of the State of California, to provide without civil suit for the return to rightful owners of all money and property lost through fraud, embezzlement, theft or other unlawful means turned under the law varying degrees of theft, upon the conviction of persons guilty of said thefts, providing for the enforcement of said act, and penalties for the violation thereof, and providing for the payment of the expenses of and administration of said department;

Also: Assembly Bill No. 352—An act to amend section 461 of the Penal Code, relating to punishment for burglary;

Also: Assembly Bill No. 353—An act to amend section 213 of the Penal Code, relating to the penalty for robbery;

Also: Assembly Bill No. 581—An act to amend section 487 of the Penal Code, relating to grand theft;

Also: Assembly Bill No. 648—An act to amend section 604 of the Penal Code, relating to the injury to, or unlawful taking of any crops, grain, cultivated fruits or vegetables, and fixing the penalty for a violation of this section;

Also: Assembly Bill No. 1104—An act to amend section 1229 of the Penal Code, relating to execution of judgments of death;

Has had the same under consideration, and respectfully reports the same back without recommendation.

BAKER, Chairman.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 351—An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500,' providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof;

Also: Senate Bill No. 492—An act providing for the building of a causeway across the Tisdale By-pass in Sutter County, State of California, and making an appropriation therefor;

Also: Senate Bill No. 818—An act to amend section 3 of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define

the powers and duties of the officers thereof," approved June 12, 1915, as amended, by providing for compensation for members of the board of supervisors of said district, fixing the amount thereof, and designating the funds from which the same shall be paid;

Also: Senate Bill No. 861—An act to amend the title and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding four new sections to said act to be numbered sections 1a, 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district;

Has had the same under consideration, and respectfully reports the same back without recommendation.

McCORMACK, Chairman.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 11—An act to amend section 1741 of the Political Code, relating to high schools;

Also: Senate Bill No. 123—An act to add a new section to the Political Code, to be numbered 1740a, relating to secondary schools;

Also: Senate Bill No. 129—An act to amend section 4 of an act entitled "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under 18 years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under 21 years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act," approved May 27, 1919, relating to counsel and guidance for pupils;

Also: Senate Bill No. 130—An act to amend section 1683 of the Political Code, relating to pupils in public schools;

Also: Senate Bill No. 131—An act to amend section 1751 of the Political Code, relating to pupils in public schools;

Also: Senate Bill No. 154—An act to amend section 1607a of the Political Code, relating to the publication of annual reports and courses of study by governing boards of school districts;

Also: Senate Bill No. 292—An act to provide for the maintenance and establishment of a school for the education and training of pupils from the various counties in the State in the science and practice of navigation, seamanship, steam and electrical engineering;

Also: Senate Bill No. 334—An act relating to pupils enrolled in high school part-time classes;

Also: Senate Bill No. 335—An act relating to pupils in public high schools;

Also: Senate Bill No. 533—An act providing for the establishment of special day and evening classes and programs of guidance, placement and follow-up by high school boards;

Also: Senate Bill No. 534—An act providing for instruction in speaking, reading and writing the English language of persons over 18 and under 21 years of age who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools;

Also: Senate Bill No. 722—An act to create and organize the San Diego State Aviation College, to provide for the government and maintenance thereof, and making an appropriation therefor;

Also: Senate Bill No. 830—An act to provide for the organization of college districts and for the maintenance therein of technical schools or colleges, and authorizing such college districts to issue bonds;

Also: Assembly Bill No. 36—An act to amend an act entitled "An act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools," approved March 13, 1909, by amending sections 1 and 2 thereof and adding a new section thereto, to be numbered section 3, all relating to the existence of secret fraternities in public schools;



Also: Assembly Bill No. 119—An act relating to the exhibition of still or motion pictures in the public schools;

Also: Assembly Bill No. 555—An act relating to the issuance of permits to work outside of school hours to certain minors;

Also: Assembly Bill No. 819—An act relating to the use of school buses owned by high school districts;

Also: Assembly Bill No. 1112—An act providing for the adoption or compilation, publication and use of textbooks and supplementary textbooks in the elementary schools of the State of California;

Has had the same under consideration, and respectfully reports the same back without recommendation.

SLATER, Chairman.

#### ON ELECTIONS

SENATE CHAMBER, SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 307—An act to add a new section to an act entitled "An act creating a State Commission on Voting Machines, defining their powers and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, to be amended *in* relating to the use of paper ballots at elections in which voting machines are used:

Also: Senate Bill No. 309—An act to amend sections 1044, 1083a, 1083b, 1094, 1095a, 1096, 1096a, 1097, 1103, 1105, 1106, 1113, 1115, 1120, 1121, 1125, 1142, 1151, 1174, 1192, 1195b, 1204, 1205, 1210, 1220, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections;

Also: Senate Bill No. 360—An act to amend sections 1, 5, 6, 12, 22, 23 and 24, and to add a new section numbered 24a to an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to elections;

Also: Senate Bill No. 363—An act to amend Section 1197 of the Political Code, relating to the form of the ballot;

Also: Senate Bill No. 364—An act to amend sections 5, 10, 12 and 24 of the Direct Primary Law, being "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 17, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24, of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act" approved June 16, 1913.

Also: Senate Bill No. 365—An act to amend section 1094 of the Political Code, relating to registration of electors and conduct of elections;

Also: Senate Bill No. 366—An act to amend section 1205 of the Political Code, relating to the manner of voting;

Also: Senate Bill No. 367—An act to amend section 1211 of the Political Code, relating to ballots, and when void;

Also: Senate Bill No. 369—An act to amend section 4 of an act to permit the consolidation of elections and to provide a procedure therefor. Approved June 11, 1913;

Also: Senate Bill No. 370—An act to amend sections 1083a, 1094, 1095a, 1097, 1103, 1105, 1106, 1120, 1142, of the Political Code, relating to registration of electors and conduct of elections;

Also: Senate Bill No. 518—An act to amend section 1197 of the Political Code, relating to ballots;

Also: Senate Bill No. 757—An act to amend section 1142 of the Political Code, relating to boards of election;

Also: Senate Bill No. 772—An act to prohibit the expenditure of money or the giving or offering of money, reward or thing of value by any public utility corporation for political purposes;

Also: Senate Bill No. 790—An act calling a special election on the.....day of....., 1930, relating to.....;

Also: Senate Bill No. 809—An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers;





Also: Senate Bill No. 495—An act to appropriate the sum of \$30,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes, and to provide for the manner of expending such appropriation:

Also: Senate Bill No. 502—An act to provide for the payment of pensions to Veterans of the War with the Philippines and providing an appropriation therefor.

Also: Senate Bill No. 716—An act appropriating money to pay the claim of Weeks and Day against the State of California:

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—17; committee vote: Ayes—17.

INMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Concurrent Resolution No. 16—Relating to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters. Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—17; committee vote: Ayes—17.

INMAN, Chairman.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, MAY 15, 1929.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 531—An act to amend section 632 of the Penal Code, relating to the protection of trout:

Also: Senate Bill No. 412—An act to amend section 626 of the Penal Code, relating to the protection of game:

Has had the same under consideration, and respectfully reports the same back without recommendation.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 15—An act to amend section 634 of the Penal Code, relative to the protection of fish and game:

Also: Senate Bill No. 28—An act to amend sections 1, 17, 21 and 22 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,'" approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915," approved May 28, 1917, as amended, and to add a new section thereto to be numbered 214, relating to fish and game districts:

Also: Senate Bill No. 190—An act to add a new section to the Penal Code, to be numbered 626a, relating to the protection of game.

Also: Senate Bill No. 208—An act to amend section 636 of the Penal Code, relating to netting:

Also: Senate Bill No. 260—An act to amend section 628 of the Penal Code, relating to the protection of fish and game:

Also: Senate Bill No. 285—An act to amend section 626a of the Penal Code, relating to the protection of fish and game:

Also: Senate Bill No. 286—An act to amend section 632 of the Penal Code, relating to the protection of trout and whitefish:

Also: Senate Bill No. 316—An act to add a new section to the Penal Code to be numbered 637a, relating to the protection of fish and game:

Also: Senate Bill No. 319—An act to amend section 634 of the Penal Code, relative to the protection of fish and game:

Also: Senate Bill No. 320—An act to amend section 628a of the Penal Code, relating to the protection of fish and game:

Also: Senate Bill No. 331—An act to amend section 626 of the Penal Code, relating to the protection of fish and game:

Also: Senate Bill No. 338—An act to amend section 628b of the Penal Code, relating to the protection of fish and game:

Also: Senate Bill No. 362—An act to amend section 626 of the Penal Code, relating to the protection of game:

Also: Senate Bill No. 376—An act to amend section 2 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,'" approved May 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, relating to fish and game

districts 1 and 4 $\frac{1}{2}$  and to add a new section to said act to be numbered 54 $\frac{1}{2}$ , relating to Fish and Game District No. 27;

Also: Senate Bill No. 377—An act to amend section 626 of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 411—An act to amend section 7 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," approved May 27, 1927;

Also: Senate Bill No. 531—An act to amend section 632 of the Penal Code, relating to the protection of trout;

Also: Senate Bill No. 412—An act to amend section 626f of the Penal Code, relating to the protection of game;

Also: Senate Bill No. 453—An act to amend section 5 of an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended;

Also: Senate Bill No. 530—An act to amend section 628b of the Penal Code, relating to the protection of fish;

Also: Senate Bill No. 589—An act to amend an act entitled "An act to conserve the fish supply in California by empowering the Fish and Game Commission to regulate and control the handling of fish and other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fish products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 23, 1925, as amended;

Also: Senate Bill No. 692—An act to add a new section to the Penal Code, to be numbered 629b, relating to the protection of fish;

Also: Senate Bill No. 696—An act to require the registration of all hunting and fishing clubs and to require the keeping of records by such clubs as will assist in the enforcement of laws relating to the protection of fish and game;

Also: Senate Bill No. 704—An act to amend section 628a of the Penal Code, relative to the protection of fish and game;

Also: Senate Bill No. 718—An act to amend section 634 of the Penal Code, relative to the protection of fish and game;

Also: Senate Bill No. 719—An act to amend section 637c of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 720—An act to revise an act entitled "An act to license canners, curers, preservers and packers of fish and handlers of crustaceans and mollusks, and providing a revenue therefrom for the conservation, propagation and restoration of fish in the State of California, and providing for a record of fish caught or received, and providing penalties for the violations of the provisions thereof, and repealing all acts and parts of acts in conflict therewith," approved May 28, 1917, relating to licenses;

Also: Senate Bill No. 721—An act to amend section 628 of the Penal Code, relative to the protection of fish and game;

Also: Senate Bill No. 728—An act to amend section 628e of the Penal Code, relative to the protection of fish and game;

Also: Senate Bill No. 730—An act to amend section 626a of the Penal Code, relating to the shooting of waterfowl;

Also: Senate Bill No. 767—An act to create a game refuge, relating to the propagation, conservation and protection of game and providing penalties for violations of the act;

Also: Senate Bill No. 768—An act entitled "An act to define the public waters of the State for the purpose of angling, and to regulate angling therein and thereon and to establish rights of way therein, thereon and thereto for the purpose of angling";

Also: Senate Bill No. 814—An act to amend sections 2 $\frac{1}{2}$  and 2a of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled 'An act to divide the State of California into six fish



and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended, relating to fish and game districts;

Also: Assembly Bill No. 831—An act to amend the title and section 3 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue, or kill wild birds or mammals and or to angle for, take, catch, or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration, defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," approved May 27, 1927;

Also: Assembly Bill No. 370—An act to amend section 634 of the Penal Code, relating to the protection of fish and game;

Also: Assembly Bill No. 62—An act to amend section 632 of the Penal Code, relating to the protection of fish;

Has had the same under consideration, and respectfully reports the same back without recommendation.

YOUNG, Chairman.

#### ON GOVERNMENTAL EFFICIENCY

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Governmental Efficiency to which was referred Senate Bill No. 45—An act to amend sections 3, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended;

Also: Senate Bill No. 293—An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto, creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1930;

Also: Senate Bill No. 300—An act to add a new section to the Political Code to be numbered 3737, relating to tidelands;

Also: Senate Bill No. 310—An act to amend section 366 of the Political Code, relating to the Department of Institutions;

Also: Senate Bill No. 321—An act directing the Director of Public Works to procure data, make surveys and examinations and estimate the cost of the bridge to be constructed by Golden Gate Bridge and Highway District spanning the San Francisco Bay, and report thereon, and making an appropriation therefor;

Also: Senate Bill No. 506—An act to appropriate the sum of \$1,000,000 for the erection, construction, furnishing, equipment and completion of a public building in the State of California, in the city of Oakland, to be used as a State armory, State office and exposition building;

Also: Senate Bill No. 558—An act to amend section 737s of the Political Code, relating to the salary of the judges of the superior court in and for the county of Los Angeles;

Also: Senate Bill No. 621—An act to amend section 605 of the Political Code, relating to the fees payable to the Insurance Commissioner;

Also: Senate Bill No. 685—An act to provide for the supervision of dams in California for the purpose of safeguarding life and property, defining the powers and duties of the State Department of Public Works and the respective officers thereof in relation thereto and prescribing penalties for violation thereof;

Also: Senate Bill No. 691—An act to provide for the financing, construction and operation of toll bridges by the State, creating the State Highway Bridge Board and defining its powers and duties in relation thereto;

Also: Senate Bill No. 694—An act providing for the manufacture, distribution, use and sale of cement and cement products by the Department of Public Works of the State of California; defining the powers and duties of said board relative thereto, and making an appropriation to carry out the purposes of this act;

Also: Senate Bill No. 697—An act to add a new section to the Political Code to be numbered 3637, relating to the Department of Public Works;

Also: Senate Bill No. 764—An act creating the California State Trade Commission; providing for the appointment, compensation and removal of its members; prescribing its powers and duties; providing for the enforcement and review of its orders; prohibiting unfair trade ethics, practices, or methods of competition in



intrastate commerce; making an appropriation for the purposes of the act; and prescribing penalties for violation thereof;

Also: Senate Bill No. 770—An act to amend sections 737k and 737z of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-eighth and thirty-sixth class;

Also: Senate Bill No. 795—An act to amend an act entitled "An act to empower the Director of Agriculture to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a State Fish Exchange; to license those engaged in marketing fish; to create a State Fish Exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish";

Also: Senate Bill No. 817—An act to empower the Department of Finance, with the approval of the State Engineer, to exercise the power of eminent domain for certain purposes and providing for the certificate of the Department of Finance and State Engineer certifying to the necessity of such exercise; authorizing the State of California, through the Department of Finance, to accept deeds, conveyances and transfers of lands and other property rights from persons or corporations, either private or municipal, for certain purposes; authorizing the Department of Finance to make and execute leases of lands, sites of locations owned or acquired by the State of California for the purpose of the conservation of water or power, flood control and other enumerated purposes under certain restrictions and to provide for the giving of notice and awarding of such leases, only after hearing of protests, if any, and providing for the deposit of funds to meet costs and awards in condemnation suits;

Also: Senate Bill No. 103—An act creating a commission to select a site for a State Hospital for the Insane;

Also: Senate Bill No. 298—An act to provide for the establishment of regions to be designated by the Governor as "Protected Scenic Region of the State of California"; setting forth the manner in which such regions may be established, the manner in which the boundaries thereof may be changed, the manner in which said regions may be dissolved; vesting the administration of any said region in the Department of Natural Resources and extending the advisory services of said department; all for the purpose of preserving the scenic and natural resources of any region;

Also: Senate Bill No. 607—An act to amend section 758 of the Political Code, relating to salaries of employees of the District Courts of Appeal;

Also: Senate Bill No. 688—An act to increase the number of judges of the superior court of the county of Sonoma, and for the appointment of such additional judge;

Also: Senate Bill No. 301—An act to prohibit any State board or State commission, or board of supervisors from appointing any of its members to fill any vacancy which occurs in any office under such board or commission;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11; committee vote: Ayes—11.

MUELLER, Chairman.

#### ON INSURANCE.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 258—An act to add a new section to the Civil Code, to be numbered 1714½, relating to negligence upon the part of State officers, agents and employees of the State, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law, political subdivisions of the State and State agencies, and authorizing the issuance of insurance covering such liability—has had the same under consideration, and respectfully reports the same back without recommendation.

TUBBS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 191—An act to amend section 633a of the Political Code, relating to licensing of insurance brokers;

Also: Senate Bill No. 407—An act to amend section 634a of the Political Code, relating to insurance, and containing definitions of the words "company" and "capital stock," and exempting county mutual fire insurance companies from its provisions;

Also: Senate Bill No. 566—An act to amend section 9 (b) (2) (10) of an act entitled "Workmen's Compensation Insurance and Safety Act of 1917," chapter 586, Laws of 1917, relating to disability;

Also: Senate Bill No. 605—An act to amend section 46, chapter 176, Laws of 1913, as amended by chapter 607, Laws of 1915, Workmen's Compensation, Insurance and Safety Act, relating to insurance against liability for compensation by the State and public corporations;

Also: Senate Bill No. 606—An act to amend section 49 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, by giving the Industrial Accident Commission power to punish violations of certain safety provisions contained in said Workmen's Compensation, Insurance and Safety Act of 1917, by proceeding for contempt in the same manner and to the same extent as contempt is punished by courts of record;

Also: Senate Bill No. 624—An act to amend section 2655 of the Civil Code, defining "marine" insurance;

Also: Senate Bill No. 625—An act to amend section 428 of the Civil Code, limiting the amount of insurance which may be carried in this State on any one risk; and providing exemptions from the provisions of this section;

Also: Senate Bill No. 628—An act to amend section 623 of the Political Code, relating to the filing of bonds by insurance companies, and revising the conditions of such bonds;

Also: Senate Bill No. 630—An act to amend section 634a of the Political Code, defining the words "company" and "capital stock" as used in the title in which this section appears, and exempting county mutual fire insurance companies from its provisions;

Also: Senate Bill No. 632—An act to add a new section to the Political Code to be numbered 596, prohibiting insurance companies organized in California from transacting business in states or territories wherein they are not licensed and providing for the revocation of license and payment of taxes on such business to the state or territory wherein such business was so written;

Also: Senate Bill No. 633—An act to amend section 421 of the Civil Code, relating to investments of insurance companies;

Also: Senate Bill No. 634—An act to provide for the incorporation in certain policies of life insurance of an incontestable clause, and prescribing what the same must, in substance, contain;

Also: Senate Bill No. 635—An act prescribing conditions under which a life insurance company may issue or deliver within this State policies of life insurance providing for the payment of benefits in the event of the permanent total disability of the insured;

Also: Senate Bill No. 819—An act to amend section 612 of the Political Code relating to statements required to be made by insurance companies other than life insurance companies;

Also: Senate Bill No. 837—An act relating to days of grace for the payment of premiums on life insurance policies, and to prevent a waiver thereof or variations therefrom, and to prescribe penalties for violations of the provisions thereof;

Also: Senate Bill No. 838—An act to amend section 450 of the Civil Code, relating to the provisions of life insurance policies issued in this State;

Also: Senate Bill No. 863—An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of such owners, or their agents or presumptive agents, by requiring insurance, a surety bond, or a deposit of securities; to provide means and methods for the administration of said system of security; to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries; to provide for the optional trial of claims against such security before a commissioner, for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the minimum rating law of such insurance; to prescribe penalties for violations of this act, and making an appropriation for the administration of this act;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11.

TUBBS, Chairman.

#### ON IRRIGATION

SENATE CHAMBER SACRAMENTO, MAY 14, 1929.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 6—An act to amend section 46 of the "California Irrigation District Act," approved March 31, 1897, as amended, relating to the entry of the record of assessment sales and the addition of penalties to assessments upon redemption;

Also: Senate Bill No. 16—An act to amend sections 35 and 38 of the "California Irrigation District Act," approved March 31, 1897, as amended, relating to the duties of the assessor and the equalization of assessments;

Also: Senate Bill No. 155—An act to amend section 15 of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, relating to powers and duties of board of directors;

Also: Senate Bill No. 156—An act to provide for the purchase by the State of California under certain conditions of certificates of sale of property sold for delinquent assessments of irrigation districts, and for the disposition through the

State Land Settlement Board of property acquired by the State pursuant to the purchase of such certificates, and for the management by the California Bond Certification Commission, under certain conditions, of irrigation districts in which the State has so acquired an interest in lands;

Also: Senate Bill No. 710—An act to provide that personal notice by mail, or otherwise, of the levy of annual, regular and special taxes and assessments on irrigation, water storage, and water conservation district lands, shall be given to nonresident owners of such lands;

Has had the same under consideration, and respectfully reports the same back without recommendation.

CARTWRIGHT, Clerk of Committee.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 53—An act to add a new section to be numbered 102 to the County Water Works District Act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts;

Also: Assembly Bill No. 75—An act to amend the California Irrigation District Act, approved March 31, 1897, as amended, by amending section 39 thereof;

Also: Assembly Bill No. 998—An act to amend the "Water Conservation Act," approved June 16, 1913, as amended, by amending sections 10a, 24, 30, 31, 32, 34, 35, 36 and 36c thereby and by adding thereto a new section to be numbered 37a, relating to collection of funds and payment of costs of water distribution by Water Master;

Has had the same under consideration, and respectfully reports the same back without recommendation.

CARTWRIGHT, Clerk of Committee.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 543—An act providing for the organization, operation, maintenance, government and dissolution of Delta Water Storage District, and the inclusion of lands therein and the exclusion of lands therefrom, and the levy of assessments and the issuance of bonds by said district, and for the acquisition, appropriation, diversion, storage, conservation and distribution of water by said district for irrigation of lands therein and for the prevention of the inflow of salt water from Suisun Bay into natural and other water channels within the district and for any drainage and reclamation connected therewith, and for the generation, disposition and sale of hydroelectric energy developed incidental to such storage, use and distribution, and for the acquisition of lands and rights therein, and the acquisition, construction, operation and maintenance of works to carry into effect the provisions of this act, and conferring upon the State Engineer certain additional duties and powers in connection with carrying out the purposes of this act—has had the same under consideration, and respectfully reports the same back without recommendation.

CARTWRIGHT, Clerk of Committee.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 49—An act to amend section 873 of the Code of Civil Procedure, relating to the time of trial in justices' courts;

Also: Assembly Bill No. 50—An act to amend section 2969 of the Civil Code, relating to attachments of mortgaged personal property;

Also: Assembly Bill No. 58—An act to amend section 2968 of the Civil Code, relating to levying upon mortgaged personal property in possession of the mortgagor;

Also: Assembly Bill No. 141—An act to amend section 685 of the Code of Civil Procedure, relating to the issuance of execution and enforcement of judgment after the lapse of five years from date of its entry;

Also: Assembly Bill No. 153—An act to amend section 69 of the Civil Code, relating to issuance of licenses to marry;

Also: Assembly Bill No. 213—An act to amend section 1490 and to repeal section 1491a of the Code of Civil Procedure, relating to the publication of notice to creditors;

Also: Assembly Bill No. 261—An act to amend an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than 100,000 persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium, and repealing all acts in conflict therewith," approved May 20, 1921, by amending section 1 and the title thereof, relating to the abandonment of cemeteries;



Also: Assembly Bill No. 328—An act to add a new section to the Penal Code to be numbered 1279a, relating to professional bondsmen;

Also: Assembly Bill No. 376—An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment;

Also: Assembly Bill No. 383—An act to add a new section to the Code of Civil Procedure, to be numbered 1952, relating to the admissibility of evidence;

Also: Assembly Bill No. 407—An act to amend section 1280 of the Code of Civil Procedure, relating to validity of arbitration agreements;

Also: Assembly Bill No. 483—An act to amend section 270 of the Penal Code, relative to omitting to provide child with necessities;

Also: Assembly Bill No. 484—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution, and attachment;

Also: Assembly Bill No. 529—An act to promote the comfort, health, safety and general welfare of the people of this State as affected by injury causing the disability or death of persons within this State as a result of the drilling, testing or other operation of any petroleum or gas well drilled, in the process of being drilled or abandoned; to define the powers and duties of the Industrial Accident Commission in relation thereto, and to provide penalties and punishment for offenses as defined therein;

Also: Assembly Bill No. 558—An act to amend the Penal Code by adding a new section thereto to be numbered section 644a, relating to female persons convicted of misdemeanors involving moral turpitude, providing for the adjudging such persons habitual misdemeanants and fixing the punishment therefor;

Also: Assembly Bill No. 598—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle;

Also: Assembly Bill No. 970—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors thereon," as amended approved May 23, 1925, by adding thereto a new section to be designated as section 74, relating to pensions for marshals and deputy marshals of cities of the first and one-half class;

Also: Assembly Concurrent Resolution No. 5—Relative to speculation in desert lands;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee memberships—15; committee vote—Ayes, 14; absent, 1.

INMAN, Vice Chairman

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 54—An act to add a new section to the Political Code, to be numbered 4300m, relating to salaries of justices of the peace in townships in cities, counties and cities and counties, providing for offices and necessary equipment by the supervisors of each county, the payment of clerks and other clerical help, and providing a salary therefor and the manner of payment thereof, the issuance, filing and entry of papers, documents and processes in such justices' courts, the disposition of moneys collected by such justices' courts, and prescribing the oath of office and bonds for officers of said courts;

Also: Senate Bill No. 58—An act to add a new section to the Code of Civil Procedure to be numbered S317/6, and to repeal section 865 thereof, relating to the change of place of trial;

Also: Senate Bill No. 66—An act to amend section 4300a of the Political Code, relating to county clerk's fees;

Also: Senate Bill No. 70—An act to amend section 34 of the Code of Civil Procedure, relating to courts of record;

Also: Senate Bill No. 75—An act to add a new section, to be numbered 4, to an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges, and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Council, and for the manner of payment of necessary expenses for travel, board and lodging of such justices or judges incurred in the discharge of such assignments," approved May 20, 1927, relating to the extra compensation and the necessary expenses of such justices and judges;

Also: Senate Bill No. 76—An act to amend chapter 4 of title I of part III of the Political Code by adding thereto a new section, to be known as 727a, relating to the Judicial Council and the right of county clerks and clerks of the various courts to draw their salaries;

Also: Senate Bill No. 77—An act to add a new section to the Penal Code, to be numbered 1093a, relating to instructions to jurors in criminal cases;



Also: Senate Bill No. 81—An act to add new sections to the Code of Civil Procedure to be numbered 1001, 1001a, 1001b, and 1002, relating to admissions before trial.

Also: Senate Bill No. 92—An act to amend section 647 of the Code of Civil Procedure, relating to what is deemed excepted to;

Also: Senate Bill No. 95—An act to amend section 472 of the Code of Civil Procedure, relating to pleadings;

Also: Senate Bill No. 120—An act to amend section 69 of the Civil Code, relating to the issuance of licenses to marry;

Also: Senate Bill No. 148—An act to amend sections 1, 2, 3, 8 and 10 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to amend the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927;

Also: Senate Bill No. 149—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments;

Also: Senate Bill No. 236—An act to make lawful certain agreements between employees or laborers, to define the cases in which injunctions may and may not issue, to prescribe the procedure in trials for contempt, to secure the right of jury trial in all such cases, to prescribe the time in which proceedings for contempt shall be instituted, to prescribe the penalty for the violation of such injunctions and excepting certain organizations;

Also: Senate Bill No. 254—An act to amend section 3897 of the Political Code, relating to tax deeded land;

Also: Senate Bill No. 255—An act to amend section 422 of the Code of Civil Procedure, relating to pleadings in civil action and proceedings of a civil nature; and to repeal sections 430, 431, 434, 443 and 444 thereof; and to add a new section thereto to be known as section 435, relating to pleadings in civil action and proceedings;

Also: Senate Bill No. 271—An act to amend an act entitled "The Workmen's Compensation, Insurance and Safety Act of 1917," as amended, approved May 23, 1917, by amending section 8 thereof, relating to employers and excluded employments;

Also: Senate Bill No. 274—An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters;

Also: Senate Bill No. 275—An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court;

Also: Senate Bill No. 276—An act to repeal section 274b of the Code of Civil Procedure, relating to compensation of official reporters;

Also: Senate Bill No. 283—An act to amend section 19 of the "Workmen's Compensation, Insurance and Safety Act of 1917," relating to evidence;

Also: Senate Bill No. 286—An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto;

Also: Senate Bill No. 294—An act to add a new section to the Penal Code, to be numbered 1464, providing for the release of prisoners confined in jails, through a conditional modification of judgment, and providing a method whereby such modification may be secured;

Also: Senate Bill No. 296—An act to add a new section to an act entitled "An act to define trust and to provide for creditors' remedies and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, to be numbered section 13, relating to trusts and combinations in restraint of trade or commerce;

Also: Senate Bill No. 326—An act to amend section 526 of the Code of Civil Procedure, relating to the use of injunctions;

Also: Senate Bill No. 330—An act to amend section 3423 of the Civil Code, relating to the use of injunctions;

Also: Senate Bill No. 340—An act providing for the conditional retirement and service of Justices of the Supreme and Appellate Courts and Judges of the superior and municipal courts, and prescribing their compensation and providing for an additional judge and his compensation;

Also: Senate Bill No. 342—An act to amend sections 1350a, 1365, 1379 and 1426 of the Code of Civil Procedure, relating to nominations to administer estates of decedents;

Also: Senate Bill No. 343—An act to amend sections 2021 and 2032 of the Code of Civil Procedure, relating to depositions;

Also: Senate Bill No. 344—An act to add a new section to the Code of Civil Procedure, to be numbered 1179a, relating to summary judgments;

Also: Senate Bill No. 345—An act to amend section 166 of the Code of Civil Procedure, relating to uncontested probate matters;

Also: Senate Bill No. 348—An act to amend sections 6332, 6333, 6334, 6344 and 1717 of the Code of Civil Procedure, relating to findings.

Also: Senate Bill No. 349—An act to add a new section to the Code of Civil Procedure to be known as section 690b, relating to exemptions from execution and attachment;

Also: Senate Bill No. 372—An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter 304, page 499, Statutes of 1925, \$400,000, as contained in chapter 142 of the California Statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended and applied, and declaring the urgency thereof and providing when this act shall take effect;

Also: Senate Bill No. 395—An act providing for first aid treatment by hospitals of persons injured in accidents occurring upon the public highways;

Also: Senate Bill No. 396—An act to amend section 1401 of the Civil Code, relating to community property;

Also: Senate Bill No. 429—An act to limit the liability of directors and trustees of levee, protection and reclamation districts in respect to negligence of appointees and employees of such districts in certain cases;

Also: Senate Bill No. 438—An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to tenets on real property;

Also: Senate Bill No. 446—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution;

Also: Senate Bill No. 447—An act to amend section 1517 of the Code of Civil Procedure, relating to the return of sales of property and documents;

Also: Senate Bill No. 448—An act to amend section 1186 of the Code of Civil Procedure, relating to the filing of notice of commencement of work on any building or structure subject to mechanics' liens and the effect of mechanics' liens thereon;

Also: Senate Bill No. 449—An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in a justice's court;

Also: Senate Bill No. 459—An act to amend the Code of Civil Procedure, sections 1962, subdivision 7;

Also: Senate Bill No. 468—An act to amend an act entitled "An act to license and regulate the business of private detective and detective agencies," and to repeal the act entitled "An act to license and regulate the business of private detectives and detective agencies," approved June 7, 1915," approved June 3, 1927, by amending sections 2 and 10 thereof;

Also: Senate Bill No. 513—An act to add a new section to the Civil Code, to be known as section 3066, relating to liens of physicians, nurses and hospitals;

Also: Senate Bill No. 522—An act to provide for daylight saving; providing that the hours for the transaction of business by courts, public officers and legal and official proceedings shall be governed hereby and making the same an urgency measure;

Also: Senate Bill No. 544—An act to add a new section to the Code of Civil Procedure to be numbered 260, relating to salaries of court commissioners;

Also: Senate Bill No. 551—An act to amend sections 2968 and 2969 of the Civil Code, relating to execution and attachment;

Also: Senate Bill No. 555—An act to amend section 689 of the Code of Civil Procedure, relating to third party claims;

Also: Senate Bill No. 590—An act to add a new section to the Civil Code to be numbered 1714½, relating to negligence upon the part of State and subordinate officer, agents and employees;

Also: Senate Bill No. 591—An act to add a new section to the Civil Code to be numbered 1714½;

Also: Senate Bill No. 609—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law in courts of record;

Also: Senate Bill No. 613—An act to amend an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, Stats. 1917, page 1419;

Also: Senate Bill No. 617—An act to amend section 1 of an act entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended, and to repeal section 2½ of said act;

Also: Senate Bill No. 649—An act to amend an act entitled "An act to create a certain public corporation to be known as 'The State Bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violations of said act," approved March 31, 1927;

Also: Senate Bill No. 650—An act to promote the expeditious and economical administration of justice, and authorizing the Judicial Council to make rules relat-

ing to the administration of the courts of this State, the distribution and disposal of business therein, and the pleading, practice and procedure in said courts:

Also: Senate Bill No. 676—An act to add a new section to the Civil Code, to be numbered 3012, relating to the sale of property pledged:

Also: Senate Bill No. 678—An act to add a new section to the Code of Civil Procedure, to be numbered 1900a, relating to uniform proof of statutes:

Also: Senate Bill No. 679—An act to add a new chapter to title XIV of part IV of division III of the Civil Code, to be numbered chapter 2a, embracing section 2980, relating to conditional sales:

Also: Senate Bill No. 682—An act concerning a committee and to make uniform the law with reference thereto:

Also: Senate Bill No. 698—An act to amend sections 1, 2, 3, 8, 9 and 10 of an act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927.

Also: Senate Bill No. 758—An act to amend section 69 of the Civil Code, and to add a new section thereto to be numbered section 69a, relating to the issuance of marriage licenses:

Also: Senate Bill No. 759—An act to create a commission to codify the laws of the State, and make a report to the Legislature thereof, and making an appropriation therefor:

Also: Senate Bill No. 769—An act to repeal section 564 of the Code of Civil Procedure of California, and to enact a new section in lieu thereof, to be known as section 564 of the Code of Civil Procedure of California:

Also: Senate Bill No. 775—An act to amend sections 2957 and 2959 of the Civil Code, and to add thereto two new sections to be numbered 2963a and 2973a, all relating to mortgages and contracts of sale of personal property:

Also: Senate Bill No. 845—An act to amend sections 2959, 2965 and 2966 of the Civil Code, relating to mortgages on personal property. Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership: 15; committee vote: Ayes: 14; absent: 1.

INMAN, Vice Chairman.

#### ON LABOR AND CAPITAL.

#### SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 114, An act to amend section 955 of the Civil Code, relating to the assignment of wages and power of attorney revoking same:

Also: Senate Bill No. 115—An act to amend section 11 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the divulging of fees, providing for the refunding of fees and expenses in the event of failure to procure employment and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to definitions, licenses, and what must be stated in applications therefor, giving to the Commissioner of Labor the power to revoke, suspend or refuse to grant licenses, providing penalties for operating an agency, directly or indirectly, without a license, for transferring or accepting any interest therein without permission from the Commissioner, or for failing to list in the application all persons financially interested in the agency in question, prohibiting the conducting of agencies in connection with pool halls and soft drink parlors and more specifically defining what are employment agencies:

Also: Senate Bill No. 116—An act to amend section 3 of an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919:

Also: Senate Bill No. 118—An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the divulging of fees, providing for the refunding of fees and expenses in the event of failure to procure employment and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended so as to entitle the applicant for employment to double the amount of the fee paid in the event the fee paid is not returned within 48 hours after demand, in cases where the applicant fails to obtain employment:

Also: Senate Bill No. 119—An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and



kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to definitions, licenses, and what must be stated in applications therefor, giving to the Commissioner of Labor the power to revoke, suspend or refuse to grant licenses, providing penalties for operating an agency, directly or indirectly, without a license, for transferring or accepting any interest thereon without permission from the commissioner, or for failing to list in the application all persons financially interested in the agency in question, prohibiting the conducting of agencies in connection with pool halls and soft drink parlors and more specifically defining what are employment agencies;

Also: Senate Bill No. 157—An act to amend sections 1 and 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company," compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to prevent them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to hours of labor of female employees, and providing penalties for violating the provisions of this act;

Also: Senate Bill No. 336—An act to add a new section to an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing terms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to the fees of employment agencies;

Also: Senate Bill No. 725—An act to amend section 653a of the Penal Code, relating to hours of labor on public works;

Also: Senate Bill No. 800—An act to amend an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company," compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to prevent them to use such seats when they are not engaged in the active duties of their employment and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended;

Also: Senate Concurrent Resolution No. 12—Relating to safety devices and appliances to prevent deaths and maimings from accidents on electrical transmission and distribution lines;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

MURPHY, Chairman.

#### ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1187—An act authorizing and empowering any county or city and county to donate and grant to the State for inclusion in the State park system real property owned by it or which it may hereafter acquire; also authorizing any of the same to donate county moneys to the State and make the same available for the acquisition of real property for inclusion in the State park system; also authorizing the levy and collection of taxes and the incurring of indebtedness for any such purposes;

Also: Assembly Bill No. 658—An act relating to proceedings for the improving of highways, streets, alleys, lanes, courts or places in any city or county and requiring the filing of a petition therefor by the owners of a portion of the lands affected or the making of provision for payment of a part of the expense of the work or improvement by the city or county;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.



Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 881—An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by counties of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9; committee vote: Ayes—9.

LYON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 431—An act to amend sections 1, 2 and 5 of the Municipal Improvement District Act of 1927, relating to the purposes, petition and ordinance of intention;

Also: Senate Bill No. 456—An act to amend the Street Opening Bond Act of 1911, as amended, by amending sections 4, 10, 11, 12, 13, 14 and 15 thereof, and by repealing sections 16, 17, 18 and 19 thereof, relating to default, delinquency and foreclosure of bonds;

Also: Senate Bill No. 501—An act relating to boulevard, lighting, mosquito abatement, irrigation, road improvement and other improvement districts and providing that before bonds may be issued and before an assessment or charge upon property within the district may be levied the proposal to do so shall be submitted to the property owners of the district at an election therefor, and prescribing the procedure governing such elections;

Also: Senate Bill No. 582—An act to amend section 104 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911;

Also: Senate Bill No. 610—An act to amend an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, by amending section 1 thereof, relative to the power of municipalities to open streets;

Also: Senate Bill No. 645—An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a authorizing the inclusion in one proceeding for the separation of grades under the provisions of said act the separation or elimination of two or more grade crossings;

Also: Senate Bill No. 648—An act authorizing municipal corporations to acquire public utilities, and to lease or purchase property for the purpose of acquiring public utilities;

Also: Senate Bill No. 651—An act authorizing incorporated cities, towns, sanitary or sanitation districts or sewer maintenance districts, to establish and collect rates, charges or rentals, for defraying the expenses of operation, maintenance and repairs of sewer systems and disposal works, and providing a revolving fund therefor;

Also: Senate Bill No. 643—An act to amend an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street

improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, known as the Improvement Act of 1911, by adding a new section thereto to be numbered section 2a, providing a limitation upon the use of said act;

Also: Senate Bill No. 726—An act to amend sections 12 and 18 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add a new section to said act to be numbered section 16a, providing an alternate method for procuring funds for the acquisition, construction, completion, or operation by municipal utility districts of any public utility or utilities referred to in said act;

Also: Senate Bill No. 796—An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors thereon," as amended approved May 23, 1925, by adding thereto a new section to be designated as section ----, relating to pension for marshals and deputy marshals of cities of the first and one-half class;

Also: Senate Bill No. 805—An act to add a new section to the Street Improvement Act of 1915, to be numbered 1a, relative to limitations of assessments;

Also: Senate Bill No. 806—An act to add a new section to the Street Improvement Act of 1911, to be numbered 4a, relative to limitations of assessments;

Also: Senate Bill No. 807—An act to add a new section to the Street Improvement Act of 1903, to be numbered 47a, relative to limitations of assessments;

Also: Senate Bill No. 454—An act to provide for the protection of certain employees of counties, cities and counties, incorporated or unincorporated towns or cities, against personal liability incurred while acting within the scope of their employment, by directing such counties, cities and counties, incorporated or unincorporated towns or cities to obtain insurance protecting such employees;

Also: Senate Bill No. 455—An act to amend "The Improvement Act of 1911," approved April 7, 1911, as amended, by amending sections 63, 67, 68, 69, and 73, and by repealing sections 70, 71, 72, 73, 74 and 75, relating to foreclosure;

Also: Senate Bill No. 505—An act to amend section 8 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within the State, and to repeal all acts or parts of acts in conflict with this act," approved May 24, 1927;

Also: Senate Bill No. 559—An act providing for the incorporation, government, and management of metropolitan park districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, benches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers;

Also: Senate Bill No. 430—An act to amend section 6 of the "Improvement Act of 1911," as amended, relating to denying protests;

Also: Senate Bill No. 194—An act to amend section 10 of an act entitled "Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended;

Also: Senate Bill No. 433—An act to amend the Acquisition and Improvement Act of 1925, as amended, by adding thereto a new section number 10i and by amending sections 4, 5, 6, 7, 8, 9, 10, 11, 41, 44 and 50 thereof, relating to limiting number of zones, relative rates of taxes in zones, contributions of county or municipality, basis of protest, hearings as to details and on protest how and when held, notices, mailing and posting of notices, objection by whom, how and when filed, affidavit on objection, effect of objections and how overruled;

Also: Senate Bill No. 305—An act to amend section 4387 of the Political Code, relating to claims against cities;

Also: Senate Bill No. 386—An act to amend the Acquisition and Improvement Act of 1925, as amended, by adding thereto seven new sections, sections 2a, 2b, 2c, 2d, 2e, 2f, and 2g, relating to limiting the power of legislative body to proceed where certain debt limits are exceeded;

Also: Senate Bill No. 419—An act to amend sections 753 and 853 of an act entitled "An act to provide for the organization, incorporation and the government of municipal corporations," approved March 13, 1883, as amended, relating to the bonds of officers of municipal corporations of the fifth and sixth classes;

Also: Senate Bill No. 849—An act to add a new section to be numbered section 6 to an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, as amended, relating to the annexation to any incorporated city or town of new unincorporated territory situated within the drainage basin of any stream supplying water to such city or town;

Also: Senate Bill No. 708—An act to amend an act of the Legislature of the State of California, known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, by adding new sections thereto to be numbered sections 31*a*, 31*b*, 31*c*, 31*d*, 31*e*, 31*f*, 31*g*, 31*h*, 31*i*, 31*j*, 31*k*, 31*l*, 31*m*, 31*n*, 31*o*, 31*p*, 31*q*, 31*r*, 31*s*, 31*t*, 31*u*, 31*v*, 31*w*, relating to the establishment of an alternative procedure for determining compensation for property to be actually taken and damages to property not actually taken, the filing of an offer by the plaintiff in condemnation and notice thereof, and hearing thereon, the service upon defendants in condemnation suits of a copy of such offer and provisions for the effect of the entry of defaults of defendants in the event of such service, the issuance of bonds for acquisitions, hearings thereon, the entry of more than one interlocutory and final judgment in condemnation suits and provisions for the effect of failure to object to proceedings;

Also: Senate Bill No. 736—An act to provide for the improvement of and work upon public highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places, parks, pleasure grounds, commons, and all public ways and other property and rights of way of the public, within municipalities, and upon property and rights of way owned by municipalities, including any property over which possession and right of use have been obtained under the provisions of section 14 of article I of the constitution of the State of California, in whole or in part, and the establishment and change of grade thereof; and providing for the payment of the costs and expenses of such work and improvements, and the issuance and effect of bonds therefor and the payment of such bonds by special assessment taxes raised in assessment districts established for that purpose, and the enforcement of such bonds and assessment taxes; and providing for aid from municipalities in such work and improvements;

Also: Assembly Bill No. 777—An act to amend an act of the Legislature of the State of California, known and designated as the "Acquisition and Improvement Act of 1925," approved May 23, 1925, as amended, by adding four new sections thereto to be numbered sections 4*a*, 4*b*, 4*c* and 4*d*, relating to limitations on the use of said act;

Also: Senate Concurrent Resolution No. 14—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the sixth day of November, 1928; Has had the same under consideration, and respectfully reports the same back without recommendation.

LYON, Chairman.

#### ON OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 564—An act to provide for the formation, organization, maintenance and government of gas storage and repressuring districts, to provide for the acquisition or construction thereby of works for storage of gas and repressuring of oil lands in such districts, and to provide for conservation of gas;

Also: Assembly Bill No. 974—An act to amend an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; to repeal acts or parts of acts in conflict herewith; to provide for an appropriation to defray the cost of administering this act," as approved May 25, 1921, and as amended, by amending section 18 thereof, relative to fixing boundary lines of oil or gas fields; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—7; committee vote: Ayes—7.

CANEPA, Chairman.

#### ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 169—An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor;



Also: Senate Bill No. 813—An act providing employment for inmates of State prisons and reformatories; providing for appointment and compensation of a superintendent of prison industries and providing rules and regulations for the carrying out of the provisions thereof;

Has had the same under consideration, and respectfully reports the same back with out recommendation.

Committee membership—7; committee vote: Ayes—7.

PEDROTTI, Chairman.

#### ON PUBLIC CHARITIES AND CORRECTIONS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your committee on Public Charities and Corrections, to which was referred Senate Bill No. 235—An act to add a new section to the Political Code to be numbered 2283a, relating to the support of half-orphan, abandoned children in certain cases, and establishing a system of State aid under the supervision and control of the State Board of Control, and to be known as the State Aid Lien Act;

Also: Senate Bill No. 391—An act to amend sections 2283 and 2290 of the Political Code, providing for State aid for orphans, half-orphans, abandoned children, or the child or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation;

Also: Senate Bill No. 816—An act to add a new section to the Political Code to be numbered 2333a, relating to powers of the State Department of Social Welfare with respect to jails and detention homes;

Also: Assembly Bill No. 442—An act to add a new section to the Political Code to be numbered 3957h, relating to the acceptance and expenditures of gifts and bequests offered or made to the State Department of Social Welfare for the aid and benefit of the needy aged or needy blind residents of this State.

Has had the same under consideration, and respectfully reports the same back with out recommendation.

Committee membership—5; committee vote: Ayes—5.

HURLEY, Chairman.

#### ON PUBLIC UTILITIES.

SENATE CHAMBER, SACRAMENTO, May 10, 1929.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 185—An act relating to the removal of railway division points or terminals, the giving of notice thereof, the imposition of certain civil liabilities with respect thereto, and prescribing penalties in certain cases;

Also: Senate Bill No. 314—An act to add two new sections to be numbered 44 and 4c, respectively, to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property, for compensation, over any public highway, by automobiles, jitney buses, auto trucks, stages, and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railway Commission; providing for the enforcement of the provisions of this act, and for the punishment of violators thereof; and repealing all acts inconsistent with the provisions of this act," approved May 13, 1919, as amended, relating to motor vehicles used to transport people for compensation;

Also: Senate Bill No. 489—An act to amend section 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, as amended, and to add two new sections thereto to be numbered 24 and 24a, relating to minimum crews on industry engines;

Also: Senate Bill No. 536—An act to add a new section to the Public Utilities Act, approved April 23, 1915, as amended, to be numbered 43a, relating to regulations on overhead clearances of railroads;

Also: Senate Bill No. 742—An act providing for the regulation of transportation of property, whether for compensation or for private use; and providing for the enforcement of the provisions of this act and for the punishment of violations thereof;

Has had the same under consideration, and respectfully reports the same back with out recommendation.

Committee membership—11.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 638—An act to amend section 504 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and



the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended;

Also: Senate Bill No. 744—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; providing for the issue by incorporated cities and towns, cities and counties, and counties of permits for the operations of such automobiles, jitney buses, auto trucks, stages and auto stages; empowering incorporated cities and towns, cities and counties, and counties to enact ordinances for the supervision and regulation of automobiles, jitney buses, auto trucks, stages and auto stages and providing penalties for the violation of such ordinances; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, and to add thereto a new section to be numbered 3;

Also: Senate Bill No. 779—An act to amend section 51 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 583—An act to amend an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, by amending the title and sections 1, 2, 4, 5, 6, 6b, 6c and 7½ thereof, relating to the definition of transportation companies and the granting of certificates of public convenience and necessity to transportation companies engaged in the business of transporting property for compensation by motor propelled vehicles on any public highway, and by adding three new sections thereto, to be numbered 5½, 5½, 5½, relating to the transportation of agricultural, horticultural and viticultural products, requiring transportation companies to obtain insurance and creating the "auto truck transportation fund" and appropriating the moneys therein to carry out the provisions of this act;

Also: Senate Bill No. 636—An act to amend section 2½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended;

Also: Senate Bill No. 663—An act to amend section 2 of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended; Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11.

WAGY, Chairman.

## ON REAPPORTIONMENT

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Reapportionment, to which was referred Senate Bill No. 584—An act to amend section 117 of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts;

Also: Senate Concurrent Resolution No. 25—Relative to reapportionment of the legislative districts of the State upon a basis of population as nearly equal as may be, and to the promulgation of a proclamation by the Governor for the calling of a special election;

Also: Senate Concurrent Resolution No. 10—Providing for the appointment of a joint committee to investigate the congressional redistricting of California; Has had the same under consideration, and respectfully reports the same back without recommendation.

ALLEN, Chairman.

## ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 328—An act to amend section 3819 of the Political Code, relating to refund of taxes paid under protest;

Also: Senate Bill No. 329—An act to amend section 3804 of the Political Code, relating to refund of erroneously collected taxes, prohibiting the use of appropriation to restrain the collection of taxes and providing that recourse under said section, section 3819 of the Political Code and the sections of said code relating to exactionation, of taxes shall be exclusive;

Also: Senate Bill No. 512—An act to regulate the sale of cement, providing for a tax upon the sale of cement used in the construction of public roads and highways, and for the collection and disposition of same, and providing penalties for the violation of said act;

Also: Senate Bill No. 557—An act concerning taxes on the transfer of personal property of nonresidents and to make uniform the laws of the states with reference thereto;

Also: Senate Bill No. 563—An act to amend section 3881 of the Political Code, relating to correction of errors in the assessment book, placing new assessments therein and providing for equalization thereof upon notice to the person to be charged therewith;

Also: Senate Bill No. 612—An act to amend section 3611 of the Political Code, relating to the exemption of buildings and real property used exclusively for religious worship;

Also: Senate Bill No. 640—An act to amend the Political Code by adding therein a new section numbered 3614, relating to the exemption from taxation and local assessment of property in accordance with the provisions of section 1b of article XIII of the constitution of this State;

Also: Senate Bill No. 647—An act to impose a license fee for the transportation of property for hire or compensation upon public streets, roads and highways in the State of California by motor propelled vehicles; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; and to make an appropriation for the purposes of this act;

Also: Senate Bill No. 653—An act to amend section 3665 of the Political Code, relating to the definition of operative property;

Also: Senate Bill No. 690—An act to amend section 3664a of the Political Code, relating to taxation of public service and other corporations for the benefit of the State;

Also: Senate Bill No. 715—An act to amend section 3664aa of the Political Code, relating to taxation of highway transportation companies for State purposes;

Also: Senate Bill No. 835—An act to regulate and license the business of stock exchanges and stock brokers; providing for a tax on the transfer of securities; providing for the collection and disposition of taxes and licenses; and prescribing penalties for the violation of the act;

Also: Senate Bill No. 864—An act to impose a special privilege tax and regulate sales and distribution by gift or sale in this State of cigars, cigarettes and smoking-tobacco sold or distributed by any person, firm, corporation, or association in this State and to provide methods and penalties for the enforcement of the tax and to appropriate the revenues derived therefrom;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—13; committee vote: Ayes—13.

NELSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 838—An act to amend section 11 of an act entitled "An

act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, relating to refunds:

Also: Assembly Bill No. 1126—An act to amend section 3650 of the Political Code, relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein:

Has had the same under consideration, and respectfully reports the same back without recommendation.

NELSON, Chairman.

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 26—An act to extend the Mother Lode Highway from Sonora, Tuolumne County, to Mariposa, Mariposa County:

Also: Senate Bill No. 124—An act declaring a proposed public highway extending from Los Angeles through Pomona to be a State highway and providing for the construction of the same:

Also: Senate Bill No. 380—An act relating to the extension of State Highway Route 2:

Also: Senate Bill No. 381—An act relating to the extension of State Highway Route 19:

Also: Senate Bill No. 387—An act to amend sections 1, 2 and 5 of the State Aid Highway Act, approved June 5, 1913, and to add three new sections thereto, to be numbered 9, 10 and 11, all relating to State highways:

Also: Senate Bill No. 451—An act declaring that certain county road in Placer County, extending from Lincoln, easterly across Auburn ravine to Newcastle, to be a State highway:

Also: Senate Bill No. 457—An act declaring the present highway from Malin on the Oregon state line and leading therefrom via Lookout and Bieber to Susanville, California, to be a State highway:

Also: Senate Bill No. 476—An act to amend section 15b of the Building and Loan Commission Act, approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations:

Also: Senate Bill No. 494—An act declaring and establishing a State highway between Bakersfield and Mojave in Kern County:

Also: Senate Bill No. 586—An act establishing a secondary State highway from a point on Route 81 to Route 23 at or near Mojave:

Also: Senate Bill No. 717—An act establishing certain additional State highways and classifying them as secondary State highways:

Also: Senate Bill No. 729—An act to declare certain ditches and waterways public highways and conferring certain powers and duties upon boards of supervisors:

Also: Senate Bill No. 756—An act authorizing the Department of Public Works of the State of California to acquire, construct and maintain a State highway in the counties of Solano and Napa, extending in a general southwesterly direction from a point near Capetola, through what is known as the American Canyon, to the most practicable crossing of the Carquinez Straits:

Also: Senate Bill No. 791—An act declaring the present highway from Calor on the Oregon state line and leading therefrom via Dorris to Weed, California, to be a State highway:

Also: Senate Concurrent Resolution No. 26—A resolution relative to roads and highways:

Also: Assembly Concurrent Resolution No. 16—Relative to the orderly addition of new roads to the State highway system, after engineering and economic studies by the California Highway Commission and the Department of Public Works:

Has had the same under consideration, and respectfully reports the same back without recommendation.

HANDY, Chairman.

#### ON MOTOR VEHICLES.

SENATE CHAMBER, SACRAMENTO, May 13, 1929.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 113—An act to amend the California Vehicle Act, approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 42 and 43 of said act, relating to registration number plates, the furnishing of the same, and where on motor vehicles the same shall be displayed:

Also: Senate Bill No. 117—An act to amend the California Vehicle Act approved May 30, 1923, as amended and approved May 16, 1925, as amended and approved May 25, 1927, by amending sections 71 and 83 of said act, relating to the use and operation and the equipment of vehicles operated upon public highways:



Also: Senate Bill No. 159—An act to amend section 46 of the California Vehicle Act, approved May 30, 1923, as amended, relating to registration of vehicles;

Also: Senate Bill No. 507—An act to amend the California Vehicle Act, approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending section 89 thereof, relating to the tire equipment of vehicles operated upon the public highways;

Also: Senate Bill No. 525—An act to amend section 41 of "The California Vehicle Act," relating to certificate of registration and display of certificate of registration, approved May 30, 1923, as amended;

Also: Senate Bill No. 592—An act to amend section 142 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the creation of a Traffic and Safety Bureau in the Division of Motor Vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports;

Also: Senate Bill No. 593—An act to amend section 74 of the California Vehicle Act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked;

Also: Senate Bill No. 594—An act to amend section 62 of the California Vehicle Act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle;

Also: Senate Bill No. 595—An act to amend section 61 of the California Vehicle Act, approved May 30, 1923, as amended, relating to applications for operator's and chauffeur's licenses;

Also: Senate Bill No. 596—An act to add two new sections to the "California Vehicle Act," approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles;

Also: Senate Bill No. 597—An act to amend section 36 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles;

Also: Senate Bill No. 598—An act to amend sections 51, 66, 72, and 73 of the California Vehicle Act, approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles;

Also: Senate Bill No. 749—An act to regulate, license and control the operation within the State of California of aircraft engaged in the transportation of passengers or property as common carriers thereof;

Also: Senate Bill No. 750—An act to regulate and control the operation of aircraft; to provide for the licensing thereof and of the operators thereof; to provide rules and regulations for the conduct thereof; to fix fees, fines and forfeitures in connection therewith and provide for the disposition thereof;

Also: Senate Bill No. 753—An act to amend sections 36, 46, 50, 51, 72, 153, and 157 of the California Vehicle Act, approved May 30, 1923, as amended, and to add thereto five new sections to be numbered 16a, 28a, 28b, 28c, and 28d, respectively, relating to \_\_\_\_\_;

Also: Senate Bill No. 776—An act to amend sections 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92 of the California Motor Vehicle Act, relating to the weight of trucks, width of tires and speed of trucks using the public highways;

Also: Senate Bill No. 778—An act to amend an act entitled "Motor Vehicle Act," approved May 30, 1923;

Also: Senate Bill No. 799—An act to amend sections 95 and 120 of the "California Vehicle Act," approved May 30, 1923, as amended;

Also: Assembly Bill No. 216—An act to amend section 113 of the "California Vehicle Act," approved May 30, 1923, as amended, relating to speed limits;

Also: Assembly Bill No. 1153—An act to define and to provide for the regulation, supervision and licensing of automobile loan brokers; defining the powers and duties of the Division of Motor Vehicles in respect thereto; providing for the enforcement of the act and prescribing penalties for violation thereof;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—15; committee vote: Ayes—15.

SHARKEY, Chairman.

#### ON UNIVERSITIES AND TEACHERS COLLEGES.

SENATE CHAMBER, SACRAMENTO, May 14, 1929.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Senate Bill No. 21—An act making an appropriation for the construction, equipment and furnishing of a building or buildings on the campus of the University of California at Los Angeles for the use of the Division of Subtropical Horticulture—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—9.

WEST, Chairman.



## ON ENGROSSMENT, ENROLLMENT AND PRINTING.

SENATE CHAMBER, SACRAMENTO, May 15, 1929.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 30—Approving two certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at the general municipal election held therein on the second day of April, 1929;

Also: Senate Bill No. 53—An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806, 882 and 883 thereof, relating to the jurisdiction of courts, in municipal corporations of fourth, fifth and sixth classes;

Also: Senate Bill No. 86—An act to amend section 258 of the Code of Civil Procedure, relating to the appointment of court commissioners;

Also: Senate Bill No. 96—An act to amend sections 1491, 1616 and 1664 of the Code of Civil Procedure, relating to the administration of estates;

Also: Senate Bill No. 132—An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof;

Also: Senate Bill No. 160—An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923;

Also: Senate Bill No. 297—An act to amend sections 2, 4 and 5 of an act entitled "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commission; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, defining the powers and duties of the Department of Natural Resources and the Park Commission in relation to the State park system and authorizing the making of contracts between the commission and cities, counties and other political subdivisions, and with the government of the United States for the care and maintenance and control, for the purposes of the State park system, by either party to such a contract, of lands under the jurisdiction of the other party and authorizing the contracting parties to expend moneys for the care, maintenance and control thereof;

Also: Senate Bill No. 318—An act providing for a State park on Mission Bay in San Diego County and for the administration thereof;

Also: Senate Bill No. 441—An act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco Harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; and to make an appropriation of \$5,000 for the expense of printing said bonds;

Also: Senate Bill No. 572—An act to amend section 636 of the Penal Code, relating to the protection of fish and game;

Also: Senate Bill No. 574—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city;

Also: Senate Bill No. 614—An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; authorizing cities, cities and counties and counties to adopt by ordinance subdivision regulations in addition to those provided hereby; prohibiting any attempt to place other requirements for the recording of such maps; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof by reference to any map other than a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith;

Also: Senate Bill No. 662—An act to amend section 67a of the Code of Civil Procedure, relating to judges in counties of the first class;

Also: Senate Bill No. 683—An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in State, interstate and foreign markets; to protect the State's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and

vegetables specified herein, and to prevent deception in the packing, marketing and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California Fruit and Vegetable Standardization Act,' approved May 23, 1925," approved June 2, 1927:

Also: Senate Bill No. 748—An act providing for the organization, operation and maintenance of transportation districts, whether said districts be entirely within unincorporated territory of a county or the territory of a municipality, or be within such unincorporated territory and one or more municipalities, or be within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing state acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

Also: Senate Bill No. 754—An act to add a new section to be numbered 29 to an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to amend an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bids, on public works under the jurisdiction and control of the Department of Public Works.

Also: Senate Bill No. 853—An act to amend section 4232 of the Political Code, relating to the compensation of officers in counties of the third class.

Also: Senate Bill No. 880—An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations:

Also: Senate Bill No. 700—An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to toll, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto, cause, bays, straits, bays, arms of bays, straits, rivers and streams in California, toll bridges and un navigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property, either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make provisions relative to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of annual construction of said bridge or other highway crossing and for a period of six months thereafter, also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon, also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof, also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such





of violations thereof; and repealing all acts inconsistent with the provisions of this act";

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1929, at two o'clock and thirty minutes p.m.

JONES, RAY, Chairman.

#### SPECIAL REPORT.

The following communication was presented:

By Senator Jones, Herbert C.:

### REPORT OF SENATOR HERBERT C. JONES ON THE EXISTENCE OF A REPUTED CEMENT TRUST.

Two reports have been filed by the special committee of the Senate appointed to investigate the existence of a reputed cement trust in this State. Both of these reports dealt with matters incidental to or apart from the main purpose for which the committee was appointed. The first report, dated March 8, 1929, dealt with the refusal of certain witnesses to testify or produce records, and was the basis for subsequent proceedings before this Senate for contempt. These proceedings in turn were reviewed by the Supreme Court of the State, which upheld the jurisdiction of the Senate but discharged the witnesses upon the ground that the commitment by the Senate was void because of the lack of certain averments therein. (Application of Battelle for Writ of Habeas Corpus, 77 Cal. Dec. 663, May 14, 1929.)

The second report, dated May 14, 1929, recited that the decision of the Supreme Court was rendered too late to take further testimony before the adjournment of the Legislature, and that it was therefore impossible for the committee to compel the companies to disclose their records, for the purpose of establishing the existence or nonexistence of an illegal combination in restraint of trade.

As I was unable to attend the meetings of the committee in the second period of the session when the contempt proceedings were considered, I did not feel it would be proper for me to sign either report, and hence did not join in the reports filed by the other four members of the committee.

#### PURPOSE OF INVESTIGATION.

This third report, which I now present, seeks to deal with the main purpose for which the committee was appointed, namely, the practice of price fixing in the cement industry. It is based upon the hearings which took place in San Francisco on January 24 and 25, 1929, and in Los Angeles on February 4, 5, and 6, 1929, at which all of the members of the committee were present.

Notice of these hearings was sent to all the cement companies in the State of whom the committee had any knowledge, namely:

California Portland Cement Company.

Riverside Portland Cement Company.

Southwestern Portland Cement Company.

Monolith Portland Cement Company.

Pacific Portland Cement Company.

Henry Cowell Lime and Cement Company.

Santa Cruz Portland Cement Company.

Yosemite Portland Cement Company.

Calaveras Cement Company.



Old Mission Cement Company.

Western Lime and Cement Company.

Nicoll and Company (agent for foreign cement).

Wilbur-Ellis Company (agent for foreign cement).

The procedure that was followed, both at the hearings in San Francisco and in Los Angeles, was first to hear the testimony of those officials who represent the State, the counties, the municipalities, the irrigation districts and other public bodies that purchase cement. Thereafter the testimony of the cement companies was taken.

The main purpose for the appointment of the committee was to ascertain whether there exists uniformity of prices among cement producers, and whether this uniformity arises by reason of some agreement or understanding which would constitute an illegal combination or conspiracy.

#### UNIFORM BIDS TO STATE.

The testimony of representatives of the State Department of Finance, the State Purchasing Department, and the Highway Commission, shows that there has existed uniformity of price on bids to the State over a period of many years. For the year 1927 (the last on which bids for purchasing cement for State institutions had been taken by the State previous to the hearings) the prices were identical by all northern California companies on all northern California bids, and by all southern California companies on all southern California bids. The single exception (other than San Diego) was in the case of bids for the Santa Barbara State Teachers College, where northern and southern territories apparently overlapped.

The 1927 bids for State institutions are as follows:

AGNEWS -	Per bbl.
Henry Cowell Lime and Cement Company.....	\$2 71
Calaveras Cement Company.....	2 71
Pacific Portland Cement Company.....	2 71
Santa Cruz Portland Cement Company.....	2 71
Yosemite Portland Cement Company.....	2 71
UKIAH -	
Henry Cowell Lime and Cement Company.....	\$3 35
Calaveras Cement Company.....	3 35
Pacific Portland Cement Company.....	3 35
Santa Cruz Portland Cement Company.....	3 35
Yosemite Portland Cement Company.....	3 35
IMOLA (Napa)—	
Henry Cowell Lime and Cement Company.....	\$2 86
Calaveras Cement Company.....	2 86
Pacific Portland Cement Company.....	2 86
Santa Cruz Portland Cement Company.....	2 86
Yosemite Portland Cement Company.....	2 86
NORWALK—	
California Portland Cement Company.....	\$2 84
Monolith Portland Cement Company.....	2 84
Southwestern Portland Cement Company.....	2 84
Riverside Portland Cement Company.....	2 84
STOCKTON—	
Henry Cowell Lime and Cement Company.....	\$2 74
Calaveras Cement Company.....	2 74
Pacific Portland Cement Company.....	2 74
Santa Cruz Portland Cement Company.....	2 74
Yosemite Portland Cement Company.....	2 74

PATTON—		Per bbl.
California Portland Cement Company	-----	\$2 76
Southwestern Portland Cement Company	-----	2 76
Riverside Portland Cement Company	-----	2 76

ELDRIDGE—		
Henry Cowell Lime and Cement Company	-----	\$2 93
Calaveras Cement Company	-----	2 93
Pacific Portland Cement Company	-----	2 93
Santa Cruz Portland Cement Company	-----	2 93
Yosemite Portland Cement Company	-----	2 93

YOUNTVILLE—		
Henry Cowell Lime and Cement Company	-----	\$2 93
Calaveras Cement Company	-----	2 93
Pacific Portland Cement Company	-----	2 93
Santa Cruz Portland Cement Company	-----	2 93
Yosemite Portland Cement Company	-----	2 93

SAN QUENTIN—		
Henry Cowell Lime and Cement Company	-----	\$2 90
Calaveras Cement Company	-----	2 90
Pacific Portland Cement Company	-----	2 90
Santa Cruz Portland Cement Company	-----	2 90
Yosemite Portland Cement Company	-----	2 90

FOLSOM—		
Henry Cowell Lime and Cement Company	-----	\$3 16
Calaveras Cement Company	-----	3 16
Pacific Portland Cement Company	-----	3 16
Santa Cruz Portland Cement Company	-----	3 16
Yosemite Portland Cement Company	-----	3 16

IONE—		
Henry Cowell Lime and Cement Company	-----	\$2 90
Calaveras Cement Company	-----	2 90
Pacific Portland Cement Company	-----	2 90
Santa Cruz Portland Cement Company	-----	2 90
Yosemite Portland Cement Company	-----	2 90

VENTURA—		
California Portland Cement Company	-----	\$3 14
Monolith Portland Cement Company	-----	3 14
Southwestern Portland Cement Company	-----	3 14
Riverside Portland Cement Company	-----	3 14

WHITTIER—		
California Portland Cement Company	-----	\$2 78
Monolith Portland Cement Company	-----	2 78
Southwestern Portland Cement Company	-----	2 78
Riverside Portland Cement Company	-----	2 78

SPADRA—		
California Portland Cement Company	-----	\$2 78
Monolith Portland Cement Company	-----	2 78
Southwestern Portland Cement Company	-----	2 78
Riverside Portland Cement Company	-----	2 78

ARCATA—		
Henry Cowell Lime and Cement Company	-----	\$3 28
Calaveras Cement Company	-----	3 28
Pacific Portland Cement Company	-----	3 28
Santa Cruz Portland Cement Company	-----	3 28
Yosemite Portland Cement Company	-----	3 28

CHICO—		
Henry Cowell Lime and Cement Company	-----	\$3 18
Calaveras Cement Company	-----	3 18
Pacific Portland Cement Company	-----	3 18
Santa Cruz Portland Cement Company	-----	3 18
Yosemite Portland Cement Company	-----	3 18

## FRESNO—

Per bbl.

Henry Cowell Lime and Cement Company	\$3 16
Calaveras Cement Company	3 16
Pacific Portland Cement Company	3 16
Santa Cruz Portland Cement Company	3 16
Yosemite Portland Cement Company	3 16

## SAN FRANCISCO—

Henry Cowell Lime and Cement Company	\$2 61
Calaveras Cement Company	2 61
Pacific Portland Cement Company	2 61
Santa Cruz Portland Cement Company	2 61
Yosemite Portland Cement Company	2 61

## SAN JOSE—

Henry Cowell Lime and Cement Company	\$2 69
Calaveras Cement Company	2 69
Pacific Portland Cement Company	2 69
Santa Cruz Portland Cement Company	2 69
Yosemite Portland Cement Company	2 69

## SAN LUIS OBISPO—

Henry Cowell Lime and Cement Company	\$3 12
Calaveras Cement Company	3 12
Pacific Portland Cement Company	3 12
Santa Cruz Portland Cement Company	3 12
Yosemite Portland Cement Company	3 12

## LOS ANGELES—

California Portland Cement Company	\$2 78
Monolith Portland Cement Company	2 78
Southwestern Portland Cement Company	2 78
Riverside Portland Cement Company	2 78

## SAN DIEGO—

California Portland Cement Company	\$2 93
Pacific Portland Cement Company	2 94
Southwestern Portland Cement Company	2 93
Riverside Portland Cement Company	2 93

## SANTA BARBARA—

Henry Cowell Lime and Cement Company	\$3 12
Santa Cruz Portland Cement Company	3 12
Yosemite Portland Cement Company	3 12
California Portland Cement Company	3 01
Monolith Portland Cement Company	3 01
Southwestern Portland Cement Company	3 01
Riverside Portland Cement Company	3 01
Pacific Portland Cement Company	3 02

## SAN FRANCISCO HARBOR—

Calaveras Cement Company	\$2 61
Henry Cowell Lime and Cement Company	2 61
Pacific Portland Cement Company	2 61
Santa Cruz Portland Cement Company	2 61
Yosemite Portland Cement Company	2 61

(Printed Transcript, pages 11-21.)

The uniformity of these bids is evident at a glance. Not only does this hold true for the year 1927 but a study of bids made in previous years to the State Purchasing Department for State institutions reveals a similar uniformity. (Printed Transcript, pages 32-37.)

This uniformity of prices was such that on April 3, 1925, the State Purchasing Agent addressed a letter to the Chief of Division of Purchases, advising that all bids had been

"rejected for the reason first, that the price \* \* \* for the twelve months business is not any better than the price we can secure on small lots \* \* \*

"Second, that the prices indicate an understanding of the cement companies as to the prices to be charged for all cement."

(Printed Transcript, page 40.)

## SAN FRANCISCO'S EXPERIENCE.

The bids to the city of San Francisco for a period of 15 years, with only one exception in one year, were identical from all bidders. The figures furnished to the city of San Francisco from the years 1913 to 1928 are as follows:

		Price per bbl.	
		Car lots	Less than car lots
<b>1913-14—</b>			
Santa Cruz Portland Cement Company.....	\$2 30	\$2 55	
Western Lime and Cement Company.....	2 30	2 55	
Pacific Portland Cement Company.....	2 30	2 55	
Henry Cowell Lime and Cement Company.....	2 30	2 55	
Standard Portland Cement Company.....	2 30	2 55	
<b>1914-15—</b> (Names abbreviated)			
Santa Cruz.....	\$2 30	\$2 55	
Pacific.....	2 30	2 55	
Cowell.....	2 30	2 55	
Standard.....	2 30	2 55	
<b>1915-16—</b>			
Santa Cruz.....	\$2 30	\$2 55	
Western.....	2 30	2 55	
Pacific.....	2 30	2 55	
Cowell.....	2 30	2 55	
Standard.....	2 30	2 55	
<b>1916-17—</b>			
Santa Cruz.....	\$2 30	\$2 55	
Western.....	2 30	2 55	
Pacific.....	2 30	2 55	
Cowell.....	2 30	2 55	
Standard.....	2 30	2 55	
<b>1917-18—</b>			
Santa Cruz.....	\$2 30	\$2 55	
Western.....	2 30	2 55	
Pacific.....	2 30	2 55	
Standard.....	2 30	2 55	
<b>1918-19—</b>			
Santa Cruz.....	\$2 80		
Western.....	2 80		
Pacific.....	2 80		
Cowell.....	2 80		
Standard.....	2 80		
<b>1919-20—</b>			
Santa Cruz.....	\$3 03	\$3 35	
Western.....	3 03	3 35	
Pacific.....	3 03	3 35	
Cowell.....	3 03	3 35	
Standard.....	3 03	3 35	
<b>1920-21—</b>			
Santa Cruz.....	\$3 63	\$4 00	
Western.....	3 63	4 00	
Pacific.....	3 63	4 00	
Cowell.....	3 88	4 25	
Standard.....	3 63	4 00	
<b>1921-22—</b>			
Standard.....	\$3 69	\$4 20	
Santa Cruz.....	3 69	4 20	
Western.....	3 69	4 20	
Pacific.....	3 69	4 20	
Cowell.....	3 69	4 20	
Standard.....	3 69	4 20	



	Price per bbl.	
	Car lots	Less than car lots
1922-23—		
Standard	\$3 03	\$3 55
Santa Cruz	3 03	3 55
Western	3 03	3 55
Pacific	3 03	3 55
Cowell	3 03	3 55
Standard	3 03	3 55
1923-24—		
Standard	\$3 03	\$3 55
Santa Cruz	3 03	3 55
Western	3 03	3 55
Pacific	3 03	3 55
Cowell	3 03	3 55
Standard	3 03	3 55
Oct. 1, 1924, to Dec. 31, 1924—		
Santa Cruz	\$3 01	
Cowell	3 01	
Old Mission	3 01	
Western	3 01	
Pacific	3 01	
Jan. 1, 1925, to March 31, 1925—		
Santa Cruz	\$2 71	
Cowell	2 71	
Old Mission	2 71	
Western	2 71	
Pacific	2 71	
Aug. 13, 1925—		
Santa Cruz	\$2 71	
Cowell	2 71	
Old Mission	2 71	
1925-26—		
Santa Cruz	\$2 71	
Western	2 71	
Pacific	2 71	
Cowell	2 71	
Old Mission	2 71	
1926-27		
Santa Cruz	\$2 71	\$3 20
Western	2 71	3 20
Pacific	2 71	3 20
Cowell	2 71	3 20
Old Mission	2 71	3 20
Golden Gate Atlas Materials	2 71	
James E. Lennon	2 71	
1927-28—		
Santa Cruz	\$2 71	\$3 20
Western	2 71	3 20
Pacific	2 71	3 20
Cowell	2 71	3 20
J. S. Guerin & Company	2 71	3 20
Calaveras Cement Company	2 71	3 20
Eclipse Lime & Cement Co.	2 71	3 20
1928-29—		
Santa Cruz	\$2 71	\$2 41
Western	2 71	2 41
Pacific	2 71	2 41
Cowell	2 71	2 41
Yosemite	2 71	2 41
Guerin	2 71	2 41
Calaveras	2 71	2 41
Eclipse	2 71	2 41

## EXPERIENCE OF ALL PUBLIC AGENCIES.

The experience of the city of Los Angeles and of irrigation districts, counties, other municipalities and public bodies reveals much the same identity of bids. This is indicated, as one example, by the testimony of the Los Angeles city purchasing agent, who presented the bids received by the city on twenty five jobs extending over a period from 1925 to 1929. These bids occupy eleven pages of the printed transcript, and show the same practical uniformity for all twenty five projects. (Exhibit L. A. No. 1, Transcript, pages 396-406.)

From these bids to the State and its political subdivisions it appears that the companies made identical bids irrespective of whether they were close to the job and would have a low freight charge, or were remote from the job and would have a heavy freight charge. The purchaser was left without any choice so far as price was concerned. Therefore, the business was often awarded equally between all the companies; sometimes it was rotated; and sometimes, as one witness facetiously remarked, it was placed by drawing lots.

## HOW UNIFORMITY ASSURED.

The testimony showed that to obtain this uniformity one of the companies acts as the "bell-wether." In northern California, this "bell-wether" is the Davenport plant, and in southern California the Riverside plant.

These respective plants issue printed circulars, about once a month, giving the price at which cement will be delivered by them at various destinations. (Printed Transcript, pages 295, 694.) These destinations include every town of any consequence in California. These circulars are sent out to the other cement companies and to the trade. The prices listed are computed on the base price at the Davenport plant and the Riverside plant, respectively, plus transportation to the respective towns. The base price, or "mill base" as it is called, includes cost of production and profit—that is to say, the selling price at that particular mill. (Printed Transcript, page 294 ff.)

The testimony disclosed that whenever bids were called for by the State for cement, say at San Quentin, or at the Agnews State Hospital, or at the Chico State College, the Davenport company would put in its bid in accordance with its own printed list; and all other northern California companies who bid would put in the exact figures taken from the list published by the Davenport company. (Printed Transcript, page 150.)

The same procedure prevailed in southern California. All the companies there followed the figures contained in the list published by the Riverside company as its prices for delivery at its particular destination. The price list issued by the Riverside company, on October 5, 1928, fixed its price at 28 cents in southern California. (Exhibit L. A. No. 7; see Reporter's Transcript.)

## RETAILERS COMPELLED TO CONFORM.

In addition, the "bell-wether" company issued a list to retailers, or dealers, which set out the price which the company felt proper for dealers to quote. The price list for dealers issued by the Riverside company on October 22, 1927, "suggested" the dealer's price at 4 cents a sack above the carload prices shown on the company's printed list. In other words, the company specified the profit that the retailer

was to make. Lest any retailer have the temerity to underbid his competitor in the retail field by reducing his profit, or otherwise departing from strict uniformity of price, a warning was set forth in the circular which warning he would have no difficulty in construing.

To give point to its suggestion the circular states:

"It is very important for this company, to its dealers and to the public generally, to maintain permanent means of distributing our cement in an efficient and business-like manner.

"This policy provides very liberal margins and terms for dealers, and unless southern California dealers handling Riverside and Bear brands of cement are able to resell at a minimum price 4 cents per sack above our carload list prices to consumers it would be unreasonable to consider them a safe and permanent means of distribution."

(Exhibit L. A. No. 7, Printed Transcript, pages 590-593.)

The cement companies testified that they were not bound by contract to follow the list price set by the "bell-wether," but that they had learned by bitter experience the consequences of cutting prices, and feared the retaliation of the other companies if they started a price war. Their testimony was that their self-interest dictated that they maintain uniform prices.

#### "GARY DINNERS" IMPROVED UPON.

The method followed by the cement companies is an advance over the day of the "Gary dinners," when a group of executives around a banquet table each vigorously protested that what he said was not to be binding, but that he felt that a certain price or a certain procedure would be followed by all parties who used good judgment. This method was abandoned in 1911 in anticipation of an inquiry by the Stanley House Committee or possible adverse ruling by the courts. "The Trust Problem in the United States" (Eliot Jones), page 225 ff.

The method followed by the cement companies of California, as disclosed by the committee's investigation, is the same as that followed by the coal operators in the issuance by one company of a price list which the others implicitly follow. "The Anthracite Coal Combination in the United States" (Eliot Jones), pages 170-173.

#### COLLAPSE OF ANTITRUST LAWS.

Further, they claimed that there was nothing illegal in maintaining uniform prices; that there was nothing reprehensible in uniform prices, unless such prices were unreasonable. In this they are merely taking advantage of the collapse of our State antitrust law, known as the Cartwright Act.

As first passed in the year 1907, this act outlawed all combinations for price fixing. Within two years, apparently yielding to a widespread business custom toward price fixing, that act was amended so as to outlaw price fixing only if such prices were "unreasonable." (Statutes 1909: 594.) And finally it has been declared unconstitutional in this way:

The Supreme Court of the United States, in passing upon language identical with that of the amended Cartwright Act, which had been used in a Colorado statute, held the Colorado statute unconstitutional,

saying that a merchant or dealer could not be required to determine at his own hazard whether his profit was unreasonable; that the business man did not have to face the possibility of going to jail because he was wrong in his judgment as to whether his price was reasonable or not; that the statute did not specify whether a profit of 5 per cent or 10 per cent or 25 per cent or 50 per cent constituted the limit of reasonableness, and that on account of the vagueness of the expression "unreasonable profit," one could not be held responsible for guessing as to whether he was or was not violating the law. *Cline vs. Frink Dairy Co.*, 274 U. S. 445.

The history of the federal antitrust laws (Sherman and Clayton acts) shows a similar breakdown. Probably the net result of several decades of antitrust legislation by the federal government has been merely the goading of lawyers to invent bomb proof super trusts.

#### UNISON OF ACTION AN ESTABLISHED PROCEDURE.

The fact that identity of bids has prevailed for so many years may be accepted as satisfactory evidence that it is an established procedure of the cement companies to maintain uniformity. Two questions now naturally arise:

1. Whether the practice is reprehensible.
2. What can be done about it.

With regard to the first question, obviously, the vice of price fixing does not lie in the fact of uniformity, but depends upon whether the consumer is compelled to pay an unfair, unreasonable and exorbitant profit. The refusal of the cement companies to produce their books or income tax returns, or to testify in regard to their earnings, precludes the committee from reporting on the question of whether the companies are earning unreasonable profits. The companies had the opportunity to dispel the popular impression that they are "making millions" in exorbitant profits. Their refusal to testify leaves them open to the adverse inference that they can not disprove this general belief.

#### DAY OF FREE COMPETITION PAST.

Irrespective of whether or not it is reprehensible, price fixing exists and is increasing. Probably the most conspicuous example is the uniform price of gasoline. Distributors fix the price of milk; printers fix the price of printing.

The modern tendency is toward consolidations, mergers and monopolies, whether in the field of production, distribution or finance. This is the day of the branch bank, the chain store, the industrial monopoly. This development has come in spite of legislative fiat, in spite of decisions by our courts, in spite of flaying by the press. In fact, the government itself is today furthering combinations. It looks with favor upon the consolidation of railroads. It is fostering associations of agricultural producers. Through the Federal Farm Board it is fixing the price of wheat. The Federal Trade Commission permits the issuance and following of price lists such as practiced by the cement companies of California. (Printed Transcript, pages 805, 968.) The day of free competition is past.

As to the second question, namely, what is to be done about this price fixing by monopolies, it is not the purpose of this report to



attempt to solve this perplexing and far-reaching economic and social problem.

#### FIGHT LOST BY AMERICAN PEOPLE.

The realization that we have entered on a new economic era can not but be viewed with serious thought. We have to recognize that with the passing of free competition the American people have lost the fight which they have been conducting for at least two generations. We have to recognize that a system, a culture, almost a civilization—that which has brought America to its present pinnacle of achievement and which has been based upon individual initiative—is being swept into the discard.

The result of the committee's investigation merely confirms a widespread feeling that the Cartwright Act is today not even a pitiful protection to the consumer. While economists and prosecutors still differ as to the worth of antitrust laws, the view among students is rapidly prevailing that they fail wretchedly in their avowed purpose. We seem to be compelled to face frankly the economic facts and realize that we are in an era of consolidations, price fixing and monopolies.

#### NEW PROTECTION REQUIRED.

The new movement toward consolidation gives inconceivable power to the monopoly; the individual consumer stands helpless before it. The public *must* have protection. The two forms of protection that have been most frequently counted on or advocated in the past are antitrust laws and the regulating of monopolies as public utilities. Both of these avenues of relief we now find closed. Our State antitrust law fails utterly as a protection. The attempt by the State to make the cement companies public utilities is blocked by decisions of the United States Supreme Court holding that the distributors of such commodities as gasoline and meat (and presumably cement) can not be regulated as utilities. *Wolff Packing Co. vs. Court Indus. Rel. of Kan.*, 265 U. S. 522, 67 L. Ed. 1103; *Williams vs. Standard Oil Co. of La.* (Nov. 23, 1928), 278 U. S. 235, 73 L. Ed. 287.

With the protection of our antitrust law swept aside and with the door to regulation as utilities closed, some other and newer protection must be found. Whatever the solution, it will have to be obtained by looking forward, not backward. The wheels of economic progress do not travel the roads of yesterday.

Whether that protection shall be in the form of some yet untried and increased governmental regulation and control, it is not my purpose to recommend. It is my purpose, however, to point out that with the establishment of monopoly, some form of protection must be given to the consumer against its vast, uncontrolled and autocratic power.

HERBERT C. JONES.

#### MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1929.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 965—An act to provide for the recall of elective officers of incorporated cities and towns and to repeal an act entitled "An act to provide for the recall of elective officers of incorporated cities and towns," approved January 2, 1912.

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1112—An act providing for the adoption or compilation, publication, use and disposal of textbooks and supplementary textbooks in the schools of the State of California;

Also: Assembly Bill No. 477—An act to amend section 24 of the "State Bar Act," approved March 31, 1927, relating to admission and licensing of members of "The State Bar of California."

ARTHUR A. OHNIMUS, Chief Clerk.  
By FRED J. DESCH, Assistant Clerk.

#### APPOINTMENT OF SPECIAL COMMITTEES BY THE PRESIDENT.

The President announced the appointment of the following special committees:

Committee on Tax Investigation, pursuant to Senate Concurrent Resolution No. 20—Senators Breed, Jones, Herbert C.; McKinley and Nelson.

Committee on Aviation, pursuant to Assembly Concurrent Resolution No. 9—Senators Canepa, Cassidy and Pedrotti.

Committee on Narcotic Drug Traffic, pursuant to Assembly Concurrent Resolution No. 11—Senator Young.

Committee on Street Improvement Laws, pursuant to Assembly Concurrent Resolution No. 23—Senators Lyon, Murphy and Weller.

Committee on Coastline Preservation, pursuant to Assembly Concurrent Resolution No. 25—Senators Boggs, Duval, Edwards and Slater.

Committee on Billboards, pursuant to Assembly Concurrent Resolution No. 27—Senators Allen, Crowley and Evans.

Committee on Water Problems, pursuant to Assembly Concurrent Resolution No. 38—Senators Mueller, Nelson, Sharkey and Swing.

Committee on Joint Highway District Laws, pursuant to Assembly Concurrent Resolution No. 41—Senators Fellom, Handy and Wagy.

Committee on Prison Labor, pursuant to Assembly Concurrent Resolution No. 42—Senators Baker and Maloney.

Committee on Mechanic Lien Laws, pursuant to Assembly Concurrent Resolution No. 47—Senators Inman and McCormack.

#### APPOINTMENT OF SENATORS TO PREPARE ARGUMENTS.

The President announced that, pursuant to section 1195 of the Political Code, he had appointed the following committees of two to draft arguments giving the reasons for the adoption of the following proposed amendments to the constitution, and, in respect of amendments against the submission of which there was a minority vote, the following committees of one to write arguments against such amendments:

Senate Constitutional Amendment No. 5—For its adoption, Senator West (author) and Senator Merriam. Against said amendment, Senator Maloney.

Senate Constitutional Amendment No. 6—For its adoption, Senator Crowley and Senator Mueller (joint authors). Against said amendment, Senator Ray Jones.

Senate Constitutional Amendment No. 8—For its adoption, Senator Slater (author) and Senator Edwards.

Senate Constitutional Amendment No. 9—For its adoption, Senator Weller (author) and Senator Baker.

Senate Constitutional Amendment No. 11—For its adoption, Senator Swing (author) and Senator Handy.

Senate Constitutional Amendment No. 17—For its adoption, Senator Sharkey (author) and Senator Tubbs.

Senate Constitutional Amendment No. 18—For its adoption, Senator Murphy (author) and Senator Wagye. Against said amendment, Senator Carter.

Senate Constitutional Amendment No. 24—For its adoption, Senator Inman (author) and Senator Herbert C. Jones.

Senate Constitutional Amendment No. 27—For its adoption, Senator Rochester (author) and Senator Pedrotti. Against said amendment, Senator Duval.

Senate Constitutional Amendment No. 28—For its adoption, Senator Inman (author) and Senator Breed.

Senate Constitutional Amendment No. 29—For its adoption, Senator Young (author) and Senator Boggs. Against said amendment, Senator West.

Senate Constitutional Amendment No. 30—For its adoption, Senator Hurley (author).

Senate Constitutional Amendment No. 31—For its adoption, Senator McKinley (author) and Senator Evans. Against said amendment, Senator Cleveland.

Senate Constitutional Amendment No. 33—For its adoption, Senator Weller (author) and Senator Cassidy.

Senate Constitutional Amendment No. 45—For its adoption, Senator Sharkey and Senator McCormack (joint authors). Against said amendment, Senator Garrison.

#### RESOLUTIONS.

The following resolutions were offered:

By Senator Carter:

*Resolved*, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Crowley adopted.

By Senator Breed:

*Resolved*, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Breed adopted.

#### APPOINTMENT OF COMMITTEES.

The President announced the appointment of the following committees:

To wait on the Assembly, in accordance with the provisions of the resolution offered by Senator Carter: Senators Carter, Cleveland and Maloney.

To wait on the Governor, in accordance with the provisions of the resolution offered by Senator Breed: Senators Breed, Slater and Weller.

#### REPORTS OF SPECIAL COMMITTEES.

By consent of the Senate, the following reports of special committees were received:

Senators Carter, Cleveland and Maloney, the special committee appointed to notify the Assembly that the Senate was ready to adjourn, reported that they had notified the Assembly, in accordance with their

instructions, and that the Assembly would shortly convey a message to the Senate through their committee.

Also:

Senators Breed, Slater and Weller, the special committee appointed to wait upon the Governor and inform him of the Senate's readiness to adjourn sine die, reported that His Excellency had informed the committee that he had no further communication to transmit to the Senate.

#### MESSAGE FROM THE ASSEMBLY.

At two o'clock and forty-five minutes p.m., a committee from the Assembly, consisting of Messrs. Deuel, Fry and Crittenden, appeared at the bar of the Senate and announced that the Assembly had no further communications to submit to the Senate, and was now prepared to adjourn sine die.

#### MESSAGE TO THE ASSEMBLY.

Upon receipt of the foregoing message from the Assembly, the President announced that the Senate had no further communication to transmit to the Assembly, and requested the committee from the Assembly to convey to the Assembly the information that the Senate was now prepared to adjourn sine die.

#### APPROVAL OF SENATE JOURNALS.

On motion of Senator Breed, the Senate Journals for Wednesday, May 1; Thursday, May 2; Friday, May 3; Monday, May 6; Tuesday, May 7; Wednesday, May 8; Thursday, May 9; Friday, May 10; Saturday, May 11; Monday, May 13, and Tuesday, May 14, were approved as corrected.

#### APPROVAL OF MINUTES.

Upon motion of Senator Breed, the minutes of this day, Wednesday, May 15, were read and approved as read.

#### FINAL ADJOURNMENT.

Whereupon, at three o'clock p.m., in accordance with the provision of Assembly Concurrent Resolution No. 36, the President declared the forty-eighth session of the Senate of the State of California adjourned sine die.

JOSEPH A. BEEK,  
Secretary of the Senate.

H. L. CARNAHAN,  
President of the Senate.

PAUL MASON,  
Chief Assistant Secretary of the  
Senate.

A. H. BREED,  
President pro tempore of the Senate.

HAROLD J. POWERS,  
Minute Clerk of the Senate.

WELLINGTON BOWSER,  
Journal Clerk of the Senate.







